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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 June 8 and 9, 1987. See tentative agenda on pages 1973-1974 of this Administrative Register.

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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 Regulation

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA
June 8, 1987
(Rm. 110, Capitol Annex @ 2 p.m.)

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Board of Dentistry
201 KAR 8:006. Advertising of dental services.
201 KAR 8:390. General anesthesia, deep sedation, and conscious sedation by dentists.

Board of Medical Licensure
201 KAR 9:121. Certification renewal.
201 KAR 9:161. Skills, authorized procedures.

Board of Hairdressers and Cosmetologists
201 KAR 12:030. License required. (Deferred from May Meeting)

Board of Speech-Language Pathology and Audiology
201 KAR 17:091. Continuing education requirements for licensees on inactive status; waiver.
201 KAR 17:100. Clinical practice by licensed speech-language pathologists and audiologists in the area of minor training.

Board of Examiners and Registration of Architects
201 KAR 19:020. Accredited schools and colleges.
201 KAR 19:035. Qualifications for examination.
201 KAR 19:095. Professional practice standards; violations, penalties.

Board of Nursing
201 KAR 20:370. Applications for licensure and registration.

Board of Examiners of Psychology
201 KAR 26:160. Fee schedule for applications for licensure as a psychologist, certification as a psychologist, certification as psychologist with autonomous functioning and certification as psychological assistant.

TOURISM CABINET
Department of Fish and Wildlife Resources

Game
301 KAR 2:045. Upland game birds, furbearers, and small game; seasons, limits.
301 KAR 2:047. Specified areas; seasons, limits for birds and small game.
301 KAR 2:170. Seasons for deer hunting.

COMMERCE CABINET
Department of Agriculture

Ginseng
302 KAR 45:010. Ginseng, general provisions. (Deferred from May meeting)

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Surface Mining Reclamation and Enforcement

Performance Standards for Surface Mining Activities
405 KAR 16:060. General hydrologic requirements.

Performance Standards for Underground Mining Activities
405 KAR 18:060. General hydrologic requirements.
405 KAR 18:190. Backfilling and grading.

JUSTICE CABINET

Telecommunicators
500 KAR 4:010. Definitions. (Deferred from May Meeting)
500 KAR 4:020. Training: qualifications; application. (Deferred from May Meeting)
500 KAR 4:030. Certification of schools. (Deferred from May Meeting)
500 KAR 4:040. Approval of course curriculums. (Deferred from May Meeting)
500 KAR 4:050. Certification of instructors. (Deferred from May Meeting)
500 KAR 4:060. Basic training; graduation requirements; records. (Deferred from May Meeting)
500 KAR 4:070. In-service training: graduation requirements; recognized courses; records. (Deferred from May Meeting)
500 KAR 4:080. Review of council and school decisions; appeal to circuit court. (Deferred from May Meeting)

CORRECTIONS CABINET

Office of the Secretary
501 KAR 6:020. Corrections policies and procedures.
501 KAR 6:030. Kentucky State Reformatory.
501 KAR 6:050. Luther Luckett Correctional Complex.
501 KAR 6:060 & E. Northpoint Training Center.
501 KAR 6:070 & E. Kentucky Correctional Institution for Women.
501 KAR 6:090. Frankfort Career Development Center.
501 KAR 6:110 & E. Roederer Farm Center.
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501 KAR 6:130. Western Kentucky Farm Center.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction

Teacher Certification
704 KAR 20:100. Administrators and supervisors. (Amended After Hearing)
704 KAR 20:125. Experimental program teachers. (Amended After Hearing)

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA
June 9, 1987
(Rm. 110, Capitol Annex @ 10 a.m.)

TRANSPORTATION CABINET

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601 KAR 9:115. Heavy vehicle use tax. (Deferred from May meeting)
Traffic
603 KAR 5:190. Vehicles prohibited on I-75 and I-71.
603 KAR 5:200. Vehicles prohibited on I-471.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance

Rates and Rating Organizations
806 KAR 13:100. Motor vehicle comprehensive insurance rate discounts for anti-theft devices. (Amended After Hearing)

Quarter Horse, Appaloosa, and Arabian Commission

Quarter Horse, Appaloosa, and Arabian Racing Rules
812 KAR 1:010. Definitions.
812 KAR 1:030. Racing officials.
812 KAR 1:035. Associations.
812 KAR 1:040. Owners.
812 KAR 1:060. Pari-mutuel wagering.
812 KAR 1:065. Registration; racing requirements.
812 KAR 1:070. Entries, subscriptions and declarations.
812 KAR 1:080. Claiming races.
812 KAR 1:085. Running of the race.
812 KAR 1:090. Objections and complaints.
812 KAR 1:105. Hearings, reviews and appeals.

Department of Housing, Buildings and Construction

Plumbing
815 KAR 20:070. Plumbing fixtures.

CABINET FOR HUMAN RESOURCES
Department for Health Services

Hospitalization of Mentally Ill and Mentally Retarded
902 KAR 12:080. Policies and procedures for mental health/mental retardation facilities.
Controlled Substances
902 KAR 55:015. Schedule I substances.
902 KAR 55:020. Schedule II substances.
902 KAR 55:025. Schedule III substances.
902 KAR 55:030. Schedule IV substances.

Department for Employment Services

Unemployment Insurance
903 KAR 5:250. Recoupment and recovery. (Deferred from May Meeting)
903 KAR 5:260 and E. Unemployment insurance procedures.

Department for Social Insurance

Food Stamp Program
904 KAR 3:010 & E. Definitions.
904 KAR 3:020 & E. Eligibility requirements.

Department for Social Services

Child Welfare
905 KAR 1:180. DSS policy and procedures manual.
Aging Services
905 KAR 8:120. Home care policy manual for the elderly.

Department for Medicaid Services

Medicaid Services
907 KAR 1:036 & E. Amounts payable for skilled nursing and intermediate care facility services. (Deferred from May Meeting)

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, the fiscal note required by KRS 13A.250, and the federal mandate comparison required by KRS 13A.245.

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

Comes the Kentucky Athletic Commission (hereinafter the Commission) pursuant to KRS 13A.190 and makes the following statement of explanation in support of the attached emergency regulation.

1. During recent months the Commission has encountered the growing problem of nonpayment or late payment of boxing officials by promoters of boxing matches in Kentucky.

2. KRS 229.081 provides, inter alia, that the Kentucky Athletic Commission "may fix a schedule establishing the compensation to be paid to officials for participating in a professional match. Such compensation shall be paid by the person conducting the match, and by no other person."

3. In the absence of this emergency regulation the Commission would encounter difficulty in enforcing KRS 229.081 and the "prompt payment" provision of 201 KAR 27:015 and would be required to wait several months while an ordinary regulation was being promulgated.

4. This emergency regulation will be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
FRED H. LAMPSON, Chairman

GENERAL GOVERNMENT CABINET
Kentucky Athletic Commission

201 KAR 27:017E. Promoters to tender compensation for officials prior to commencement of match or exhibition.

RELATES TO: KRS 229.081, 229.091(1)
PURSUANT TO: KRS 229.180
EFFECTIVE: May 7, 1987
NECESSITY AND FUNCTION: This regulation is designed to ensure that boxing officials are fully and promptly compensated for their work.

Section 1. Before the commencement of any boxing match or exhibition the promoter of such match or exhibition shall tender to the commission or a representative thereof a check or money order made payable to each official who will officiate at such match or exhibition in the amount prescribed by the schedule of compensation for officials set forth in 201 KAR 27:015.

FRED H. LAMPSON, Chairman
APPROVED BY AGENCY: April 27, 1987
FILED WITH LRC: May 7, 1987 at 10 a.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Northpoint Training Center in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policy must be revised immediately to allow the Northpoint Training Center to implement policy to operate a newly opened segregation unit. This emergency regulation will be replaced by the ordinary administrative regulation filed with the Legislative Research Commission on April 15, 1987 in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
GEORGE W. WILSON, Secretary

CORRECTIONS CABINET

501 KAR 6:060E. Northpoint Training Center.

RELATES TO: KRS Chapters 196, 197, 439
PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: April 16, 1987
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 15 [March 13], 1987 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 (Amended 4/15/87)
NTC 01-17-01	Relationships with Public, Media and Other Agencies [(Amended 3/13/87)]
NTC 02-02-02	Warden's Participation in the Agency Budgeting Process
NTC 02-03-01	Fiscal Management: Audits
NTC 02-04-01	Internal Control and Monitoring of Accounting Procedures
NTC 02-08-01	Inmate Canteen
NTC 02-10-01	Insurance Coverage
NTC 02-12-01	Inmate Personal Accounts
NTC 03-01-01	Employee Dress and Personal Appearance
NTC 03-02-01	Prohibited Employee Conduct
NTC 03-03-01	Staff Members Suspected of Being Under the Influence of Intoxicants
NTC 03-04-01	Shift Assignments and Transfers
NTC 03-06-01	Worker's Compensation
NTC 03-07-01	Merit System Registers and Placement of Advertisements
NTC 03-08-01	Procedures for New Employees Reporting for Employment
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	Affirmative Action Program and the Promotion of EEO
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 (Amended 4/15/87)
NTC 04-04-01	Firearms and Chemical Agents Training (Amended 4/15/87)
NTC 06-01-01	Offender Records (Amended 4/15/87)
NTC 06-01-02	Records - Release of Information (Amended 4/15/87)
NTC 06-01-03	Taking Offender Record Folders onto the Yard
NTC 08-05-01	Duties of Fire and 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 08-06-01	Safety Officer
NTC 10-01-01	Special Management Inmates (SMU) (Amended 4/15/87)
[NTC 10-01-02	Legal Aide Visits for Special Management Inmates (Deleted 4/15/87)]
NTC 10-02-01	Security Guidelines for Special Management Inmates
NTC 10-03-01	Protective Custody
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 Issuance of Personal Hygiene Products
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 (Amended 4/15/87)
NTC 13-03-01 Sick Call and Pill Call (Amended 4/15/87)
NTC 13-04-01 Pharmacy
NTC 13-05-01 Dental Services (Amended 4/15/87)
NTC 13-06-01 Licensure and Training Standards (Amended 4/15/87)
NTC 13-07-01 Provisions for Health Care Delivery
NTC 13-08-01 Medical and Dental Records (Amended 4/15/87)
NTC 13-09-01 Special Diets
NTC 13-11-01 Inmate Health Screening and Evaluation (Amended 4/15/87)
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 13-20-01 Infectious Disease
NTC 13-21-01 Vision Care/Optometry Services
NTC 13-22-01 Informed Consent
NTC 13-23-01 Special Needs Inmates
NTC 14-01-01 Legal Services Program
NTC 14-02-01 Inmate Grievance Procedure
NTC 14-03-01 Inmate Rights and Responsibilities
NTC 14-03-02 Board of Claims (Added 4/15/87)
NTC 14-04-01 Inmate Search Policy
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 15-02-03 Hearing Officer
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 [(Amended 3/13/87)]
NTC 16-01-01 Mail Regulations
NTC 16-02-01 Visiting
NTC 16-02-03 Honor Dorm Visiting
NTC 16-03-01 Inmate Furloughs
NTC 16-05-01 Telephone Use and Control [(Amended 3/13/87)]
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 18-02-01 Classification
NTC 18-02-02 Classification - 48 Hour Notification
NTC 18-03-01 Special Notice Form
NTC 18-05-01 Transfers of Inmates
NTC 18-05-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center
NTC 19-01-01 Inmate Work Program
NTC 19-01-02 Restricted Outside Work Crew
NTC 19-01-03 Temporary Leave from Job Assignment
NTC 19-02-01 Correctional Industries
NTC 20-01-01 Academic School Program
NTC 21-01-01 Library Services
NTC 22-03-01 Conducting Inmate Organizational Meetings and Programs [(Amended 3/13/87)]
NTC 23-01-01 Religious Services (Amended 4/15/87)
NTC 23-03-01 Marriage of Inmates
NTC 24-04-01 Honor Status (Amended 4/15/87)
NTC 24-05-01 Unit Management
NTC 25-01-01 Release Preparation Program
NTC 25-01-02 Temporary Release/Community Center Release
NTC 25-01-03 Graduated Release [(Added 3/13/87)]
NTC 25-02-01 Funeral Trips and Bedside Visits
NTC 25-03-01 Inmate Release Procedure
NTC 26-01-01 Citizen Involvement and Volunteer Services Program [(Added 3/13/87)]

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 15, 1987
FILED WITH LRC: April 16, 1987 at 9 a.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Kentucky Correctional Institution for Women in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policy must be revised immediately to allow for the implementation of policy which will provide guidelines for placing inmates on restricted status for disciplinary reasons. These guidelines are being promulgated as a result of an inmate grievance which has specific time lines for the prompt implementation of this policy. The remainder of the policy revisions are required of the institution as a result of an upcoming accreditation review. Paramount among these revisions is the implementation of a suicide prevention and intervention program. This emergency regulation will be replaced by the ordinary administrative regulation filed with the Legislative Research Commission on April 15, 1987 in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
GEORGE W. WILSON, Secretary

CORRECTIONS CABINET

501 KAR 6:070E. Kentucky Correctional Institution for Women.

RELATES TO: KRS Chapters 196, 197, 439
PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: April 16, 1987
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 15 [January 14], 1987 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 (Amended 4/15/87)
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 (Amended 4/15/87)
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 (Amended 4/15/87)
KCIW 12-02-03	Donated Items (Amended 4/15/87)
KCIW 12-04-01	Sanitation and General Living Conditions
KCIW 13-01-01	Provision of Medical and Dental Care
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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 (Amended 4/15/87)
KCIW 13-07-01	Detoxification and Alcohol or Chemical Dependency Guidelines
KCIW 13-08-01	Medical Exams for New Employees
KCIW 13-09-01	Suicide Prevention and Intervention Program (Added 4/15/87)
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 [(Amended 1/14/87)]
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 15-06-01	Restriction Guidelines (Added 4/15/87)
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	Commercial Vendor Packages, Appliance and Drug Store Orders [(Amended 1/14/87)]
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 (Amended 4/15/87)
KCIW 20-01-05	Vocational Programs: Approved, Assessed and Contain Guidelines for Vocational Records
KCIW 20-01-06	Vocational Education: Staffing Patterns/Requirements (Amended 4/15/87)

KCIW 20-01-07	Vocational Counselor
KCIW 20-01-08	Vocational Education: Community Resources and the Integration with Academic Progress (Amended 4/15/87)
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 15, 1987
FILED WITH LRC: April 16, 1987 at 9 a.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Roederer Farm Center in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policy must be revised immediately to allow the institution to correct inequities discovered in the present honor housing program. Additionally, the early change to daylight savings time has required the institution to revise institutional schedules. These revised schedules are reflected in the policy revisions. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on April 15, 1987 in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
GEORGE W. WILSON, Secretary

CORRECTIONS CABINET

501 KAR 6:110E. Roederer Farm Center.

RELATES TO: KRS Chapters 196, 197, 439
PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: April 16, 1987
NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorizes 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 15 [January 14], 1987 and hereinafter should be referred to as Roederer Farm 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.

RFC 01-04-02	Extraordinary Occurrence Procedure
RFC 01-06-01	Inmate Access to and Communication with RFC Staff
RFC 01-07-01	Institutional Legal Assistance
RFC 01-08-01	Public Information and News Media Access
RFC 01-10-01	RFC Cooperation with Outside Bodies Including Courts, Governmental Legislative, Executive, and Community Agencies
RFC 01-09-01	Staff Participation in Professional Organization and Conferences; Provisions for Leave and Reimbursement for Expenses
RFC 01-12-01	Institutional Duty Officer - Responsibilities
RFC 02-01-01	Fiscal Management: Organization
RFC 02-01-02	Fiscal Management: Accounting Procedures
RFC 02-01-03	Fiscal Management: Agency Funds
RFC 02-01-04	Fiscal Management: Insurance
RFC 02-02-01	Fiscal Management: Budget
RFC 02-02-02	Inmate Control of Personal Funds
RFC 02-02-03	Storage and Disposition of Monies received on Weekends, Holidays, and Between 4:00 p.m. and 8:00 a.m. Weekdays
RFC 02-02-04	Inmate Accounts
RFC 02-03-01	Fiscal Management: Audits
RFC 02-04-01	Purchase Orders
RFC 02-04-02	Processing of Invoices
RFC 02-06-01	Property Inventory
RFC 03-01-01	General Guidelines for RFC Employees
RFC 03-01-02	Service Regulations, Attendance Accumulation and Use of Leave
RFC 03-03-01	Employee Grievance Procedures
RFC 03-04-01	Personnel Records
RFC 03-05-01	Personnel Vacancies: Promotion Board
RFC 03-06-01	Work Planning: Employee Evaluations and Evaluation Control
RFC 03-07-01	Affirmative Action - E.E.O.
RFC 03-08-01	Confidentiality of Information, Roles and Services of Consultants, Contract Personnel, and Volunteers
RFC 03-09-01	Personnel Manning Review
RFC 03-10-01	Employee's Handbook
RFC 03-11-01	Replacement of Damaged or Destroyed Personal Property
RFC 03-12-01	Corrections Cabinet Staff Members Entering the Roederer Farm Center While Being Under the Influence
RFC 03-13-01	Staff/Visitor Meals
RFC 04-01-01	Employee Training and Development
RFC 05-01-01	Information System
RFC 06-01-01	Offender Records
RFC 06-02-01	Use of Inmate Records/Security of Inmate Records
RFC 06-03-01	Records Release of Information
RFC 06-03-02	Storage of Expunged Records
RFC 06-04-01	Court Trips
RFC 06-04-02	Receipt of Order of Appearance
RFC 08-01-01	Fire Prevention
RFC 08-02-01	Fire Procedures
RFC 08-02-02	Fire Extinguishers and Their Use
RFC 08-08-01	Guidelines for the Control and Use of Flammable, Toxic, and Caustic Substances
RFC 09-04-03	Duties and Responsibilities of the Fire/Safety Officer
RFC 09-06-01	Search Policy/Disposition of Contraband [(Added 1/14/87)]
RFC 09-09-02	Drug Abuse Testing
RFC 09-09-03	Breathalyzer
RFC 09-14-01	Restricted Areas [(Added 1/14/87)]
RFC 09-22-01	Use of Force [(Added 1/14/87)]
RFC 09-24-01	Informants [(Added 1/14/87)]
RFC 10-01-01	Special Management Inmates

RFC 11-01-01	Food Services: General Guidelines
RFC 11-02-01	Food Service: Security
RFC 11-03-01	Dining Room Guidelines
RFC 11-04-01	Food Service: Meals
RFC 11-04-02	Food Service: Menu, Nutrition and Special Diets
RFC 11-05-01	Food Service: Kitchen and Dining Room Inmate Work Responsibilities
RFC 11-05-02	Medical Screening of Food Handlers
RFC 11-06-01	Food Service: Inspections and Sanitation
RFC 11-07-01	Food Service: Purchasing, Storage and Farm Products
RFC 11-08-01	Staff/Visitor Meals
RFC 12-01-01	Sanitation, Living Conditions Standards, Clothing Issues
RFC 12-01-02	Bed Areas - Assignment/Condition Standards
RFC 12-02-01	Issuance of Clean Laundry and Receiving of Dirty Laundry
RFC 12-03-01	Personal Hygiene Items: Issuance and Placement Schedule
RFC 12-03-02	Barber Shop Services and Equipment Control
RFC 12-04-01	Institutional Inspections
RFC 12-05-01	Fire Safety
RFC 12-05-02	Use of Noncombustible Receptacle
RFC 12-06-01	Insect and Vermin Control
RFC 13-01-01	Organization of Health Services
RFC 13-02-01	Health Maintenance Services: Sick Call and Pill Call
RFC 13-03-01	Dental Policy/Sick Call
RFC 13-04-01	Inmate Medical Screenings and Health Evaluations
RFC 13-05-02	Licensure and Training Standards
RFC 13-06-03	Emergency Medical/Dental Care Services
RFC 13-06-04	First Aid/CPR Training Program
RFC 13-07-01	Health Records
RFC 13-10-01	Health Education/Special Health Programs
RFC 13-11-01	Informed Consent (Added 4/15/87)
RFC 13-12-01	Mental Health/Provision of Psychiatric Services by KCPC
RFC 13-12-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center
RFC 13-15-01	Medical Restraints
RFC 13-17-01	Vision Care/Optometry Services
RFC 14-01-01	Inmate Rights and Responsibilities
RFC 14-02-01	Legal Services Program
RFC 14-03-01	Inmate Grievance Procedure [(Amended 1/14/87)]
RFC 14-04-01	Inmate Participation in Authorized Research
RFC 15-02-01	Hearing Detention
RFC 16-01-01	Inmate Visiting
RFC 16-02-01	Telephone Communications (Amended 4/15/87)
RFC 16-03-01	Mail Regulations
RFC 16-03-02	Christmas Packages
RFC 17-01-01	Assessment/Orientation Procedure
RFC 17-02-01	Inmate Reception Process
RFC 17-03-01	Inmate Personal Property and Property Control
RFC 17-04-01	Unauthorized Items
RFC 17-05-01	Inmate Canteen
RFC 18-01-01	Institutional Classification Committee
RFC 18-02-01	Classification/Security Levels
RFC 18-03-01	Classification Process
RFC 18-03-02	Classification Program Planning
RFC 18-03-03	Honor's Program (Amended 4/15/87)
RFC 18-04-01	Instruction for Six Month Review
RFC 18-05-01	Transfers to Other Minimum Security Institutions
RFC 18-06-01	Classification Document
RFC 19-01-01	Job Assignments
RFC 20-01-01	Academic Education Program
RFC 20-01-02	Testing and Verification Procedure
RFC 20-02-01	Correctional Educator Senior
RFC 21-01-01	Library Services
RFC 22-01-02	Recreational Equipment Check-in/Check-out Procedure
RFC 22-02-01	Outside Recreation
RFC 22-02-02	Entry/Exit Procedure for Inmate Outside Recreation
RFC 22-03-01	Inmate Clubs and Organizations
RFC 22-03-02	Privilege Trips
RFC 22-04-01	Conducting Inmate Organizational Meetings and Programs
RFC 22-05-01	Woodworking Shop
RFC 22-06-01	Playing Cards
RFC 23-01-01	Religious Services
RFC 23-02-01	Security Procedures for the Chapel
RFC 23-03-01	Visitors for Religious Programs
RFC 23-04-01	Marriage of Inmates
RFC 24-01-01	Social Services and Counseling Program
RFC 25-01-01	Release Preparation Program Description
RFC 25-02-01	Temporary Release/Community Center Release
RFC 25-03-01	Furloughs
RFC 25-04-01	Pre-parole Progress Report
RFC 25-04-02	Parole Eligibility Dates
RFC 25-05-01	Inmate Discharge Procedure
RFC 26-01-01	Citizen Involvement and Volunteer Services Program

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: April 15, 1987
FILED WITH LRC: April 16, 1987 at 9 a.m.

COMPILER'S NOTE: Executive Order 86-978 authorizes that the regulation of the design and construction of water distribution and treatment systems for swimming pools be moved from the Natural Resources and Environmental Protection Cabinet to the Cabinet for Human Resources. Therefore, the following regulation will supersede 401 KAR 6:030.

STATEMENT OF EMERGENCY

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

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

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 10:120E. Kentucky public swimming and bathing facilities regulation.

RELATES TO: KRS 211.180, 211.990(2)

PURSUANT TO: KRS 194.050, 211.090(3), Executive Order 86-978

EFFECTIVE: May 13, 1987

NECESSITY AND FUNCTION: Executive Order 86-978 directs the Cabinet for Human Resources to regulate the design and construction of water distribution and treatment systems for swimming pools. KRS 211.180 directs the Cabinet for Human Resources to adopt regulations relating to public facilities, and their operation and maintenance in a safe, sanitary manner to protect public health and prevent health hazards. This regulation establishes uniform standards for public swimming pools and other swimming or bathing facilities. The function of this regulation is to assure the proper design and construction of new facilities as related to water distribution and treatment systems, and the proper operation and maintenance of all such facilities in a manner which will protect the public health.

Section 1. Citation of Regulation. This regulation may be cited as the "Kentucky Public Swimming and Bathing Facilities Regulation."

Section 2. Definitions. As used in this regulation the following terms shall have the meanings set forth below:

(1) "Accessible" means, when applied to a fixture, connection, appliance or equipment, having access thereto, but may require the removal of an access panel, door or similar obstruction. "Readily accessible" means direct access without the necessity of removing any panel, door, or similar obstruction.

(2) "Agitation" means the mechanical or manual movement to dislodge the filter aid and dirt from the filter element.

(3) "Air gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor or other device, and the flood level rim of the receptacle.

(4) "Air induction system" means a system whereby a volume of air (only) is induced into hollow ducting built into a spa floor, bench, or other location. The air induction system is activated by a separate air power unit (blower).

(5) "Alkalinity or total alkalinity" means the amount of carbonates or bicarbonate present in water solution as expressed in parts per million (p.p.m.).

(6) "Approved" means accepted or acceptable under the applicable specifications stated or cited in the regulation or accepted as suitable for the proposed use by the State Building Code.

(7) "Backwash" means the flow of water through the filter element or media in the reverse direction sufficient to dislodge the accumulated dirt and/or filter aid and remove them from the filter tank.

(8) "Backwash cycle" means the time required to backwash the filter system thoroughly.

(9) "Backwash rate" means the rate of application of water through a filter during the backwash cycle expressed un U.S. gallons per minute per square foot (liters per minute per square meter) of effective filter area.

(10) "Bather" means any person using a public swimming and bathing facility, and adjoining deck or beach area for the purpose of therapy, relaxation, recreation, competitive water sports or events, or related activities.

(11) "Bather load" means the maximum number of persons which may use the swimming and bathing facility as defined in the State Building Code.

(12) "Body feed" means the continuous addition of controlled amounts of filter aid during the operation of a diatomite type filter to maintain a permeable filter cake. If added as a slurry, this may be referred to as a slurry feed.

(13) "Cabinet" means the Cabinet for Human Resources and its authorized agents.

(14) "Cartridge" means a replaceable porous filter element which can be the depth type or the surface type:

(a) "Depth type cartridge" means a filter cartridge with media not less than 3/4" (.18 cm) thick which relies on penetration of particulates into the media to achieve their removal and to provide adequate holding capacity for the cartridge; and

(b) "Surface type cartridge" means a filter cartridge with media less than 3/4" (.18 cm) thick which relies on retention of particulates on the surface of the cartridge to achieve their removal.

(15) "Chemical feeder output rate" means the weight or volume of active ingredients delivered by a chemical feeder expressed in units of time.

(16) "Chemical feed rate indicator" means a mechanism which will produce reproducible results expressed in units of weight or volume of chemical per unit of time, or per unit of volume of water; said mechanism may be a direct reading instrument, or may require the use of a reference chart.

(17) "Circulation piping system" means the piping between the facility structure and the mechanical equipment.

(18) "Corrosion resistant" means capable of maintaining original surface characteristics under the prolonged influence of the environment in which it is used.

(19) "Design head" means the total head requirement of the circulation system at the design rate of flow.

(20) "Design rate of flow (design filter rate)" means the rate of flow in a system which is used for design calculation. (The volume of the facility in gallons divided by the number of minutes in the turnover time.)

(21) "Diving pool" means a pool designed and intended for use exclusively by divers.

(22) "Effective filter area" means:

(a) "Permanent media type" - The effective filter area is the cross-section area of the filter surface that is perpendicular to the flow direction;

(b) "Diatomaceous earth type" - The effective filter area of the septum is that part of the septum which will accept the full thickness of precoat and through which the design filter flow will be maintained during filtration; and

(c) "Cartridge filter" - The total effective filter area is that cartridge area which is exposed to the direct flow of water. This excludes cartridge ends, seals, supports, and other areas where flow is impaired.

(23) "Factor of safety" means the ultimate load divided by the safe load or the ultimate strength divided by the allowable stress.

(24) "Filter" means a device that separates solid particles from water by recirculating it through a porous substance (a filter media or element):

(a) "Permanent media filter" means a filter that utilizes a media that can be backwashed and

reused;

(b) "Diatomaceous earth filter" means a filter that utilizes a thin layer of diatomaceous earth as its filter media that must be periodically replaced; and

(c) "Cartridge filter" means a filter that utilizes a porous cartridge as its filter media.

(25) "Filter aid" refers to any means used to enhance the efficiency of the filter media. Alum, as used on the bed of a sand filter, is also referred to as a filter aid.

(26) "Filter cycle" means the operating time between cleaning or replacing the filter media and/or backwash cycles.

(27) "Filter element" means a device within a filter tank designed to entrap solids and conduct water to a manifold, collection header, pipe, or similar conduit. Filter elements usually consist of a septum and septum support:

(a) "Permanent filter media" means finely graded material (such as sand, anthracite, etc.) which removes suspended filterable particles from the water.

(b) "Non permanent filter media" means any type of finely graded media used to coat a septum type filter usually diatomaceous earth, processed perlite or similar material for the purpose of removing fine particulates from the water.

(28) "Filter waste discharge piping" means piping that conducts wastewater from a filter to a drainage system. Connection to drainage system is made through an air gap or other approved method.

(29) "Filtration rate" means the rate of water flow through a filter while in operation, expressed in U.S. gallons per minute per square foot (liters per minute per square meter) of effective filter area.

(30) "Flow balance valve" means a device to regulate the effluent from the skimmer housing of each of a combination of two (2) or more surface skimmers.

(31) "Flume" means an inclined channel which conveys the water and the bather from the top of the slide to the plunge pool of a water slide.

(32) "Friction loss" means the pressure drop expressed in feet (meters) of water or psi (pascals) caused by liquid flowing through the piping and fittings.

(33) "Head loss" means the total pressure drop in psi (kilopascals) or feet (meters) or head between the inlet and the outlet of a component.

(34) "Hydrojet booster pump system" means a system whereby one (1) or more hydrojets are activited by the use of a pump which is completely independent of the filtration and heating system of a spa.

(35) "Hydrojets" means a fitting which blends air and water creating a high velocity, turbulent stream of air enriched water.

(36) "Indirect waste pipe" means a pipe that does not connect directly with the drainage system, but conveys liquid wastes by discharging into a plumbing fixture, interceptor, or receptacle which is directly connected to the drainage system.

(37) "Inlet fitting" means a fitting or fixture through which filtered water enters a pool or spa.

(38) "Listed" means equipment or materials included in a list published by a listing agency that maintains periodic inspection on current production of listed equipment or materials, and whose listing states either that the equipment or material complies with approved standards or has been tested and found suitable for use in a specified manner.

(39) "Main outlet" means the outlet fitting(s) at the bottom of a facility through which passes water to a recirculating pump. It is often referred to as a "main drain."

(40) "Multiport valve" means a valve for various recirculation related operations, which combines in one (1) unit the function of two (2) or more single direct flow valves.

(41) "National Sanitation Foundation (NSF)" is based at 3475 Plymouth Road, P.O. Box 1468, Ann Arbon, MI 48106. It publishes a list of manufacturers and their equipment which has been approved as having satisfied NSF standards.

(42) "Perimeter overflow systems" means a channel at normal water level which normally extends completely around the pool perimeter. Also, known as an overflow or scum gutter.

(43) "Person" means any individual, firm, association, club, organization, partnership, business trust, corporation, company, or any state or local governmental agency.

(44) "Precoat" means the process of depositing a layer of diatomaceous earth on filter septa at the start of a filter cycle.

(45) "Public swimming and bathing facilities" or "facility" means any natural or artificial body or basin of water which is modified, improved, constructed, or installed for the purpose of public swimming or bathing under the control of any person and includes, but is not limited to, the following:

(a) Beaches;

(b) Swimming pools, wading pools, wave pools;

(c) Competition swimming pools and diving pools;

(d) Water slides and spray pools; and

(e) Spas, therapeutic pools, hydrotherapy pools, and whirlpools.

It includes those used by communities, subdivisions, apartment complexes, condominiums, clubs, camps, schools, institutions, parks, mobile home parks, hotels, recreational areas, etc. It does not include any of the above facilities which are at private single family residences intended only for the use of the owner and guests.

(46) "Public swimming and bathing facilities operator" means any "person" as defined above and/or any employees of that person who are delegated responsibility for the proper operation and maintenance of the facility.

(47) "Pump discharge pressure" means the actual gauge reading measured in psi taken at the discharge outlet of a pump.

(48) "Receptor" means an approved plumbing fixture or device of such material, shape, and capacity as to adequately receive the discharge from indirect waste piping, so constructed and located as to be readily cleaned.

(49) "Recirculation system" means the interconnected system traversed by the recirculated water from the pool until it is returned to the pool.

(50) "Residual chlorine" shall mean the amount of measurable chlorine remaining in water following chlorination and is composed of the following components:

(a) Free available residual chlorines shall mean the amount of chlorine which is available to inactivate microorganisms and which has not reacted with ammonia, nitrogenous material, and other material in swimming pool water;

(b) Combined residual chlorine (also called "chloramine") shall mean the amount of chlorine which has reacted and combined with ammonia and other nitrogenous material to form chloro-ammonia compounds;

(c) Total residual chlorine shall mean the arithmetic sum of free available residual chlorine and combined residual chlorine; and

(d) The word "disinfectant" may be substituted for "chlorine" in the above.

(51) "Return piping" means that part of the piping between the filter and the facility through which passes the filtered water.

(52) "Separation tank" means a device used to clarify filter rinse or wastewater.

(53) "Septum" means that part of the filter element consisting of cloth, or closely woven fabric or other porous material on which the filter cake is deposited.

(54) "Spa" shall mean a special facility designed for recreational and therapeutic use, and which is not drained, cleaned, or refilled after each individual use. It may include, but not be limited to, units designed for hydrojet circulation, hot water, cold water, mineral bath, air induction bubbles, or any combination thereof. Common terminology for a spa includes, but is not limited to, "therapeutic pool," "hydrotherapy pool," "whirlpool," "hot spa."

(55) "Static suction lift" means the vertical distance in feet (meters) from the center line of the pump impeller to the level of water in the pool.

(56) "Spray pool" means an artificially constructed area over which water is sprayed but is not allowed to pool. Sprayed water flows to waste and is not recirculated.

(57) "Strainer" means a device used to remove hair, lint, leaves, or other coarse material on the suction side of a pump.

(58) "Suction piping" means that portion of the circulation piping located between the facility structure and the inlet side of the pump and usually includes the following: main outlet piping, skimmer/gutter piping, vacuum piping, and surge tank piping.

(59) "Superchlorinate" means the addition to facility water of an amount of chlorine sufficient to produce a free available residual which is at least equal to ten (10) times the amount of combined residual chlorine plus the required minimum level of free available residual chlorine in order to oxidize the ammonia and nitrogenous materials which may be dissolved in the facility water.

(60) "Surface skimmer" means a device designed to continuously remove surface film and water (and return it through the filter) as part of the recirculation system, usually incorporating a self-adjusting floating weir, strainer basket, a collection tank, and a means to prevent air lock of the pump. It is sometimes referred to as a "recirculating overflow," a "mechanical" or an "automatic skimmer."

(61) "Total dynamic head" means the arithmetical difference between the total discharge head and total suction head (a vacuum reading is considered as a negative pressure). This value is used to develop the published performance curve.

(62) "Total discharge head" means the value in feet (meters) of water that a pump will raise water above its center line.

(63) "Total suction head" means the value in feet (meters) of water that a pump will lift by suction.

(64) "Total dynamic suction lift (TDSL)" means the arithmetical total of static suction lift, friction head loss, and velocity head loss working on the suction side of the pump.

(65) "Trimmer valve" means a flow adjusting device which is used to proportion flow among multiple skimmers on a single line.

(66) "Turnover time" means the time in hours or minutes, required for the circulation system to filter and recirculate a volume of water equal to the facility volume.

(67) "Vacuum piping" means the piping from the suction side of a pump connected to a vacuum fitting located at the facility and below the water level to which underwater cleaning equipment may be attached.

(68) "Velocity" means a measurement of the motion of liquids expressed in feet per second.

(69) "Wading pool" means a pool intended only for small children. The maximum depth is less than twenty-four (24) inches.

(70) "Water slide" means a slide which consists of one (1) or more flumes, a plunge pool, a pump reservoir, and water treatment facilities, where water is pumped to the top of the slide and allowed to flow down the flume to the plunge pool.

(71) "Wave pool" means a swimming pool designed for the purpose of producing wave action in the water.

(72) "Working pressure" means the normal operating pressure recommended by the manufacturer.

Section 3. Submission of Plans and Specifications for Approval. (1) No person shall begin construction, or construct, or substantially change, alter or reconstruct any public swimming and bathing facility until plans and specifications, with such supporting design data as may be required for the proposed review of the plans, have first been submitted in quintuplicate (five (5) sets) to the cabinet through the Department of Housing, Buildings and Construction and have been approved in writing by all state or local agencies having jurisdiction. All construction shall be in accordance with approved plans. The front page of the plans shall contain the name of the swimming and bathing facility, location by city and county, name of its owner and name of the engineer, architect, or person preparing the plans. Plans submitted by an engineer or architect shall bear his seal. Plans and specifications on public swimming and bathing facilities constructed by the state or political subdivision thereof, or on facilities designed for a bather load of 100 or more, shall be prepared by an engineer or architect registered in the State of Kentucky and comply with the provisions of KRS 322.010 and 323.010. Plans and specifications, reports and other information shall be submitted in such form and contents as may be specified by the cabinet.

(2) The plans shall be drawn to scale and accompanied by proper specifications so as to permit a comprehensive engineering review of the plans including the piping and hydraulic details and shall include:

(a) A site plan of the general area with a plan and sectional view of the facility complex with all necessary dimensions;

(b) A piping diagram showing all appurtenances including treatment facilities in sufficient

detail, as well as pertinent elevation data, to permit a hydraulic analysis of the system;

(c) The specifications shall contain details on all treatment equipment, including performance ranges of pumps, chlorinators, chemical feeders, filters, strainers, lights, skimmers, inlet and outlet fittings, diving boards, safety equipment and other related equipment;

(d) A statement of the design, bather load expected to use the facility at any given time; and

(e) Drawing of equipment room showing placement of equipment.

(3) Owners shall keep one (1) set of approved plans available for inspection at job site.

(4) Upon completion of enough piping and prior to such piping being covered with dirt and/or concrete, the owner/builder shall contact affected agencies for inspection.

(5) Upon completion of the swimming and bathing facility, a notarized statement certifying completion of the facility in accordance with the approved plans and specifications and this regulation shall be submitted to the cabinet by the engineer, architect, or person who prepared plans, and shall be accompanied by a request for inspection prior to occupancy. The facility shall not be used until final inspection by affected agencies demonstrates compliance with this regulation.

(6) Unless construction is begun within one (1) year from date of approval, the approval shall expire. Extension of approval may be granted upon written request to the cabinet.

(7) No change in location, construction, design, materials, or equipment shall be made to approved plans or the facility without the written approval of the cabinet and all other agencies having jurisdiction.

Section 4. Water Supplies. (1) Potable water from an approved municipal water system or water district shall be supplied to all public swimming and bathing facilities. In the event such supplies are not available, a potable water supply meeting the approval of the Natural Resources and Environmental Protection Cabinet shall be provided.

(2) The water supply shall be capable of providing sufficient quantities of water under pressure to all water-using fixtures and equipment at the facility, and be capable of providing enough water to raise the water level in swimming, diving, or wave pools, and water slide plunge pools at least one (1) inch in three (3) hours.

Section 5. Water Quality and Sanitary Requirements for Bathing Beaches. (1) Prior to the issuance of plan and construction approval, the cabinet shall conduct a sanitary survey of the proposed beach. This survey shall include an evaluation of the physical, chemical, and bacteriological characteristics of the bathing beach area and the watershed.

(2) Physical quality. The following characteristics shall not be present in the beach area or watershed:

(a) Sludge deposits, solid refuse, floating waste solids, oils, grease, and scum; and

(b) Hazardous substances being discharged into bathing beach water or watershed.

(3) Bacteriological quality. The bacteriological quality of water at bathing beaches shall comply with the following criteria:

(a) Coliform bacteria counts of 1,000 per 100 ml or fecal coliform bacteria counts of 100 per 100 ml in any two (2) samples shall be considered sufficient grounds to require additional investigation, survey, special analyses, and correction of any problems determined to be causing the high counts. Subsequent evaluation and satisfactory bacteriological results must be obtained before approval for construction will be issued; and

(b) There shall be no sanitary or combined sewer discharges or other raw or partially treated sewage discharges to the bathing beach area or immediate watershed.

(4) Chemical quality. There shall be no discharges of chemical substances other than disinfecting agents capable of creating toxic reactions, or irritations to the skin or mucous membranes of a bather.

Section 6. Sewage and Wastewater Disposal. (1) Sewage and/or wastewater generated from the operation of a public swimming and bathing facility shall discharge to a public sanitary sewer. Where a public sanitary sewer is not available, such sewage and/or wastewater shall be discharged to a system which complies with the cabinet's onsite sewage disposal systems regulation.

(a) Outdoor deck or surface area drainage water may be discharged directly to storm sewers, natural drainage areas, or to the ground surface without additional treatment. Such drainage shall not result in nuisance conditions, which create an offensive odor, or which produce a stagnant wet area, or which produce an environment for the breeding of insects;

(b) Wash or backwash water from sand filters shall be discharged to public sanitary sewers, or if unavailable to a system approved by the cabinet; and

(c) Diatomaceous earth filter wash or backwash water shall be discharged to one of the above, or by a disposal method approved by the cabinet.

Section 7. Refuse Disposal. (1) All refuse at a public swimming and bathing facility shall be disposed of at a facility in a manner approved by the Natural Resources and Environmental Protection Cabinet.

(2) Refuse containers of approved design and construction, with tight fitting lids, adequate in number, shall be provided at readily accessible locations at all public swimming and bathing facilities. Such containers shall be mounted upon an approved rack or holder in all outdoor locations, and shall be maintained so as to prevent the creation of a health or safety hazard.

(3) Refuse containers in rest rooms or bather preparation and dressing areas may be of open-top or swing-lid design, except in women's rest rooms where swing-lid or other covered top containers shall be required.

(4) Bulk refuse storage areas shall be designed, constructed, drained, and maintained so as to prevent rodent and vermin harborage, breeding sites, or insanitary conditions. Bulk refuse containers shall be of approved design and construction, with tight fitting lids, adequate in number, and shall be placed upon an impervious surface within a suitable enclosure to prevent access by animals.

(5) When the facility is not in use after seasonal operation or for any other reason, the facility shall not be allowed to accumulate debris, give off objectional odors, become a breeding site for insects, or create any other nuisance situation.

Section 8. Facility Design and Construction. (1) All public swimming and bathing facilities and attendant structures such as bathhouses, dressing rooms, rest rooms, etc., except for beach areas at bathing beaches, shall meet the design, materials, fixture, and construction requirements of the latest edition of the Kentucky State Building Code and the State Plumbing Code of the Department of Housing, Buildings, and Construction, Public Protection and Regulation Cabinet.

(2) The wading and swimming areas at beaches where the water is less than five (5) feet deep shall be separated from swimming and diving areas by lines securely anchored and buoyed. Safe limits of swimming shall be marked by buoys, poles, or other markers located not over 100 feet apart and visible to bathers from a distance of at least 100 feet. Within such limits of safe swimming there shall be no boating, underwater obstructions, or other hazards which may be dangerous or cause injury to swimmers. Signs shall be provided on the beach describing such markers and stating that they indicate the limits of safe bathing. The bottom of the swimming area shall consist of sand or gravel and be of a uniform slope.

(3) Where diving facilities are provided at beaches, the design and layout of the facilities and associated unobstructed water depths shall be in accordance with the State Building Code requirements for swimming and diving pools. The water surrounding any floats where diving is permitted shall be at least nine (9) and one-half (1/2) feet deep.

(4) Depth markings and lane lines.

(a) On all facilities other than beaches, the depth of the water shall be marked plainly at or above the water surface on the vertical wall of the facility where possible and on the edge of the deck next to the facility. Depth markers shall be placed at the following locations:

1. At the points of maximum and minimum depths;
2. At the point of change of slope between deep and shallow portions (transition point);
3. At intermediate two (2) feet increments of water depth; and
4. If the facility is designed for diving, at appropriate points to denote the water depths in the diving area.

(b) Depth markers shall be so spaced that the distance between adjacent markers is not greater than twenty-five (25) feet or seven and five-tenths (7.5) m when measured peripherally.

(c) Depth markers shall be in arabic numerals at least four (4) inches (ten (10) cm) high and of a color contrasting with the background. Where depth markers cannot be placed on the vertical walls at or above the water level, other means shall be used, provided said markings shall be visible plainly to persons in the facility.

(d) Lane lines or other markings on the bottom of the facility shall be a minimum of ten (10) inches in width and be of a contrasting color.

(e) A safety line supported by buoys shall be provided across the section of the pool where the break between the shallow and deep water occurs (five (5) feet). The line shall be placed one (1) foot toward the shallow end from where the break occurs.

Section 9. Facility Water Treatment Systems. (1) A recirculation system, consisting of pumps, piping, filters, water conditioning, disinfection equipment, and other accessory equipment shall be provided to clarify, chemically balance and disinfect the water for all swimming and bathing facilities except bathing beaches. All system components shall meet the latest requirements of Standard 50 of the National Sanitation Foundation (NSF) and bear their seal of approval. (Pumps greater than seven and five-tenths (7.5) HP which are not required to meet NSF testing standards shall be considered on a case-by-case basis.)

(2) Pumping equipment.

(a) The recirculation pump and motor shall deliver the flow necessary to obtain the turnover required in the chart below of this section. A valve for flow control shall be provided in the recirculation pump discharge piping.

Turnover Rate. The turnover rate shall be as shown in the following table:

Type of Facility	Turnover Required
Diving Pools	8 hours or less
Wading Pools, Spas	30 minutes or less
Water Slides, Handicap Pools	2 hours or less
All Other Pools	6 hours or less

Higher flow rates may be necessary in pools with skimmers so that each skimmer will have a minimum flow rate of thirty 30 gallons per minute.

(b) The pump shall be of sufficient capacity to provide a minimum backwash rate of fifteen (15) gallons per square foot of filter area per minute in sand filter systems. The pump or pumps shall supply the required recirculation rate of flow to obtain the turnover rate required at a total dynamic head of at least:

1. Fifty (50) feet for all vacuum filters;
2. Seventy (70) feet for pressure sand or cartridge filters; or
3. Eighty (80) feet for pressure diatomaceous earth filters, unless lower or higher heads are shown by the designer to be hydraulically appropriate.

(c) If the pump is located at an elevation higher than the facility water line, it shall be self-priming.

(d) Where vacuum filters are used, a vacuum limit control shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of eighteen (18) inches of mercury.

(e) A compound vacuum-pressure gauge shall be installed on the pump suction line. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump.

(f) Valves shall be installed to allow the flow to be shut off during cleaning, switching baskets, or inspection of hair and lint strainers.

(g) A hair or lint strainer with openings no more than one-eighth (1/8) inch is required except for pumps that are located downstream of the filter.

(3) Water heaters shall be installed at all

indoor swimming and bathing facilities. Where a water heater is installed, the following shall apply:

(a) A water heater piping system shall be equipped with a bypass. A valve shall be provided at the bypass and on the influent and effluent heater piping. The influent and effluent heater piping shall be metallic in accordance with heater manufacturer's recommendations;

(b) A heating coil, pipe, or steam hose shall not be installed in any swimming and bathing facility;

(c) Thermometers shall be provided in the piping to check the temperature of the water returning from the facility and the temperature of the blended water returning to the facility;

(d) An automatic temperature limiting device with thermostatic control, which will prevent the introduction of water in excess of 100° Fahrenheit to swimming and diving pools and in excess of 104° Fahrenheit for spas shall be provided, and be accessible only to the facility operator;

(e) A pressure relief valve shall be provided and shall be piped to within six (6) inches of the floor;

(f) Venting of gas or other fuel burning water heaters shall be provided in accordance with the applicable State Building Codes;

(g) Heaters for indoor swimming and diving pools shall be capable of maintaining an overall pool water temperature between seventy-six (76°) Fahrenheit and eighty-four (84°) Fahrenheit;

(h) Combustion and ventilation air shall be provided for fuel burning water heaters in accordance with manufacturer's recommendations or the State Building Code;

(i) Heaters for indoor swimming and diving pools shall be sized on a basis of 150 B.T.U.'s/hour input per square foot of pool water surface area; and

(j) All heaters shall meet the latest standards of applicable recognized testing agencies.

(4) A flow meter shall be located so that the rate of recirculation may be easily read. Flow meters shall be installed on a straight length of pipe at a distance of at least ten (10) pipe diameters downstream, and five (5) pipe diameters upstream from any valve, elbow, or other source of turbulence.

(5) Vacuum cleaning system.

(a) A vacuum cleaning system shall be provided for all facilities except beaches, and small spas designed for six (6) or less bathers. A vacuum cleaning system capable of reaching all parts of the facility bottom shall be provided;

(b) A vacuum system may be provided which utilizes the attachment of a vacuum hose to the suction piping through the skimmer. Vacuumed water must pass through the skimmer's strainer basket;

(c) When the vacuum cleaning system is an integral part of the facility recirculation system, a wall fitting(s) shall be provided eight (8) to twelve (12) inches below the normal water level and be provided with a cap or plug. Piping from this connection shall be to the suction side of the pump ahead of the hair and lint strainer, shall be at least one and one-half (1 1/2) inches in diameter and be equipped with a control valve near the junction with the pump suction line. The size of the vacuum hose shall be at least one and one-half (1 1/2) inches in diameter and be of sufficient strength to prevent collapsing and allow adequate flow for proper cleaning;

(d) Automatic vacuum systems may be used to supplement the built-in vacuum system provided they are capable of removing all debris from the facility bottom; and

(e) Vacuum systems are to be used only when the facility is closed to bathers.

(6) Piping, skimmer and overflow system.

(a) Piping shall be in accordance with the material specifications listed in the Kentucky State Plumbing Code for potable water. All piping, valves, fittings, etc., shall be color coded or suitably labeled, or marked to denote its purpose within the facility water treatment system.

(b) The piping shall be designed to carry the required quantities of water at velocities not exceeding five (5) feet per second in suction piping, and ten (10) feet per second in pressure piping. Gravity piping shall be sized so that the head loss in piping, fittings, valves, etc., does not exceed the difference in water levels between the facility and the maximum operating level in the surge or filter tank.

(c) The following waste lines shall be provided with six (6) inch air gaps at their points of discharge to the waste pump or sewer:

1. Main outlet bypass or other connections to waste;
2. Surge tank drain and overflow lines;
3. Pump discharge to waste lines; and
4. Gutter bypass to waste lines.

(7) Inlets.

(a) Each inlet shall be flow adjustable.

(b) The velocity of flow through any inlet orifice shall be in the range of five (5) to twenty (20) feet per second, except in facilities equipped with skimmers it shall be in the range of ten (10) to twenty (20) feet per second.

(c) Inlets shall be located and permanently directed to produce uniform circulation of water, to facilitate the maintenance of a uniform disinfectant residual throughout the entire facility without the existence of dead spots. Inlets in facilities with skimmers shall be twelve (12) inches below the mid-point on the skimmer throat. Inlets in facilities with a prefabricated perimeter overflow system shall be eight (8) inches or more below the lip of the gutter.

(d) Inlets for swimming and diving pools, wave pools, large spas, and water slide plunge pools shall be spaced as follows:

1. Inlets shall be placed completely around the pool, each serving a linear distance of not more than fifteen (15) feet on center. The pipe serving the inlets shall form a loop completely around the pool; and

2. If inlets are to be placed on the bottom of the pool, the number of inlets shall be determined by dividing the perimeter of the pool measured in feet, by fifteen (15), any fraction thereof would represent one (1) additional inlet.

(e) Inlets for wading pools, and small spas for six (6) or less bathers, shall be at least two (2) in number, and placed so as to meet the requirements of paragraph (c) of this subsection.

(f) At least one (1) inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.

(g) A continuous flume, tubing, or other arrangement near the pool water surface which

serves as inlet supply piping and employs multiple "jet" inlets is approved provided the individual components of the system meet the requirements of paragraphs (a), (b) and (c) of this subsection and subsections (9)(a), (b) and (10) of this section.

(h) Prefabricated perimeter overflow systems shall be approved on a case-by-case basis by the cabinet.

(8) Outlets.

(a) All facilities shall be provided with a main outlet at the deepest point to permit the facility to be completely and easily drained. Openings must be covered by a proper grating which is not removable by bathers without the use of tools, and which cannot entrap their fingers. Openings of the grating shall be at least four (4) times the area of the main outlet pipe or have sufficient area so that the maximum velocity of the water passing through the grate does not exceed one and one-half (1 1/2) feet per second at maximum flow. The maximum width of grate openings shall be one-fourth (1/4) inch;

(b) Multiple outlets shall be provided in all facilities where the width of the facility is more than thirty (30) feet. In such cases, outlets shall be spaced not more than thirty (30) feet apart, nor more than fifteen (15) feet from side walls, and shall be connected in parallel, not series. All spas and wading pools shall have at least two (2) outlets;

(c) A hydrostatic relief valve may be provided for in-ground swimming and diving pools, wave pools, and water slide plunge pools. Subsurface drainage, if provided, shall not be directly connected to a sanitary sewer; and

(d) Main outlet piping shall be sized for removal of the water through it at a rate of at least 100 percent of the design recirculation flow rate at velocities specified in subsection (6)(b) of this section. The piping system shall be valved to permit adjustment of flow through it.

(9) Perimeter overflow systems.

(a) Swimming and bathing facilities other than pools designed and used exclusively for diving, having a water surface area greater than 1,600 square feet shall have a continuous perimeter overflow system. Swimming and bathing facilities less then 1,600 square feet in area and thirty (30) feet or less in width may use surface skimmers.

(b) A perimeter overflow system shall:

1. Extend completely around the facility;

2. Permit inspection, cleaning, and repair;

3. Be designed so that no ponding or retention of water occurs within any portion of the system; or the passage of small children into an enclosed chamber;

4. Be designed to prevent the entrapment of bather's arms, legs, and feet;

5. Have an overflow lip which is rounded, provides a good handhold, and is level within two-tenths (0.2) inch;

6. Provide for the rapid removal of all water and debris skimmed from the pool's surface;

7. Be designed for removal of water from the pool's upper surface at a rate equal to 100 percent of the design turnover flow rate. When the surge volume is to be stored in the perimeter overflow system, the system shall have the capacity to carry fifty (50) percent of the design flow while maintaining the surge storage capacity;

8. Discharge to the recirculation system;

9. Be provided with sufficient drains and piping which will not allow the overflow channel to become "flooded" when the facility is in normal use; and

10. Have drain gratings with surface area at least equal to two (2) times the area of the outlet pipe.

(10) All facilities which have perimeter overflow systems shall be provided with a net surge capacity of at least one (1.0) gallon per square foot of water surface area. Surge capacity shall be provided either in a vacuum filter tank, in the perimeter overflow system, in a surge tank, or a combination of these. Valving shall be provided where necessary, to automatically retain water during periods of facility use and to discharge water during the periods of non-use such that the proper operating water level in the facility is maintained at all times.

(11) Skimmers are permitted on facilities whose width does not exceed thirty (30) feet and whose water surface area is 1,600 square feet or less. Where skimmers are provided, the following shall be met:

(a) At least one (1) skimmer shall be provided for each 500 square feet of water surface area or fraction thereof; with a minimum of two (2) skimmers provided, except for small spas, or wading pools with a water surface area of 144 square feet or less, where a minimum of one (1) skimmer shall be required.

(b) Skimmers shall be so located as to minimize interference with each other;

(c) The rate of flow per skimmer shall not be less than thirty (30) gallons per minute, and all skimmers shall be capable of handling at least eighty (80) percent of required flow rate;

(d) The surface skimmer piping shall have both a trimmer valve and a separate valve in the equipment room to permit adjustment of flow;

(e) Each skimmer shall be provided with an equalizer line at least one and one-half (1 1/2) inches in diameter, located at least one (1) foot below the lowest overflow level of the skimmer, and be provided with a self-closing valve;

(f) A basket which can be removed without the use of tools and through which all overflow water must pass, shall be provided; and

(g) Skimmer equipped swimming and diving pools, wave pools, water slide plunge pools, and large spas shall have a smoothly contoured handhold consisting of a bull-nosed coping not over two and one-half (2 /12) inches thick for the outer two (2) inches or an equivalent approved handhold. The handhold shall be no more than nine (9) inches above the normal water line.

(12) All facilities shall be equipped for the addition of make-up water from a potable water source in accordance with the following:

(a) Discharge through an air gap of at least six (6) inches to the facility to a surge tank, or a vacuum filter tank. When make-up water is added directly to the facility, the fill-spout shall be located under or immediately adjacent to a ladder rail, grab rail, or lifeguard platform. When added to a surge tank or vacuum filter tank, the six (6) inch air gap shall be measured above the top lip of the tank; and

(b) Through piping with vacuum breaker, anti-siphon or other protection as specified by th State Plumbing Code.

(13) Filtration.

(a) Filters shall comply with the following:

1. Pressure filters shall have pressure gauges;
2. Pressure filters shall have an observable free-fall, or a sight glass shall be installed on the backwash discharge line;
3. Pressure filters shall have a manual air-relief valve at the the high point;
4. The filter backwash disposal facility shall have sufficient capacity to prevent flooding during the backwash cycle;
5. All filters shall be designed so that they can be completely drained. Filters shall be drained through a six (6) inch air gap to a pump or sanitary sewer;
6. Filter media shall meet NSF specifications;
7. Each facility shall have separate filtration and treatment systems;
8. Filter equipment and treatment systems shall operate continuously twenty-four (24) hours per day except when the facility is closed for repairs or at the end of the swimming season; and
9. Individual filters shall be designed with necessary valves and piping to permit isolation of individual filters for repairs while other units are in service.

(b) Rapid sand or gravity sand filters:

1. Rapid sand filters shall be designed for a filter rate not to exceed three (3) gallons per minute per square foot of bed area at time of maximum head loss with sufficient area to meet the design rate of flow required by the prescribed turnover. Open gravity type filters shall be designed for a filter rate not exceeding two (2) gallons per square foot per minute.
2. Filtering media shall consist of at least twenty (20) inches of graded, sharp filter sand with an effective size between four-tenths (0.4) and fifty-five/hundredths (0.55) mm and a uniformity coefficient not exceeding one and seventy-five/hundredths (1.75), supported by at least ten (10) inches of graded filter gravel. Anthracite with effective size of six-tenths (0.6) to eight-tenths (0.8) mm with a uniformity coefficient of not greater than one and eight-tenths (1.8) may be used in lieu of the sand. A reduction in gravel depth or an elimination of gravel may be permitted where equivalent performance and service are demonstrated.
3. At least twelve (12) inches of freeboard shall be provided between the upper surface of the filter media and the lowest portion of the pipes or drains which serve as overflows during backwashing.
4. The filter system shall be designed with necessary valves and piping to permit:

(i) Filtering to pool; and

(ii) Individual backwashing of filters to waste at a rate of not less than fifteen (15) gallons per minute per square foot of filter area. A backwash rate of eight (8) gallons per square foot per minute shall be provided for anthracite filters;

5. Each filter shall be provided with an access opening of not less than a standard eleven (11) inch by fifteen (15) inch manhole and cover.
6. The filter tank and its integral parts shall be constructed of substantial material capable of withstanding continuous anticipated usage and shall be designed for a pressure safety factor of four (4) based on the maximum shutoff head of the pump. This shutoff head for design purposes shall in no case be considered less than fifty (50) pounds per square inch.

(c) High rate sand filters. The design filtration rate shall be a minimum of five (5) gallons per minute per square foot of filter area. The maximum design filtration rate shall be the lesser of fifteen (15) gallons per minute per square foot of filter area or seventy-five (75) percent of the NSF listed filtration rate. The backwash rate shall be fifteen (15) gallons per minute per square foot of filter area.

(d) Diatomaceous earth filters.

1. The design filtration rate shall not exceed one and one-half (1 1/2) gallons per minute per square foot of filter area on diatomaceous earth filters, except that the rate of filtration may be increased to two (2) gallons per minute per square foot of filter area when continuous feeding of diatomaceous earth is employed;
2. A precoat pot shall be provided on the pump suction line for pressure diatomaceous earth systems. All diatomaceous earth filter systems shall have piping arranged to allow recycling of the filter effluent during precoating;
3. Where equipment is provided for the continuous feeding of diatomaceous earth to the filter influent, such equipment shall have a capacity to feed at least one and one-half (1 1/2) ounces of this material per square foot of filter area per day;
4. Overflow piping on vacuum diatomaceous earth filters shall be provided on the filter tank to discharge overflow water; and
5. All filters shall be equipped for cleaning by one (1) or more of the following methods: backwashing; air-pump assist backwashing; spray wash; water pressure to wash vacuum filter; or agitation.

(e) Vacuum sand filters.

1. The design filtration rate shall be seventy-five (75) percent of that listed by NSF or fifteen (15) gallons per minute whichever is lesser. The backwash rate shall be at fifteen (15) gallons per minute per square foot of filter area; and
2. Overflow piping shall be provided in order to drain overflow water.

(f) Cartridge Filters.

1. Cartridge filters shall not be used on facilities with a capacity larger than 80,000 gallons;
2. Cartridge filters shall only be used on indoor pools;
3. The design filtration rate shall not exceed fifteen-hundredths (0.15) gallons per minute per square foot of filter surface area; and
4. Duplicate cartridges. A clean duplicate set of cartridges shall be maintained at the facility.

(14) Disinfectant and chemical feeders.

(a) The minimum chemical feed equipment required at any facility shall include a unit for feed of a disinfectant and a unit for feed of a chemical for pH control, except as stated in paragraph (e) of this subsection.

(b) Equipment capacity.

1. Equipment for supplying chlorine or compounds of chlorine shall be of sufficient capacity so that it is possible to feed the chlorine at a rate of eight (8) p.p.m. for outdoor facilities and a three (3) p.p.m. for indoor facilities based on the flow rates specified in subsection (2)(a) of this section;
2. The equipment for supplying chlorine shall not be controlled by a day-date clock;
3. The injection point for chlorine shall be

placed on the discharge side of the pump;

4. Pot feeders for supplying bromo-chloro-dimethylhydantoin sticks shall contain at least 0.50 pounds of bromo-chloro-dimethylhydantoin per thousand gallons of facility capacity, or fraction thereof. The feeder shall have a method of feed rate adjustment;

5. Ozone may be used as a supplement to chlorination or bromination as required in subparagraph 1 or 4 of this paragraph. Ozonation equipment will be considered by the cabinet on a case-by-case basis for experimental use; and

6. No more than one (1) gram per day of ozone per ten (10) gallons per minute of flow rate will be allowed. The ambient air ozone concentration shall be less than five-hundredths (.05) p.p.m. at all times either in the vicinity of the ozonator or at the pool water surface.

(c) Where positive displacement pumps (hypochlorinators) are used to inject the disinfectant solution into the recirculation line, they shall be of variable flow type and shall be of sufficient capacity to feed the amount of disinfectant required by paragraph (b)1 of this subsection. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed five (5) percent. The solution container shall have a minimum capacity equal to the volume of solution required per day at the feed rate required in paragraph (b)1 of this subsection.

(d) Gas chlorinators.

1. The chlorine supply and gas feeding equipment shall be housed in a separate, relatively air-tight room. The room shall be provided with an exhaust system which takes its suction not more than eight (8) inches from the floor and discharges out-of-doors in a direction to minimize exposure to toxic fumes. The fan shall run continuously and be capable of producing one (1) air change per minute. Means for introducing a fresh air supply to the enclosure through appropriate openings such as filters, grill openings, etc., at a high point opposite the exhaust fan intake shall be provided. The room shall have a window at least eighteen (18) inches square, and shall have artificial lighting. Electrical switches for lighting and ventilation shall be outside and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided. Automatic changeover chlorinators may be substituted for scales.

2. Chlorine cylinders either full or empty shall be anchored, or chained in a vertical position. The valve protection hoods shall be kept in place, except when the cylinders are connected. Chlorine feed devices should be located directly on the tank wherever practical;

3. The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. In addition, the release of chlorine shall be terminated when the recirculation pump is shut off. Where other than facility recirculated water is used, the supply line shall be equipped with an electric shut off valve wired to the recirculation pump and shall be equipped with an approved backflow preventer. Where two (2) or more cylinders are in use, an automatic changeover valve shall be used;

4. Chlorinator vent lines shall be conducted to the out-of-doors similar to the chlorinator room exhaust system;

5. The gas chlorinator shall be the solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere;

6. The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment;

7. A self-contained breathing apparatus (SCBA) designed for use in a chlorine atmosphere and of a type approved by the Mine Safety and Health Administration (MSHA) and/or the National Institute for Occupational Safety and Health (NIOSH), shall be provided. This SCBA shall have sufficient capacity for the purpose intended. In addition a written respirator program shall be provided and employees shall be trained in the use and maintenance of such equipment to insure operability and safety. The SCBA shall be kept in a closed cabinet, accessible without a key, and located outside of the chlorine room. Installation of chlorinator equipment, and operation thereof, shall be carried on by and under the supervision of personnel experienced with installation and operation of such equipment. A chlorine valve shut off wrench shall be kept on the cylinder valve stem that is in use; and

8. In the event of a chlorine leak, the fire department or an agency trained in the handling of chlorine spills, must be immediately contacted. The phone numbers of the fire department or above agency must be posted on the outside of the chlorine room door.

(e) pH control feeders. At facilities with a volume greater than 100,000 gallons, or at facilities utilizing gas chlorine as a disinfectant, a chemical feeder of positive displacement type shall be installed for the purpose of applying chemicals to maintain pH of facility water within the range of seven and two-tenths (7.2) to seven and eight-tenths (7.8). A solution tank of at least forty (40) gallons capacity shall be provided.

(f) Erosion type chlorine feeders shall be prohibited.

(15) Testing equipment shall be provided at all swimming and bathing facilities, maintained with fresh reagents, and consist of at least the following:

(a) A DPD (Diethyl-P-Phenylene Diamine) colorimetric test kit shall be provided, which will determine free disinfectant residual, combined disinfectant residual, total alkalinity, and pH of the facility water. Test kits using orthotolidine reagents are not acceptable;

(b) There shall be at least five (5) chlorine color standards and at least five (5) pH color standards. Chlorine standards shall range from one-tenth (0.1) to three (3.0) p.p.m. and pH standards shall range from six and eight-tenths (6.8) to eight and four-tenths (8.4), as a minimum. Both tests shall be accurate to within two-tenths (0.2) units; and

(c) Facilities using cyanurates for stabilization shall have a test kit to measure the cyanuric acid concentration. The cyanuric acid test kit shall permit readings up to 100 p.p.m.

Section 10. Operational Water Quality Standards. (1) Disinfectant residuals for swimming and diving pools, wading pools, water slides, and wave pools:

(a) Chlorine residual shall be maintained between one (1.0) p.p.m. and two and five-tenths (2.5) p.p.m. as free available chlorine.

(b) Bromine residual shall be maintained between one (1.0) p.p.m. and two and five-tenths (2.5) p.p.m. as free available disinfectant.

(c) Pools stabilized with cyanuric acid shall meet the following criteria:

1. Be an outdoor facility;

2. Maintain one and five-tenths (1.5) to two and five-tenths (2.5) p.p.m. free available chlorine residual; and

3. Cyanuric acid concentration twenty-five (25) p.p.m. to fifty (50) p.p.m.

(d) When the presence of chloramines is determined, superchlorination is required, and the chloramine level shall not exceed two-tenths (0.2) p.p.m.

(2) Disinfectant residuals for spas:

(a) Chlorine residual shall be maintained between two (2.0) p.p.m. and three (3.0) p.p.m. as free available chlorine;

(b) Bromine residual shall be maintained between two (2.0) p.p.m. and three (3.0) p.p.m. as free available disinfectant; and

(c) When the presence of chloramines is determined, superchlorination is required, with closing of spa until a free disinfectant residual of two (2.0) - three (3.0) p.p.m. is attained.

(3) pH. The pH of the facility water shall be maintained in a range of seven and two-tenths (7.2) to seven and eight-tenths (7.8). For corrosive water supplies, the alkalinity level shall be suitably adjusted to allow maintenance of the pH level.

(4) Turbidity. Facility water shall have sufficient clarity at all times to meet one (1) of the following:

(a) A black disc, six (6) inches in diameter, is readily visible when placed on a white field at the deepest point of the pool;

(b) The openings of the main outlet grate are clearly visible by an observer on the deck; and

(c) For wading pools the bottom of the pool should be clearly visible.

(5) Total alkalinity. The alkalinity of the facility water shall not be less than fifty (50) nor more than 180 p.p.m., as determined by suitable test kits.

(6) Temperature. The water temperature for indoor swimming and bathing facilities other than spas shall not be less than seventy-six (76) degrees Fahrenheit nor more than eighty-four (84) degrees Fahrenheit. The cabinet may allow variances from the above temperature limits for special use purposes such as competition, physical therapy, or instruction of children. Variances may be approved provided proof is presented showing that a variance from the temperature requirements is necessary for the special uses stated, and that the variance will not jeopardize public health. Air temperature at an indoor facility shall be higher than the water temperature, except for spas. In no instance will water temperatures for any facility including spas be permitted to exceed 104° Fahrenheit. All facilities with heated water shall be provided with at least one (1) breakproof thermometer located within the facility water in a conspicuous location. Such thermometer shall be securely mounted to prevent tampering by bathers.

(7) The facility operator shall perform tests for each of the above water quality characteristics before opening and during all hours of operation based on the frequency schedule listed below, and record all test results on a daily operational log sheet:

(a) Disinfectant residual and pH shall be checked at least three (3) times daily with a greater frequency when bather load or climatic conditions warrant.

(b) Turbidity - daily, or more often as needed.

(c) Alkalinity, cyanuric acid (if used) - weekly, or more often as needed.

(d) Temperature:

1. Spas - daily, or more often as needed; and

2. All other indoor facilities - daily.

(8) All spas shall be completely drained, thoroughly cleaned, and refilled with potable water at least once per week. Cleaners used shall be compatible with facility wall and bottom finishes.

Section 11. General Facility Operation and Maintenance. (1) Facility and facility area.

(a) All facilities shall be maintained free from sediment, lint, dirt, and hair. Cracks and other defects in the facility shall be repaired. The walls, ceilings, floors, and equipment shall be painted as often as necessary so that they are protected from deterioration. The bottom and sides of the facility shall be maintained so that they are free from deterioration;

(b) Decks shall be rinsed as necessary to be kept clean. Indoor decks shall be disinfected at least weekly. The walk areas, overflow gutters, counters, lockers, equipment, furniture, interior partitions, and walls shall be kept in good repair, clean, and sanitary; and

(c) Food and/or drinks. Management of each facility shall adopt rules for controlling of food, drink, and smoking in the facility and surrounding areas.

(2) Perimeter overflow and skimmers. The perimeter overflow system or automatic surface skimmers shall be clean and free of leaves or other obstacles which would restrict flow. The strainer baskets for skimmers shall be cleaned daily. The flow through each skimmer shall be adjusted as often as necessary to maintain a vigorous skimming action. The facility water shall be maintained at an elevation so that effective surface skimming is accomplished. The flow returning from the facility shall be balanced or valved such that the majority of flow is returned through the perimeter overflow or skimmer system.

(3) Inlet fittings. Inlets shall be checked frequently to insure that the rate of flow through each inlet is such that a uniform distribution pattern is established.

(4) Bather preparation facilities.

(a) The floors of dressing rooms, shower stalls, and other interior rooms shall be cleaned and disinfected daily; and

(b) Toilet rooms and fixtures shall be kept clean, free of dirt and debris, and in good repair. Floors shall be maintained in a non-slip condition. Soap dispensers shall be filled and operable. Adequate supplies of toilet tissue, disposable hand drying towels, roll type cloth towels, or suitable hand drying devices shall be maintained.

(5) Street attire. Street shoes shall not be worn on the facility decks or wet areas of the bather preparation facilities, except for those engaged in official duties.

(6) Security. Doors or gates in the facility

enclosure shall be kept closed and locked when the facility is closed.

(7) Bather loads.

(a) The number of persons in bathing attire within a facility enclosure shall not exceed the permissible bather load established by the State Building Code (with an exception for spectator areas); and

(b) The permissible bather load shall be posted at the entrance to the facility or at a conspicuous location where it can be seen by all bathers.

(8) Electrical systems. Repairs to any electrical system shall be made by an electrician. Such repairs shall be in accordance with the National Electrical Code and shall be approved by a certified electrical inspector.

(9) Diving equipment, ladders, hand rails, etc., shall be maintained in good repair, be securely anchored, and have a non-slip surface.

(10) Operation of mechanical equipment.

(a) Manufacturers' instructions for operation and maintenance of mechanical and electrical equipment, as well as pump performance curves, shall be kept available at the facility;

(b) Pumps, filters, disinfectant feeders, pH controls, flow indicators, gauges, and all related components of the facility water recirculation system shall be kept in continuous operation twenty-four (24) hours a day; and

(c) Recirculation pumps. The pump shall not be throttled on the suction side (except the bottom drain line valve) during normal operation, shall be kept in good repair and condition. The flow control valve on the discharge side shall be adjusted as necessary to maintain the design flow rate.

(11) Filtration.

(a) Sand Filters.

1. The filter air release valve shall be opened as necessary, to remove air which collects in the filter, and following each backwash; and

2. The filter shall be backwashed when the design flow rate can no longer be achieved, or when specified by the filter manufacturer, whichever occurs first.

(b) Diatomaceous earth filters.

1. The dosage of diatomaceous earth precoat shall be at least one and one-half (1 1/2) ounces per square foot of element surface area. Pressure diatomaceous earth filters shall be backwashed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Whenever the recirculation pump stops or is shut off, the filter shall be thoroughly backwashed and the elements shall be precoated before placing the pump back into operation. Vacuum diatomaceous earth filters shall be washed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first;

2. Following the precoating operation, the initial filter effluent shall be either recirculated through the filter until the filter effluent is clear, or the initial filter effluent shall be discharged to waste until properly clarified water is produced; and

3. When continuous diatomaceous earth feed is required (filter loading rate exceeds one and five-tenths (1.5) gallons per minute per square foot of filter surface area), it shall be applied at a rate of one-half (1/2) - one and one-half (1 1/2) ounces per square foot of surface area per day, or as needed to extend filter cycles.

(12) Hair and lint strainers. Hair and lint strainers shall be cleaned to prevent clogging of the suction line and cavitation. The pump shall be stopped before the strainer is opened. In all cases, the hair strainer basket shall be cleaned during the time the filter is being backwashed.

(13) Flow meters. Flow meters shall be maintained in an accurate operating condition and readily accessible. The glass and the connecting tubes shall be kept clean.

(14) Vacuum and pressure gauges. The lines leading to the gauges shall be bled occasionally to prevent blockage.

(15) Gas chlorinators.

(a) Gas chlorinators shall be repaired only by a person trained in servicing these units. The facility operator should determine the appropriate emergency personnel to contact in the event of a chlorine gas emergency and have the telephone number of said personnel conspicuously posted;

(b) Chlorine cylinders shall be stored indoors in the area designed for that purpose and away from a direct source of heat. Cylinders shall not be moved unless the protection cap is secured over the valve; and

(c) Chlorinator, gas line, injector, and cylinders shall be checked daily for leaks. Chlorine will produce a white smoke in the presence of ammonia. In case of a chlorine leak, corrective measures shall be undertaken only by trained persons wearing proper safety equipment. All other persons shall leave the dangerous area until conditions are again safe.

(16) Self-contained breathing apparatus (SCBA).

(a) A record shall be kept of SCBA usage to insure that the unit will be serviceable when needed. The SCBA shall be kept in a closed cabinet, accessible without a key, located outside of the room in which the chlorinator is located, and preferably outside the entrance to the equipment room; and

(b) The SCBA shall be serviced regularly as per manufacturer's recommendations.

(17) Positive displacement feeders.

(a) Positive displacement feeders shall be periodically inspected and serviced;

(b) To minimize sludge accumulation in the unit, the lowest practicable concentration of solution shall be used. If liquid chlorine solution is used, the dilution with water is not critical to the operation of the unit; and

(c) Sludge accumulations shall be cleaned periodically from the unit.

(18) Chlorinated cyanurates. The use of chlorinated cyanurates is prohibited.

(19) pH adjustment.

(a) Soda ash or caustic soda may be used to raise the facility water pH;

(b) Caustic soda shall only be used in accordance with the manufacturer's instructions. When caustic soda is intended for use, the cabinet shall be notified in writing. Protective equipment and clothing, including rubber gloves and goggles, shall be available for the handling and use of this chemical;

(c) Sodium bisulfate or muriatic acid may be used to lower pool water pH;

(d) Hydrochloric (muriatic) acid may only be used with proper supervision and care. Protective equipment and clothing, including rubber gloves and goggles, shall be available

for handling this chemical; and

(e) The cabinet shall be consulted in the event of unusual pH problems including corrosion or scaling or wide fluctuations in pH.

(20) Algae control.

(a) The development of algae shall be eliminated by superchlorinating. The facility shall not be open for use during this treatment. If superchlorination fails to eliminate the algae, the cabinet shall be consulted for further advice.

(b) Treated algae which cling to the bottom and sides of the facility shall be brushed loose, and removed by the suction cleaner and filtration system.

(21) Miscellaneous chemicals.

(a) Chemicals other than disinfectants shall be used only with the advice and under the supervision of the cabinet;

(b) Chemicals shall be kept covered and stored in the original container, away from flammables and heat and in a clean, dry, and well-ventilated place which prevents unauthorized access to the chemicals;

(c) The chemicals used in controlling the quality of water shall be used only in accordance with the manufacturer's instructions; and

(d) If polyphosphates are used for sequestering iron, the concentration of polyphosphates shall not exceed ten (10) p.p.m.

(22) Equipment rooms.

(a) Equipment necessary for facility operation shall be housed in a lighted, ventilated room which affords protection from the weather, prevents unauthorized access, and is of sufficient size for operation and inspection;

(b) The equipment room floor shall slope toward drains and shall have a non-slip finish;

(c) A hose bib with a vacuum breaker shall be installed in the equipment room;

(d) Suitable space, if not provided in the equipment room, shall be provided for storage of chemicals, tools, equipment, supplies, and records where they can be acquired by the facility operator without leaving the premises. The storage space shall be dry and protected from unauthorized access; and

(e) The equipment room and all other storage areas mentioned above shall be maintained in a clean, uncluttered condition, and shall not be used for storage of materials not essential to operation and maintenance of the facility.

(23) Maintenance of bathing beaches.

(a) Beach areas shall be maintained free of litter and water-borne debris. Beverage containers of glass or metal containers with detachable pull tabs shall be prohibited.

(b) A layer of sand or gravel of sufficient depth to prevent the creation of mud holes or slicks and to reduce shallow water turbidity shall be maintained on all beach areas, and shall extend beneath the water of all wading and swimming areas; and

(c) Wading, swimming, and diving areas shall be examined by the facility operator on a routine basis, and immediately after high water conditions for floating or sunken debris, and obstructions at diving areas and high water turbidity which may present safety hazards to bathers.

Section 12. Facility Records. The operator of each facility shall keep a daily record of information regarding operation including disinfectant residuals, pH, maintenance procedures, and recirculation, together with other data as may be required on forms furnished by the cabinet. This data shall be kept on file by the operator and submitted to the cabinet as requested. Proper operating records, which include the following shall be kept showing daily or weekly as applicable:

(a) Disinfectant residuals;

(b) pH readings, total alkalinity, cyanuric acid level (where applicable); and

(c) Malfunctioning of equipment.

(2) Where two (2) or more facilities are operated on the same site, separate records shall be maintained for each facility.

Section 13. Personnel. (1) Operator. A facility operator shall be responsible for the operation and maintenance of all swimming and bathing facilities. The operator shall be available at all times when the facility is open for use.

(2) Lifeguards.

(a) A lifeguard or lifeguards shall be provided at all facilities which allow bathers sixteen (16) years of age or under to enter the facility area without a responsible person seventeen (17) years of age or older present.

(b) All facilities which do not provide a lifeguard must post and enforce the following rule: "No person may enter the facility area alone or swim alone."

(c) Where lifeguards are required, lifeguards shall comply with the following:

1. Lifeguards shall have a current life-saving certificate. Current training as a lifesaver or water safety instructor by the American Red Cross, YMCA, or equivalent will satisfy this requirement. The certificate of such competency shall be prominently posted;

2. More than one (1) lifeguard shall be on duty at large facilities and/or facilities with a large number of bathers. Lifeguards shall be provided at a ratio of one (1) per 200 bathers or one (1) per 2,000 square feet of water surface area, whichever is less;

3. Lifeguards shall be dressed in swimming attire; and

4. Lifeguards assigned to the supervision of the facility shall not be subject to duties that would distract their attention from proper observation of persons in the facility area, or that would prevent immediate assistance to persons in distress in the water.

Section 14. Safety Equipment. (1) Facilities other than beaches having an area of more than 2,000 square feet of water surface area shall be provided with an elevated lifeguard chair. An additional lifeguard chair shall be provided for each additional 2,000 square feet of water surface area or major fraction more than half thereof. They shall be located to provide a clear view of the facility bottom in the area under surveillance.

(2) Beaches shall be provided with an elevated lifeguard chair for each 100 linear feet of beach front, with an additional lifeguard chair for each additional 100 linear feet of beach front or fraction thereof. Such chairs shall be located on the beach so as to provide a clear view of all areas under surveillance and to provide the quickest response time.

(3) The following lifesaving equipment shall be provided:

(a) A U.S. Coast Guard approved ring buoy not more than fifteen (15) inches in diameter to which shall be attached a three-sixteenths (3/16) inch rope of length one and one-half (1 1/2) times the maximum pool width;

(b) A life pole or shepherd's crook type of pole having blunted ends with a minimum length of twelve (12) feet; and

(c) One (1) plywood backboard with straps, made to the specifications of the American Red Cross for back and neck injuries.

(4) The equipment listed in subsection (3) of this section shall be considered as one (1) unit (except paragraph (c)) and shall be considered as adequate for 2,000 square feet of facility water surface area. An additional unit shall be provided for each additional 2,000 square feet or major fraction thereof.

(5) Facilities limited to small spas, of less than 144 square feet of water surface area, shall not be required to provide the equipment listed in subsection (3) of this section, but shall meet the requirements of subsections (7), (10), and (11) of this section.

(6) Bathing beach facilities shall provide the following lifesaving equipment in addition to that listed in subsection (3) of this section:

(a) Paddle board or surfboard;

(b) At least one (1) lifeboat, containing one (1) unit of lifesaving equipment and outfitted to meet state water safety regulations; and

(c) A torpedo shaped buoy.

(7) All facilities shall be equipped with a minimum of one (1) standard twenty-four (24) unit first aid kit or its equivalent, which shall be kept filled and ready for use. Additional units shall be provided for each additional 2,000 square feet of facility area or major fraction thereof.

(8) Lifesaving equipment shall be mounted in conspicuous places at lifeguard chairs or other readily accessible locations. Its function shall be plainly marked, and such equipment shall be kept in repair and ready condition. Bathers or other persons shall not be permitted to tamper with, use for any purpose other than its intended use, or remove such equipment from its established location. Such equipment at beaches shall be located at each lifeguard chair, with the lifeboat mentioned in subsection (6)(b) of this section being located at the most centrally stationed lifeguard chair.

(9) The hydrojet auxiliary air or water pump for a spa shall be controlled by an on-off switch with a fifteen (15) minute timer located and labeled at least five (5) feet away from the spa.

(10) All facilities shall have a non-pay telephone on the premises which is readily accessible and conspicuously located. The telephone number of a police, fire department, emergency medical service, or a hospital shall be posted in a conspicuous place near the telephone.

(11) All drownings and injuries requiring hospitalization shall be immediately reported to the cabinet.

Section 15. Spectator and Bather Regulations. (1) Rules governing the use of the facility and instructions to bathers shall be displayed on placards at the entrance to dressing rooms and shall be enforced by the facility operator. Such posting of rules and other instructions shall provide that:

(a) Admission to the facility is refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind are not to be permitted. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the facility area;

(b) No food, drink, gum, or tobacco will be allowed in other than specially designated and controlled sections of the facility area;

(c) Personal conduct within the facility must be such that the safety of self and others is not jeopardized. No running and no boisterous or rough play (except supervised water sports) are permitted;

(d) People in street shoes and other spectators are not allowed in the facility, on the deck, and in the "wet" areas of the bathhouse, except those engaged in official duties;

(e) Spitting, spouting of water, blowing the nose, or otherwise introducing contaminants into the facility water is not permitted;

(f) Glass, soap, or other material which might create hazardous conditions or interfere with efficient operation of the facility shall not be permitted in the facility or on the deck;

(g) All apparel worn in the facility shall be clean;

(h) Diving in shallow water is not permitted;

(i) Caution shall be exercised in the use of diving boards; and

(j) Animals shall be excluded from the facility area.

(2) Due to the nature of bathing beaches, subsection (1)(c), (d), and (g) of this section shall not apply. Subsection (1)(a) and (b) of this section shall be enforced at the discretion of the facility operator, except for parts dealing with those persons with excessive sunburn or those under the influence of alcohol or exhibiting erratic behavior, which shall be enforced at all facilities.

(3) In addition to the requirements of subsection (1) of this section, a caution sign shall be mounted adjacent to all spas which contain the following warnings:

CAUTION

Pregnant women, elderly persons, and persons suffering from any heart condition or disease, diabetes, or high/low blood pressure should not enter the spa without prior medical consultation and permission from their doctor.

Do not use the spa while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness, or that raise or lower blood pressure.

Do not use at water temperatures greater than 104 degrees Fahrenheit.

Do not use alone.

Unsupervised use by children is prohibited.

Enter and exit slowly.

Observe reasonable time limits (that is, ten (10) to fifteen (15) minutes), then leave the water and cool down before returning for another brief stay.

Long exposure may result in nausea, dizziness, fainting, or death.
Keep all breakable objects out of the area.
Shower before entering the spa.

(4) A sign shall be posted in the immediate vicinity of the spa stating the location of the nearest telephone and indicating that emergency telephone numbers are posted at that location.

Section 16. Swimming Suits and Towels Furnished by Management. All swimming suits and towels used by swimmers and maintained for public use shall be cleaned after each use. These items shall be handled in a sanitary manner.

Section 17. Facility Inspection. (1) Seasonal facilities.

(a) All owners and/or operators of seasonal facilities, prior to opening to the public, shall certify to the cabinet, in writing, that the facility is in compliance with the requirements of this regulation except in instances where the cabinet has made an inspection prior to its opening. For seasonal facilities, the cabinet shall make at least two (2) full facility inspections during the operating season. The cabinet, at its discretion, may require one (1) of the full facility inspections to be performed prior to a facility's opening; and

(b) The facility owner and/or operator shall be responsible for notifying the cabinet of the proposed opening date.

(2) Continuous operation (indoor) facilities shall receive a full facility inspection by the cabinet at least once each six (6) months.

(3) New facilities shall receive final construction approval inspections by the cabinet, and other affected state and local regulatory agencies, prior to placing the facility in operation. It shall be the owner and/or operator's responsibility to notify the cabinet and other involved agencies of construction completion and call for inspection.

(4) Facilities other than beaches shall be inspected at a minimum of once each thirty (30) day period by the cabinet on a monitoring basis. The monitoring inspection shall consist of the following:

(a) Disinfectant residual testing (free available residual) and combined disinfectant in p.p.m.;

(b) pH testing;

(c) Total alkalinity testing;

(d) Cyanuric acid testing (if cyanuric acid stabilizers are used);

(e) Turbidity assessment;

(f) Temperature testing (if heated water facility);

(g) Review of operator's daily log;

(h) Visual scanning for algae or debris; and

(i) Other checks as necessary.

(5) Beaches shall receive monitoring inspections once each month or anytime immediately after periods of heavy rainfall. Such monitoring inspections for beaches shall include general sanitation and safety checks as necessary.

(6) The cabinet shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(7) Whenever an agent of the cabinet makes an inspection of a public swimming and bathing facility, he shall record his findings on an official cabinet inspection report form and provide the facility owner or the operator with a copy. The inspection report shall:

(a) Set forth any violation(s) found;

(b) Establish a specific and reasonable period of time for the correction of the violation(s) found; and

(c) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in closure of the facility.

Section 18. Water Sampling and Testing. (1) A water sample may be collected from facilities when inspections or monitoring indicates water quality standards are not being maintained, or there is a suspected water borne disease outbreak, and shall be submitted to the Health Services Laboratory or other approved laboratory for analysis. Samples shall be collected in approved containers and by approved sampling procedures.

(2) Samples shall be collected and analyzed according to the procedures outlined in "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association (APHA) for any of the following or other contaminants:

(a) Total coliform;

(b) Fecal coliform; and

(c) Pseudomonas organisms.

(3) Multiple samples may be collected at bathing beaches to assure adequate representation of the entire facility water area.

(4) Need for additional samples at other times shall be triggered by the results of monitoring inspections, reported disease outbreaks associated with the facility, or failure of previous samples to meet the standards outlined in Sections 5 and 19 of this regulation. Where a sample shows a positive test for contaminants as specified in subsection (2)(a), (b), and (c) of this section, the sample shall be repeated within one (1) to seven (7) days.

Section 19. Bacteriological Quality of Facility Water. (1) For facilities other than bathing beaches, no more than two (2) consecutive samples shall contain either:

(a) More than 200 bacteria per milliliter, as determined by the standard (thirty-five (35) degrees centigrade) agar plate count;

(b) Show a positive test (confirmed test) for coliform organisms in any of the five (5) ten (10) milliliter portions of a sample or more than two (2.0) coliform organism per 100 ml when the membrane filter test is used;

(c) Show a positive test (confirmed test) for pseudomonas organisms; or

(d) Show a positive test for fecal coliform organisms.

(2) Bathing beaches shall comply with the standards set forth in Section 5(3)(a) of this regulation.

Section 20. Conditions Requiring Closure of a Facility and Enforcement Provisions. (1) Whenever the cabinet finds any of the conditions hereinafter set forth, it may immediately order by written notice the owner and/or operator to close the facility and to prohibit any person from using the facility:

(a) If conditions at a facility and appurtenances, including bathhouse facilities,

upon inspection and investigation by a representative of the cabinet, create an immediate danger to health or safety;

(b) When the cabinet upon review of results of bacteriological analyses of water samples collected from a facility, finds that such water does not conform to the bacteriological standards promulgated by the cabinet for proper swimming and bathing water quality;

(c) When an environmental survey of an area shows evidence of sewage or other pollutional or toxic materials being discharged to waters tributary to a beach creating an immediate danger to health or safety;

(d) When turbidity levels of facility water do not meet the requirements of Section 10(4) of this regulation;

(e) When in such cases as it is required, the presence of a satisfactory disinfectant residual, prescribed by rule as promulgated by the cabinet is absent;

(f) In any instance where the owner, operator, or any other employee or representative of the owner interferes with duly authorized agents of the cabinet, bearing proper identification, in the performance of their duties;

(g) When recirculation system(s), filtration system(s), or disinfectant system(s) are not in operation (with exceptions for maintenance, and seasonal shut down); or

(h) When serious or repeated violations of any of the requirements of the regulations are found.

(2) The notice shall state the reasons prompting the closing of the facility and a copy of the notice shall be posted conspicuously at the facility by the owner or operator.

(3) Any owner or operator affected by such an order is entitled, upon written request to the cabinet, to a hearing as provided in this regulation.

(4) When such conditions are abated or when the results of analyses of water samples collected from the facility, in the opinion of the cabinet, comply with the cabinet's bacteriological standards for acceptable water quality, or when the turbidity decreases to the permissible limit, or when the disinfectant residual reaches a satisfactory level as prescribed by regulation, the cabinet may authorize reopening the facility. When sources of sewage, pollution, or toxic materials discovered as a result of an environmental survey are eliminated, the cabinet may authorize reopening of such beach.

(5) In all other instances of violation of the provisions of this regulation, the cabinet shall serve upon the owner or operator a written notice specifying the violation(s) in question and afford a reasonable opportunity to correct same. Whenever an owner or operator has failed to comply with any written notice issued under the provisions of this regulation, the owner or operator shall be notified in writing that the facility shall be closed at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the cabinet, by the owner or operator, within such ten (10) day period.

(6) The hearings provided for in this section shall be conducted by the cabinet at a time and place designated by it. At the conclusion of the hearing, the cabinet shall make a finding of fact and conclusion of the law. A transcript of the hearing shall not be made unless the interested party assumes the costs thereof and a request is made therefor at the time a hearing is requested.

(7) Any person whose facility has been closed may, at any time make application for a reinspection for the purpose of reopening the facility. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing closure of the facility have been corrected, the cabinet shall make a reinspection. If the facility is found to be in compliance with the requirements of this regulation, the facility shall be reopened.

(8) For serious or repeated violations of any of the requirements of this regulation or for interference with the agents of the cabinet in the performance of their duties, the facility may be permanently closed after an opportunity for a hearing has been provided by the cabinet. Prior to such action, the cabinet shall notify the owner or operator, in writing, stating the reasons for which the facility is subject to closure and advising that the facility shall be permanently closed at the end of ten (10) days following service of such notice unless a request for a hearing is filed with the cabinet by the owner or operator, within such ten (10) day period.

Section 21. Existing Facilities and Equipment. (1) Notwithstanding the other provisions of this regulation, existing facilities and equipment being used prior to the effective date of this regulation, which do not fully meet the design, construction, and materials requirements of this regulation, may be continued in use, if in good repair, capable of being maintained in a sanitary condition, meet facility water quality standards, and create no health or safety hazard.

(2) Whenever existing equipment, components, piping, or fittings involved in the facility water treatment system are replaced to effect repairs, such replacement equipment, components, piping, or fittings shall meet the requirements of this regulation. Whenever such replacement occurs, it shall be the owner's or operator's responsibility to notify the cabinet as to what was replaced and what was used for a replacement.

Section 22. Effect on Local Regulations. (1) This regulation shall supersede any construction regulations of any local governmental body.

(2) Compliance with this regulation does not relieve any person from compliance with any other state or local laws, dealing with pool operation and maintenance matters, or zoning requirements which may also be applicable.

Section 23. Variances. (1) All facilities shall be constructed or remodeled in compliance with the provisions of these regulations, except that an applicant may request and the cabinet may grant a variance in those cases where it is determined that the variance would not affect seriously the safe and healthful operation of the facility.

(2) Before granting a variance, the cabinet shall require adequate proof from the applicant that the requested variance will comply with the basic intent of these regulations and that no safety or health hazard would be created if the variance is granted.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 12, 1987
FILED WITH LRC: May 13, 1987 at 11 a.m.

STATEMENT OF EMERGENCY

Under KRS Chapter 13A, the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be acccurately reflected in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS 13A.100.

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

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance

903 KAR 5:260E. Unemployment insurance procedures.

RELATES TO: KRS 341.005 through 341.990
PURSUANT TO: KRS 13A.100, 194.050(1), 341.115
EFFECTIVE: April 16, 1987
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>April 15,</u> [February 13,] 1987. 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 March 7, 1986. 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 July 1, 1986. 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.

(8) Unemployment Insurance Appeals Branch Manual issued November 7, 1986. This manual includes procedures for the daily operations of the branch. Such procedures include staff duties and responsibilities, prehearing procedures, conduct of hearings and the decision process.

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 6000 [2000], Claims Investigation [Initial Claims], strike pages (6032-6032) - (6033-6034) dated 10-24-86, and pages (6034-6035) - (6035-6039) dated 12-1-86 [(2030-2040) - (2040-2040) dated 9-15-86], and substitute in lieu thereof pages (6032-6032) - (6033-6034) and pages (6034-6035) - (6037-6039) which advises earnings from self-employment must be treated as deductible income [(2030-2040) - (2040-2040) dated 12-8-86, which provides instructions for including information regarding National Guard or Reserve Armed Forces involvement on the Claimant Identification Card].

(2) Chapter 13000, Statistical Reports, strike contents dated 6-24-86, and insert in lieu thereof contents dated 11-6-86, and pages (13370-13385) dated 11-6-86, which adds instructions for completion of the weekly Trade Adjustment Activities Report.

(3) Chapter 6000, Claims investigation, strike pages (6060-6064) - (6064-6066) dated 9-16-85, and substitute in lieu thereof pages (6060-6064) - (6066-6066) dated 12-8-86, which revises instructions for scheduling and notification of fact finding interviews. Strike pages (6106-6106(3)) - (6106-6110) dated 10-31-85, and insert in lieu thereof (6106-6106(3)) - (6106-6110) dated 12-12-86, which instructs local offices to submit the central office copy of the non-monetary determinations, with exhibits attached, to the U.I. Benefit Branch, Quality Control Unit. Strike pages (6034-6035) - (6037-6039) dated 10-24-86, and insert in lieu thereof pages (6034-6035) - (6035-6039) dated 12-1-86, which issues guidelines for local offices staff to follow in determining if a claimant's earnings are from self-employment and if the self-employed claimant is unavailable due to self-employment. Strike pages (6130-6131) - (6150-6179) dated 4-16-86, and insert in lieu thereof pages (6130-6131) - (6150-6179) dated 12-18-86, which provides instructions for mailing non-approved training applications to the U.I. local office supervisor and approved applications to the U.I Benefit Branch. Strike pages (6032-6032) - (6032-6033) dated 10-14-86, pages (6033-6033) - (6033-6034) dated 6-18-86, and pages (6034-6038) - (6039-6040) dated 8-11-86 and substitute in lieu thereof pages (6032-6032) - (6040-6040) dated 10-24-86, which advises self-employment income and SUB payments are not deductible from unemployment insurance benefits, adds General Motors to the list of employers with approved SUB plans and deletes CETA basic allowances as deductible income as this program is obsolete.

(4) Chapter 4000, Video Operations, strike contents dated 6-5-86, and page (4200-4200) dated 6-5-86, and insert in lieu thereof contents dated 12-15-86, and page (4165-4200) dated 12-15-86, which provides instructions on the access of a new program on IMS providing Appeals data. Strike pages (4120-4120(5)) - (4120-4120(6)) dated 3-11-86, and insert in lieu thereof pages (4120-4120(5)) - (4120-4120(6)) dated 12-15-86, which provides instructions for retention of an incorrect social security number on program 4B.

(5) Chapter 8000, Appeals, strike contents dated 9-15-86, and pages (8724-8726) - (8726-8726) dated 10-30-85, and insert in lieu thereof contents dated 12-15-86, and pages (8724-8726) - (8726-8800) dated 12-15-86, which provides instructions on the access of a new program on IMS which provides Appeals data.

(6) Chapter 14000, Charts and Form Letters, insert 1987-1988 BYE Chart, official Benefit Calendar 1986-1987-1988, TRA Benefits Chart, DUA Claims Calendar and WIN Compensable Period Calendar.

JAMES P. DANIELS, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 10, 1987
FILED WITH LRC: April 16, 1987 at 9 a.m.

STATEMENT OF EMERGENCY

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

in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation.

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

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

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

RELATES TO: KRS 205.010, 205.200(2),(3)
PURSUANT TO: KRS 194.050
EFFECTIVE: April 20, 1987

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

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

Section 2. Deprivation. (1) To be eligible for AFDC, a child must be in need and must be deprived of parental support or care due to the death, continued absence from the home or physical or mental incapacity of a natural or adoptive parent. A married child living with her/his spouse in the home of her/his parents is not deprived of parental support or care. A married child living in the home of her/his parents but divorced or legally separated from her/his spouse is deprived of parental support if she/he is dependent on the parent and a parent is dead, incapacitated or continually absent from the home.

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

(3) Incapacity. All determinations regarding whether a child has been deprived of parental support or care by reason of the physical and/or mental incapacity of a natural, adoptive, or stepparent shall be in conformance with federal regulations found at 45 CFR §233.90(c)(1)(iv) and the criteria set forth in this subsection. Each determination shall be based on a full consideration and assessment of all medical, social, and economic factors involving a particular claimant. Should a verified medical condition exist, then all relevant social and economic factors will be considered to determine whether the parent's condition is the cause of and results in a parent's inability to support or care for the child(ren). [defined. Incapacity is any condition of mind or body which makes a parent physically or mentally unable to provide the necessities of life for his/her needy child.]

(a) Incapacity exists in each case when the following criteria are met:

1. It is medically determined that one (1) parent has a physical and/or mental defect, illness or impairment which was present at the time of application and which has continued or is expected to last for a period of at least thirty (30) calendar days, including a period, if any, in which the claimant is undergoing planned diagnostic studies and/or evaluation of rehabilitation potential; and

2. It is determined by non-medical evaluation that such defect, illness or impairment is of such debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for an otherwise eligible child.

(b) Factors to be considered in making the medical determination shall include:

1. The claimant's medical history and subjective complaints regarding an alleged physical and/or mental defect, illness or impairment; and

2. Competent medical testimony relevant to:

a. Whether a physical or mental defect, illness or impairment exists;

b. Whether the defect, illness or impairment is enough to reduce the parent's ability to support or care for a child; and

c. Whether the defect, illness or impairment is likely to last thirty (30) days. The thirty (30) days is not intended to be a "waiting period." Rather, expected duration is pertinent to causal relationship and substantially.

(c) Factors to be considered in making the non-medical evaluation shall include:

1. The claimant's age, employment history, vocational training, educational background, and subjective complaints regarding the alleged effect of the physical or mental condition on his/her ability to support or care for the child; and

2. The extent and accessibility of employment opportunities available in the claimant's area of residence.

(d) In determining the extent and accessibility of available employment opportunities, the limited employment opportunities of handicapped individuals shall be taken into account; and

1. Available printed materials that provide information regarding available employment opportunities shall be researched;

2. The local Department for Employment Service (DES) office shall be contacted regarding accessible employment opportunities within the claimant's area of residence; and

3. The claimant shall be referred, if necessary, for further appraisal of his/her abilities.

(e) A written report shall be made of the determination under this subsection.

(f) Each claimant shall be provided timely and adequate notice of and an opportunity for a fair hearing in accordance with federal regulations found at 45 CFR §205.10.

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

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

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

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

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

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

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

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

(3) Any person listed above if parent has had paternity established through the administrative determination process. An administrative determination of paternity is limited to situations in which the following types of evidence are present:

(a) A birth certificate listing the alleged parent; or

(b) Legal documents such as hospital records, juvenile court records, wills, and other court records which clearly indicate the relationship of the alleged parent or relative; or

(c) Receipt of statutory benefits as a result of the alleged parent's circumstances; or

(d) A sworn statement or affidavit of either parent acknowledging paternity plus one (1) of the following:

1. School records;

2. Bible records;

3. Immigration records;

4. Naturalization records;

5. Church documents, such as baptismal certificates;

6. Passport;

7. Military records;

8. U.S. Census records; or

9. Sworn statement or affidavit from an individual having specific knowledge about the relationship between the alleged parent and child.

(e) Effective April 1, 1987, in cases in which the parent or, in the absence of the parent, the caretaker relative alleges the evidence present in paragraphs (a) or (b) of this subsection is erroneous and provides substantiation of the erroneous information, the parent/caretaker relative shall provide a sworn statement or affidavit acknowledging the erroneous information and containing the correct information on the actual alleged parent. Presence of the sworn statement or affidavit will serve as rebuttal to the evidence present in paragraphs (a) or (b) of this subsection and a determination of paternity will not be acknowledged.

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

(5) Husband or wife of any persons listed above even if the marriage may have terminated, providing termination occurred after the birth of the child.

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

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

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

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

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

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

and any concerted slowdown or other concerted interruption of operations by employees.

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

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

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

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

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

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

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

(f) An individual whose presence is required in the home to care for another member of the household who has been medically determined to be precluded from self-care and for whom alternate care arrangements are not feasible;

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

1. Employment by the caretaker relative of less than thirty (30) hours per week;

2. Less than full-time school attendance as specified in 904 KAR 2:016 by the caretaker relative;

3. Less than full-time attendance as specified in 904 KAR 2:016 and less than fifteen (15) hours per week employment by the caretaker relative;

4. Less than full-time attendance by the under six (6) year old child in a school or preschool;

5. Attendance by the under six (6) year old child in kindergarten;

6. Additionally, brief and infrequent absences include:

a. Visits by the under six (6) year old child with relatives, friends, the absent parent, neighbors, etc.;

b. Visits by the caretaker relative with relatives, friends, neighbors, etc.;

c. Routine shopping and errands;

d. Doctor's visits; and

e. Short-term hospitalization (less than thirty (30) days).

7. If a parent or other caretaker relative is absent from the child for reasons other than these listed, the absence is not considered brief and infrequent.

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

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

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

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

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

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

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

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

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

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

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

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

(5) Specific requirements in determining the existence of good cause and the time limits for providing substantiation of claims are made pursuant to the regulation at 45 CFR 232.42 and 45 CFR 232.43.

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

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

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

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

[Section 13. Provisions contained in this regulation shall become effective November 1, 1986.]

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 16, 1987
FILED WITH LRC: April 20, 1987 at 11 a.m.

STATEMENT OF EMERGENCY

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

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

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

904 KAR 2:022E. Kentucky administrative process for child support.

RELATES TO: KRS 405.400 to 405.530
PURSUANT TO: KRS 405.520
EFFECTIVE: April 20, 1987
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility for administering the child support program in accordance with Title IV-D of the Social Security Act, Title 45 CFR Sections 301, 302, 303, 304, 305, 306, and 307 and KRS 205.710 to 205.800. In addition, KRS 405.400 to 405.530, the Kentucky Administrative Process for Child Support Act, provides for the establishment and enforcement of child support obligations through administrative process when paternity is not in question. The administrative process supplements existing judicial remedies for non-support. Administrative process can be used to establish and enforce support obligations for children receiving Aid to Families with Dependent Children benefits, hereinafter referred to as AFDC, as well as for non-AFDC children. This regulation sets forth the procedures the cabinet will employ in administratively establishing and enforcing child support obligations.

Section 1. Definitions. In addition to the terms defined in KRS 405.420, the following terms shall be defined as set forth below.
(1) "Administrative process" shall mean a method for establishing and enforcing child support obligations pursuant to KRS 405.400 to 405.530 and the provisions of this regulation.
(2) "Appointment letter" shall mean the cabinet's notification to the parent that the parent's liability for support of the child is being determined. A financial statement for the parent's completion will be included with the appointment letter.
(3) "Default" shall mean the parent's failure to return the financial statement and/or to keep an appointment to determine a support obligation under administrative process.
(4) "Notice of minimum monthly support obligation" shall mean an administrative order issued by the cabinet pursuant to KRS 405.440 notifying the parent of the amount of the child support obligation and of the parent's rights to request a hearing.
(5) "Dispute hearing" shall mean the process whereby the parent's objections to a notice of minimum monthly support obligation are heard by an impartial hearing officer upon a timely request.
(6) "Person in possession or control" shall mean the person who has custody of the earnings or property.
(7) "Order to withhold" shall mean an administrative order issued by the cabinet to a person in possession or control of the parent's earnings or property to withhold an amount equal to a stated arrearage to satisfy a delinquent child support obligation.
(8) "Order to deliver" shall mean an administrative order issued by the cabinet to have earnings or property, belonging to the parent, forwarded by the person in possession or control of the earnings or property to the cabinet to satisfy delinquent child support.
(9) "Delinquent support" shall mean past due and unpaid installments on an obligation determined under a court order or a Cabinet for Human Resources administrative order (KRS 405.430) for support of a dependent child, which is owed to or on behalf of the child, or for maintenance to the spouse (or former spouse) with whom the child is living, only if a maintenance obligation has been established with respect to the spouse and the support obligation established with respect to the child is being enforced under the state's IV-D plan.
(10) "Order to release withholding" shall mean an order to the person in possession or control of a parent's earnings or property notifying that person that the cabinet is releasing any claim to the designated earnings or property.
(11) "Order to withhold earnings" shall mean an administrative order issued by the cabinet to a parent's employer to withhold an amount equal to the current obligation plus an amount to be applied toward liquidation of the delinquent support.
(12) "Secretary" shall mean Secretary of the Cabinet for Human Resources or his designee.

Section 2. Administrative Establishment. The cabinet may administratively establish a child support obligation when paternity is not in question, there is no existing order for support

of the child and the parent resides or is employed in Kentucky. The cabinet shall send an appointment letter and a financial statement to the parent to assure the parent's right to participate in the establishment of the support obligation. Additionally, the cabinet may administratively establish the debt which accumulated during the first ninety (90) days of AFDC eligibility as an arrearage due the cabinet. Pursuant to KRS 205.792, the ninety (90) days may be extended.

(1) The cabinet shall determine the minimum monthly support obligation in accordance with KRS 405.430. In default cases, the cabinet shall set the obligation at the minimum cost basis on the scale for the number of children in the case.

(a) The following steps shall be used in applying the scale:

1. The gross income, less allowable deductions, of the noncustodial parent shall be added to the gross income, less allowable deductions, of the custodial parent to determine the "Annual Family Gross Income."

2. At the annual family gross income level in the left hand column, the lower of the "income cap" or "cost basis" shall be selected for the number of children in the case.

3. The noncustodial parent's gross income shall be divided by the annual family gross income to obtain the percentage of support to be apportioned to the noncustodial parent.

4. The figure selected in subparagraph 2 of this paragraph shall be multiplied by the percentage from subparagraph 3 of this paragraph to obtain the minimum monthly support obligation.

(b) The scale is set forth below:

	One (1) Child		Two (2) Children		Three (3) Children		Four (4) Children	
Annual Family Gross Income	Cost Basis	(20%) Income Cap	Cost Basis	(25%) Income Cap	Cost Basis	(30%) Income Cap	Cost Basis	(35%) Income Cap
$ 0-$ 1,000	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 60
$ 1,000-$ 1,250	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 60
$ 1,251-$ 1,500	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 60
$ 1,501-$ 1,750	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 60
$ 1,751-$ 2,000	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 60
$ 2,001-$ 2,250	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 62
$ 2,251-$ 2,500	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 69
$ 2,501-$ 2,750	$207	$ 60	$325	$ 60	$ 436	$ 66	$ 542	$ 77
$ 2,751-$ 3,000	$207	$ 60	$325	$ 60	$ 436	$ 72	$ 542	$ 84
$ 3,001-$ 3,250	$207	$ 60	$325	$ 65	$ 436	$ 78	$ 542	$ 91
$ 3,251-$ 3,500	$207	$ 60	$325	$ 70	$ 436	$ 84	$ 542	$ 98
$ 3,501-$ 3,750	$207	$ 60	$325	$ 76	$ 436	$ 91	$ 542	$ 106
$ 3,751-$ 4,000	$207	$ 65	$325	$ 81	$ 436	$ 97	$ 542	$ 113
$ 4,001-$ 4,250	$207	$ 69	$325	$ 86	$ 436	$ 103	$ 542	$ 120
$ 4,251-$ 4,500	$207	$ 73	$325	$ 91	$ 436	$ 109	$ 542	$ 128
$ 4,501-$ 4,750	$207	$ 77	$325	$ 96	$ 436	$ 116	$ 542	$ 135
$ 4,751-$ 5,000	$207	$ 81	$325	$ 102	$ 436	$ 122	$ 542	$ 142
$ 5,001-$ 5,250	$207	$ 85	$325	$ 107	$ 436	$ 128	$ 542	$ 149
$ 5,251-$ 5,500	$207	$ 90	$325	$ 112	$ 436	$ 134	$ 542	$ 157
$ 5,501-$ 5,750	$209	$ 94	$325	$ 117	$ 436	$ 141	$ 542	$ 164
$ 5,751-$ 6,000	$211	$ 98	$325	$ 122	$ 436	$ 147	$ 542	$ 171
$ 6,001-$ 6,250	$213	$102	$325	$ 128	$ 436	$ 153	$ 542	$ 179
$ 6,251-$ 6,500	$215	$106	$325	$ 133	$ 436	$ 159	$ 542	$ 186
$ 6,501-$ 6,750	$217	$110	$325	$ 138	$ 436	$ 166	$ 542	$ 193
$ 6,751-$ 7,000	$219	$115	$325	$ 143	$ 436	$ 172	$ 542	$ 201
$ 7,001-$ 7,250	$221	$119	$325	$ 148	$ 436	$ 178	$ 542	$ 208
$ 7,251-$ 7,500	$223	$123	$325	$ 154	$ 436	$ 184	$ 542	$ 215
$ 7,501-$ 7,750	$225	$127	$325	$ 159	$ 436	$ 191	$ 542	$ 222
$ 7,751-$ 8,000	$227	$131	$325	$ 164	$ 436	$ 197	$ 542	$ 230
$ 8,001-$ 8,250	$229	$135	$325	$ 169	$ 436	$ 203	$ 542	$ 237
$ 8,251-$ 8,500	$232	$140	$325	$ 174	$ 436	$ 209	$ 542	$ 244
$ 8,501-$ 8,750	$234	$144	$325	$ 180	$ 436	$ 216	$ 542	$ 252
$ 8,751-$ 9,000	$236	$148	$325	$ 185	$ 436	$ 222	$ 542	$ 259
$ 9,001-$ 9,250	$238	$152	$325	$ 190	$ 436	$ 228	$ 542	$ 266
$ 9,251-$ 9,500	$240	$156	$325	$ 195	$ 436	$ 234	$ 542	$ 273
$ 9,501-$ 9,750	$242	$160	$325	$ 201	$ 436	$ 241	$ 542	$ 281
$ 9,751-$10,000	$244	$165	$325	$ 206	$ 436	$ 247	$ 542	$ 288
$10,001-$10,250	$246	$169	$325	$ 211	$ 436	$ 253	$ 542	$ 295
$10,251-$10,500	$248	$173	$325	$ 216	$ 436	$ 259	$ 542	$ 303
$10,501-$10,750	$250	$177	$325	$ 221	$ 436	$ 266	$ 542	$ 310
$10,751-$11,000	$252	$181	$325	$ 227	$ 436	$ 272	$ 542	$ 317
$11,001-$11,500	$258	$188	$342	$ 234	$ 448	$ 281	$ 542	$ 328
$11,501-$12,000	$263	$196	$360	$ 245	$ 459	$ 294	$ 542	$ 343
$12,001-$12,500	$269	$204	$377	$ 255	$ 471	$ 306	$ 542	$ 357
$12,501-$13,000	$274	$213	$395	$ 266	$ 483	$ 319	$ 542	$ 372
$13,001-$13,500	$280	$221	$412	$ 276	$ 495	$ 331	$ 542	$ 386
$13,501-$14,000	$286	$229	$430	$ 287	$ 506	$ 344	$ 542	$ 401
$14,001-$14,500	$291	$238	$447	$ 297	$ 518	$ 356	$ 544	$ 416
$14,501-$15,000	$297	$246	$465	$ 307	$ 530	$ 369	$ 556	$ 430
$15,001-$15,500	$302	$254	$482	$ 318	$ 542	$ 381	$ 569	$ 445

$15,501-$16,000	$308	$263	$500	$ 328	$ 553	$ 394	$ 581	$ 459
$16,001-$16,500	$313	$271	$517	$ 339	$ 565	$ 406	$ 593	$ 474
$16,501-$17,000	$319	$279	$521	$ 349	$ 577	$ 419	$ 606	$ 489
$17,001-$17,500	$325	$288	$524	$ 359	$ 589	$ 431	$ 618	$ 503
$17,501-$18,000	$330	$296	$528	$ 370	$ 600	$ 444	$ 630	$ 518
$18,001-$18,500	$336	$304	$531	$ 380	$ 612	$ 456	$ 643	$ 532
$18,501-$19,000	$341	$313	$535	$ 391	$ 624	$ 469	$ 655	$ 547
$19,001-$19,500	$347	$321	$538	$ 401	$ 636	$ 481	$ 668	$ 561
$19,501-$20,000	$353	$329	$542	$ 411	$ 648	$ 494	$ 680	$ 576
$20,001-$20,500	$358	$338	$545	$ 422	$ 660	$ 506	$ 693	$ 591
$20,501-$21,000	$364	$346	$549	$ 432	$ 671	$ 519	$ 705	$ 605
$21,001-$21,500	$369	$354	$552	$ 443	$ 683	$ 531	$ 717	$ 620
$21,501-$22,000	$375	$363	$556	$ 453	$ 695	$ 544	$ 730	$ 634
$22,001-$22,500	$384	$371	$559	$ 464	$ 702	$ 556	$ 737	$ 649
$22,501-$23,000	$393	$379	$563	$ 474	$ 709	$ 569	$ 744	$ 664
$23,001-$23,500	$402	$388	$566	$ 484	$ 716	$ 581	$ 751	$ 678
$23,501-$24,000	$410	$396	$570	$ 495	$ 722	$ 594	$ 759	$ 693
$24,001-$24,500	$419	$404	$573	$ 505	$ 729	$ 606	$ 766	$ 707
$24,501-$25,000	$428	$413	$577	$ 516	$ 736	$ 619	$ 773	$ 722
$25,001-$25,500	$437	$421	$580	$ 526	$ 743	$ 631	$ 780	$ 736
$25,501-$26,000	$446	$429	$584	$ 536	$ 750	$ 644	$ 787	$ 751
$26,001-$26,500	$455	$438	$587	$ 547	$ 757	$ 656	$ 795	$ 766
$26,501-$27,000	$464	$446	$591	$ 557	$ 764	$ 669	$ 802	$ 780
$27,001-$27,500	$472	$454	$594	$ 568	$ 771	$ 681	$ 809	$ 795
$27,501-$28,000	$481	$463	$598	$ 578	$ 777	$ 694	$ 816	$ 809
$28,001-$28,500	$490	$471	$601	$ 589	$ 784	$ 706	$ 823	$ 824
$28,501-$29,000	$499	$479	$605	$ 599	$ 791	$ 719	$ 831	$ 839
$29,001-$29,500	$508	$488	$608	$ 609	$ 798	$ 731	$ 838	$ 853
$29,501-$30,000	$517	$496	$612	$ 620	$ 805	$ 744	$ 845	$ 868
$30,001-$30,500	$526	$504	$615	$ 630	$ 812	$ 756	$ 852	$ 882
$30,501-$31,000	$535	$513	$619	$ 641	$ 819	$ 769	$ 859	$ 897
$31,001-$31,500	$543	$521	$622	$ 651	$ 825	$ 781	$ 867	$ 911
$31,501-$32,000	$552	$529	$626	$ 661	$ 832	$ 794	$ 874	$ 926
$32,001-$32,500	$561	$538	$629	$ 672	$ 839	$ 806	$ 881	$ 941
$32,501-$33,000	$570	$546	$633	$ 682	$ 846	$ 819	$ 888	$ 955
$33,001-$34,000	$575	$558	$647	$ 698	$ 860	$ 838	$ 903	$ 977
$34,001-$35,000	$581	$575	$661	$ 719	$ 873	$ 863	$ 917	$1,006
$35,001-$36,000	$586	$592	$675	$ 740	$ 887	$ 888	$ 932	$1,035
$36,001-$37,000	$591	$608	$690	$ 760	$ 901	$ 913	$ 946	$1,065
$37,001-$38,000	$597	$625	$704	$ 781	$ 915	$ 938	$ 960	$1,094
$38,001-$39,000	$602	$642	$718	$ 802	$ 928	$ 963	$ 975	$1,123
$39,001-$40,000	$607	$658	$732	$ 823	$ 942	$ 988	$ 989	$1,152
$40,001-$41,000	$613	$675	$746	$ 844	$ 956	$1,013	$1,004	$1,181
$41,001-$42,000	$618	$692	$760	$ 865	$ 970	$1,038	$1,018	$1,210
$42,001-$43,000	$623	$708	$774	$ 885	$ 983	$1,063	$1,032	$1,240
$43,001-$44,000	$629	$725	$788	$ 906	$ 997	$1,088	$1,047	$1,269
$44,001-$45,000	$634	$742	$803	$ 927	$1,020	$1,113	$1,071	$1,298
$45,001-$46,000	$639	$758	$817	$ 948	$1,044	$1,138	$1,096	$1,327
$46,001-$47,000	$644	$775	$831	$ 969	$1,067	$1,163	$1,121	$1,356
$47,001-$48,000	$650	$792	$845	$ 990	$1,091	$1,188	$1,145	$1,385
$48,001-$49,000	$655	$808	$859	$1,010	$1,114	$1,213	$1,170	$1,415
$49,001-$50,000	$660	$825	$873	$1,031	$1,138	$1,238	$1,196	$1,444
$50,001-$51,000	$666	$842	$987	$1,052	$1,161	$1,263	$1,219	$1,473
$51,001-$52,000	$671	$858	$902	$1,073	$1,185	$1,288	$1,244	$1,502
$52,001-$53,000	$676	$875	$916	$1,094	$1,208	$1,313	$1,268	$1,531
$53,001-$54,000	$682	$892	$930	$1,115	$1,232	$1,338	$1,293	$1,560
$54,001-$55,000	$687	$908	$944	$1,135	$1,255	$1,363	$1,318	$1,590
$55,001 Plus	$676		$944		$1,255		$1,318	

(2) After the minimum monthly support obligation and arrearage due the cabinet have been determined, the cabinet shall serve the notice of minimum monthly support obligation upon the parent either in person or by certified mail, return receipt requested, in accordance with KRS 405.440.

(a) The effective date of the obligation is the first day of the month following the month the parent receives the notice of minimum monthly support obligation.

(b) In accordance with KRS 405.430(2), the cabinet may modify the minimum monthly support obligation as established by the cabinet.

1. If, while verifying the income information, the cabinet finds that the parent's earnings are greater than what was previously reported, the cabinet may increase the support obligation. The cabinet may recover additional support which should have been paid under the correct obligation.

2. The cabinet shall not modify any obligation which was established by a court of competent jurisdiction.

Section 3. Appeal Procedures. The parent may request a dispute hearing in accordance with KRS 405.440. An impartial hearing officer shall conduct the dispute hearing in the county of the child's or parent's residence. The hearing shall be scheduled within sixty (60) days of the parent's request. The parent may request a

hearing pursuant to the instructions in the notice of minimum monthly support obligation.

(1) The request for a dispute hearing will be considered timely if:

(a) Made within twenty (20) days of receipt of a notice of minimum monthly support obligation;

(b) Made within twenty (20) days after the parent is notified that a request for modification of the obligation will not be honored; or

(c) Made after thirty (30) days but before fifty (50) days have passed since the parent requested a modification of the obligation, but the cabinet has not acted upon the request.

(2) If the request is not made within the time period specified in subsection (1) of this section, the parent must show good cause for the late request. Good cause reasons may include, but are not limited to:

(a) The parent's being away from home during the entire filing period;

(b) The parent's inability to read the notice of minimum monthly support obligation; or

(c) The parent's incapacity due to a serious illness during the entire filing period.

(3) The parent or his/her authorized representative may review case material pertinent to the reason for the dispute and may present witnesses at the hearing.

(4) If the objection is being filed on an original notice of minimum monthly support obligations, the obligation shall be stayed pursuant to KRS 405.450(2).

(5) If the objection is being filed on a request for modification of obligation, the amount on the prior notice is enforceable and that amount must be paid while the hearing is pending.

(a) If the parent prevails, the cabinet shall promptly return to the parent any overpayments made since the hearing was requested.

(b) If the cabinet prevails, the obligation will be retroactive to the effective date on the notice of minimum monthly support obligation.

(6) The parent may withdraw the hearing request by writing to the local IV-D office or the Hearing Branch in the Department for Social Insurance's Division of Administrative Review.

(7) The parent or the cabinet may file an appeal to the circuit court within twenty (20) days after receipt of the hearing officer's decision pursuant to KRS 405.450.

Section 4. Mandatory Withholding of Earnings. The cabinet shall initiate withholding of earnings procedures when a delinquency equal to the amount of support payable for one (1) month is identified. The cabinet will issue advance notice to the parent prior to the implementation of the withholding.

(1) The advance notice to the parent, to be sent by certified mail, return receipt requested, shall contain at a minimum the following information:

(a) The amount of the delinquent support and the amount to be withheld, including the amount to be applied toward the liquidation of overdue support;

(b) Notification that the order to withhold earnings applies to the parent's current and any subsequent employers;

(c) That only mistakes of fact, i.e., wrong person identified or incorrect amount of overdue or current support, may be contested;

(d) Procedures for contesting the order; and

(e) Notification that the parent must contact the cabinet within ten (10) days from the date the notice was received to contest the order. Failure to contact the cabinet in a timely fashion will result in the implementation of the withholding.

(2) If the parent contests the withholding of earnings, he/she must be given an opportunity to state and defend his case, including the right to present to the cabinet copies of subsequent support orders and/or payment records.

(a) Within forty-five (45) days of the date of the advance notice, the cabinet must determine whether withholding of earnings is appropriate and notify the parent of the results of the case review.

(b) If withholding is to begin, a copy of the order to withhold earnings shall be sent to the parent.

(3) The order to withhold earnings shall be served on the employer by certified mail, return receipt requested. It shall include at a minimum the following information:

(a) The parent's Social Security Number;

(b) The amount to be withheld, including amounts to be applied toward delinquent support;

(c) Notification that the total withheld cannot exceed the maximum permissible under the Consumer Credit Protection Act;

(d) Notification that withholding must begin no later than the first pay period that occurs after fourteen (14) days following the date the order to withhold earnings was mailed;

(e) That the employer must send the remittance to the agency designated by the cabinet within ten (10) days of date the employee is paid;

(f) That the employer may combine amounts due the agency designated by the cabinet into one (1) transmittal provided that the employer identifies by IV-D account number and/or Social Security Number the amount attributable to each parent;

1. If more than one (1) order against the parent exists, the cabinet will allocate the payments among the parent's cases;

2. Payments will first be applied toward the current month's support obligation(s);

3. In cases where there are multiple orders being enforced by the cabinet against the parent, payments will be credited first to the account of the case containing the oldest [support] order <u>to withhold earnings</u>;

(g) That the order to withhold earnings is binding until further notice and that the employer will be liable for the accumulated amount if he fails to abide by the order;

(h) That pursuant to KRS Chapter 405, the employer will be subject to a fine and/or a jail sentence for discharging, refusing to employ, or taking disciplinary action against the parent because of the withholding of earnings; and

(i) That the employer must notify the cabinet when the parent's employment is terminated, giving the cabinet the new employer's name and address and the parent's last known address, if known.

(4) The order to withhold earnings may be terminated as deemed appropriate by the secretary; however, payment of the delinquent support shall not constitute the sole basis for the prevention or termination of the order to withhold earnings.

(5) The cabinet may initiate withholding of earnings procedures prior to the accumulation of one (1) month's arrearage upon the request of

the parent obligated to pay the support.

Section 5. Additional Administrative Enforcement Remedies. Whenever the cabinet determines that the parent owes delinquent support, the cabinet may implement administrative enforcement remedies to collect the delinquent support amounts. Personal property shall be exempted from attachment as specified in KRS Chapter 427.

(1) Order to withhold. When a delinquency equal to the amount of support payable for one (1) month is identified, the cabinet shall determine the total amount of support owed. The cabinet shall serve an order to withhold to the person(s) in possession or control of the parent's earnings or property. A copy of the order to withhold shall be provided to the parent. The order shall state the basis for and the amount of the delinquent support and shall state that the parent may offer a bond satisfactory to the cabinet to avoid losing possession of the property.

(a) When one (1) or more person(s) in possession or control of the parent's earnings or property is identified, the cabinet may issue and serve an order to withhold for each person in possession or control. When more than one (1) person in possession or control answers the order to withhold and the combined assets exceed the amount of the delinquent support, the cabinet shall:

1. Decide which person in possession or control to serve with an order to deliver. The cabinet may take into consideration the parent's request as to which source to withhold.

2. Send an order to release withholding to any person in possession or control not being served with an order to deliver.

3. Request only a portion of an asset to satisfy the delinquent support when the total asset exceeds the amount of delinquent support.

(b) The parent may contact the cabinet for an explanation of administrative enforcement. The cabinet may accept partial payment sufficient to release the order to withhold when deemed appropriate by the secretary.

(2) Order to deliver. When the employer or the person in possession or control of the earnings or property responds to the order to withhold, the cabinet may complete and serve on the person in possession or control an order to deliver the earnings and/or property to the cabinet. Earnings or property delivered to the cabinet in accordance with an order to deliver shall be applied to the amount of delinquent support pursuant to federal law.

(3) Order to release withholding. The cabinet shall issue and serve an order to release withholding on its claim on the parent's earnings or property when the stated delinquent support is satisfied.

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 14, 1987
FILED WITH LRC: April 20, 1987 at 11 a.m.

AS AMENDED

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Building Codes Enforcement
(As Amended)

815 KAR 7:070. Requirements for certification of Kentucky Building Code inspectors.

RELATES TO: KRS 198B.040(3), 198B.050(3)(c), (6), 198B.090
PURSUANT TO: KRS 198B.050(5)
NECESSITY AND FUNCTION: The department is required by KRS 198B.090 to create and administer a building official's certification program which is designed to ensure uniform statewide enforcement of applicable state building codes. This regulation establishes the testing, training and continuing education requirements for two (2) specifically designated professional classifications of building code inspectors: building inspector and plans and specifications inspector.

Section 1. Definitions and Categories of Inspectors. The scope of authority for each category of inspector identified is specifically limited according to the following description of responsibilities. Depending on the type and level of responsibility assumed by the jurisdiction, certification in more than one (1) category may be required.

(1) "Certified building inspector" means a person whose responsibility it is to inspect buildings as part of a permit application, to determine that the structures are free from conditions that would present a life safety, health or fire hazard to persons using such buildings, and to determine that the buildings are constructed in accordance with the Kentucky Building Code. This person must have been tested for competency in NCPCCI modules 1B and 3B and otherwise met the requirements of the department. This person is authorized by this regulation to make on-site inspections of all buildings, including one (1) and two (2) family dwellings within his/her jurisdiction, regardless of size. This person is further authorized to review and approve plans on those buildings which are the responsibility of local governments under KRS 198B.060(2).

(2) "Certified plans and specifications inspector" means a person whose responsibility it is to determine that the plans submitted as part of a building permit application comply with the Kentucky Building Code and referenced standards, and who has been tested for competency in NCPCCI modules 1B, 1C, 3B and 3C and otherwise met the requirements of the department as set forth in this regulation. This person is further authorized to inspect all buildings within his/her jurisdiction, regardless of size to determine if those buildings are constructed in accordance with the plans and in accordance with the Kentucky Building Code.

(3) "Limited certificate" means a limited

authorization issued by the department which represents the level of competency for which a person has been tested. The department will issue a document specifying on its face that the person is qualified to perform the stated activity only. This certificate shall be issued only after the person has met the training requirements stated in Section 3 of this regulation.

(4) NCPCCI means "National Certification Program for Construction Code Inspectors" and are exam modules developed by the national code enforcement organizations in collaboration with the Educational Testing Service for the purpose of providing nationally recognized evidence of competence and professionalism in construction code enforcement and shall be used to meet the module testing requirements required herein. Other required training or testing shall be provided through the department.

Section 2. Inspection Operations. (1) It is the specific intention of this regulation to ensure that all Kentucky Building Code inspection programs require plan review and on-site inspection of buildings only by persons who have been tested for competency under this regulation.

(2) Each person who has successfully completed any NCPCCI exam module as listed in this regulation shall be given a "limited certificate." This certificate shall qualify the individual only for that inspection or plan review function on which he/she has been tested. For example, persons holding a limited certificate for NCPCCI Module Building One (1) and Two (2) Family-1A are deemed qualified to inspect and review plans for single family and duplex residential buildings only. Each person must renew the certification as required by Section 5(2) of this regulation and otherwise comply with this regulation.

(3) Each local government and the department shall provide for the services of certified inspectors. In circumstances where the jurisdiction chooses to distribute the inspection or plan review functions to more than one (1) person, each person shall be certified in his/her respective area of responsibility.

(4) Certification of plumbing, elevator and electrical inspectors are not covered by this regulation.

Section 3. Training and Testing Requirements to Become Certified as a Kentucky Building Code Inspector. (1) Each candidate seeking certification shall possess the ability to read and write the English language and possess a general educational level satisfactory to perform his duties.

(2) [(1)] Each candidate seeking to become certified pursuant to this regulation shall be required to be trained and/or tested on the administrative and accessibility sections of the Kentucky Building Code as determined by the board.

(3) [(2)] Each candidate seeking certification shall successfully complete the NCPCCI exam module(s) which is/are applicable to the activity in which said candidate shall be engaged. Unless the candidate qualifies as actively pursuing departmental certification under Section 4 of this regulation, no person shall be responsible for any inspection or plan review activity for which he/she has not been tested and passed said test. The testing modules are as follows:

(a) Building One (1) and Two (2) Family - 1A;
(b) Building General - 1B;
(c) Fire Protection General - 3B;
(d) Building Plan Review - 1C;
(e) Fire Protection Plan Review - 3C.

(4) [(3)] Continuing education. From time to time, the department shall establish continuing education programs for the purpose of keeping the inspectors updated on code requirements. Participation in these programs shall be mandatory for all inspectors in order to maintain certification.

Section 4. Deadline for Certification. (1) All persons charged with the responsibility of inspecting and reviewing buildings plans for compliance with the Kentucky Building Code shall be certified or enrolled and actively pursuing departmental certification [by October 1, 1983, or] within ninety (90) days after employment of such inspector[, whichever is later]. Such person shall register with the department, complete the necessary application forms and pay the required fees stated in Section 5 of this regulation, within said timetable.

(2) "Actively pursuing departmental certification" means that each person who is seeking certification pursuant to this regulation shall sit for examination of at least one (1) module of the NCPCCI per year. Failure of any candidate to receive a passing score on each required module within three (3) years of employment shall terminate that person's ability to qualify under this definition. Limited certificates may continue to be renewed after three (3) years. EXCEPTION: Where any candidate has been employed by a local jurisdiction and his three (3) years have expired, he shall be allowed one (1), and only one (1), additional [calendar] year from the date of his original employment to achieve certification, upon written petition of the jurisdiction to the commissioner and still be covered by this definition. This exception is available only to those candidates who have passed at least one (1) required NCPCCI test module within the three (3) year period. No candidate shall be allowed to use this exception more than once. The petition must be filed prior to the expiration date of the certificate holder and prior to December 31, 1987.

(3) Time constraints for certification as stated in subsection (2) of this section shall not apply to those persons seeking certification who are not engaged in an inspection or plan review capacity.

Section 5. Application for Training and Certification. (1) Each person seeking to become a candidate for certification pursuant to this regulation shall submit an application on a form provided by the department, together with a fee of twenty-five (25) dollars to cover the administrative costs of processing the application, establishing the training program and issuing certificates.

(2) Each certified inspector and each candidate actively pursuing certification shall be required to pay an additional annual renewal fee of the sum of twenty-five (25) dollars no later than June 30, of each [succeeding fiscal] year in order to maintain his/her

certification.

Section 6. Suspension and Revocation of Certification. (1) Formal written complaints concerning an inspector must be submitted through the department to the Board of Housing, Buildings and Construction for review and appropriate action.

(2) If, upon investigation, the board determines that there is reason to believe that the certified inspector has willfully, negligently or recklessly violated his/her duties as set forth in this regulation, the board may take action for the revocation or suspension of his/her certificate. No such action shall be taken unless the inspector is afforded the opportunity to be heard.

CHARLES A. COTTON, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: January 15, 1987
FILED WITH LRC: January 15, 1987 at 11 a.m.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Program Management
(As Amended)

905 KAR 5:040. Standards for spouse abuse shelters and crisis centers.

RELATES TO: KRS 209.030(7), 209.160
PURSUANT TO: KRS 194.050, 209.030(1)
EFFECTIVE: May 14, 1987
NECESSITY AND FUNCTION: KRS 209.030(1) authorizes the Cabinet for Human Resources to adopt rules, regulations, procedures, guidelines and policies to provide for the protection of adults. KRS 209.160 authorizes additional funds from marriage licenses to be used for spouse abuse shelters. Since there are no licensing requirements for spouse abuse shelters or crisis centers, this regulation establishes reasonable performance standards for qualifying applicants for state funds related to spouse abuse shelters and crisis centers.

Section 1. Definitions. (1) "Advisory board" means any designated group to whom the governing board may delegate responsibility for study and recommendation of any function of the governing board but shall not delegate final approval, responsibility, accountability, or direction of agency policy as these shall remain the ultimate responsibility of the governing board.

(2) "Agency" means any **private or** public [or] non-profit incorporated **organization** [agency] that has the capacity to provide **spouse abuse shelter** services**, and with whom the cabinet contracts for such services** [to victims of spouse abuse and their dependent children].

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

[(4) "Crisis center" means a facility without lodging capacity which provides counseling, advocacy and spouse abuse intervention services for victims of spouse abuse and their dependent children.]

(4) [(5)] "Department" means Department for Social Services.

(5) [(6)] "Director" means the individual responsible for the administration of the **spouse abuse shelter** [agency] and all related services.

(6) [(7)] "Governing board" means a legally constituted group of individuals whose function is to oversee operations of spouse abuse **shelter and related** services and with whom the state contracts for such services.

[(8) "Primary service provider" means the agency within each area development district, (ADD), designated by the cabinet as the primary contractee and focal point of service delivery. The primary service provider's area of jurisdiction is limited to those counties contained in each ADD.]

[(9) "Secondary service provider" means an agency within an area development district other than the primary service provider, which through contract with the primary service provider or the cabinet, provides spouse abuse related services to victims of spouse abuse and their dependent children. The secondary service provider's area of jurisdiction is limited to those counties contained in each ADD.]

[(10) "Service area" means the counties located within the area development district within which a primary service provider and/or a secondary service provider is located.]

(7) [(11)] "Spouse abuse shelter" means a **program** [facility] which provides **a safe place to stay, and related services such as** [temporary or emergency lodging,] counseling, advocacy, food, and information and referral **services** for victims of spouse abuse and their dependent children.

(8) [(12)] "Volunteer" means a person who is either third party funded or who is donating free service time and either works directly in the **spouse abuse shelter** [agency] or is performing a related service at the request of the director.

Section 2. Management. (1) Each agency shall be managed by a governing board constituted so as to allow broad community participation in its activities. The governing board shall be responsible for agency compliance with all applicable federal, state and local regulations. The board shall develop written personnel rules and regulations, adopt written bylaws, and shall be responsible to submit all necessary reports, records, or information deemed necessary to determine fiscal, administrative and programmatic effectiveness.

(2) Board meetings shall be conducted in compliance with the provisions of KRS 61.805 **et seq.** (Open Meeting Law).

(3)(a) The governing board shall develop written personnel rules and regulations including, but not limited to:

1. Job classifications;
2. Specifications;
3. A compensation plan;
4. Attendance and leave policies;
5. Fringe benefits;
6. Affirmative action;
7. Personnel grievance procedures;
8. Hiring and firing practices.

(b) A copy of the personnel rules and regulations shall be available and distributed to all staff, volunteers and the department.

(c) The governing board shall adopt written bylaws. The bylaws shall include, but not be limited to:

1. The purpose of the agency;
2. Number of members;
3. Qualifications for board memberships

4. The types of membership
5. The method of selecting members;
6. Terms of members;
7. Officers and duties;
8. Method of election of officers and chairpersons.

(4) Minutes of each meeting of a governing board of each agency shall contain the date and place of the meeting, names of members present, the subject matter discussed and actions taken, the name of the reporter, and shall be forwarded within thirty (30) days to each member of the board(s) and to the department.

(5) In the event the agency is a subsidiary of a larger entity, the provisions of subsection (1), (2), (3) and (4) of this section shall apply to the larger entity.

Section 3. Staff. (1) In all agencies the governing board shall appoint one (1) staff person as spouse abuse shelter director. The director shall have the overall responsibility for supervision of the duties and activities of all staff and volunteers, shall coordinate all spouse abuse shelter and related [shelter/agency] services, fulfill all duties as required by the governing board, and shall report directly to the board on all spouse abuse program [agency] activities.

(2) The agency shall maintain and/or assure the provision of [such] competent staff to provide services at the spouse abuse shelter [center or shelter]. Staff and volunteers shall be at least eighteen (18) years of age unless under the direct supervision of an adult; shall have education, training or experience to perform their particular job, and a willingness to work with others, including clients [people] under stress, and to share responsibilities as necessary. Volunteers must at all times be under the overall control and direction of the director even though they are not considered paid staff.

(3) The agency shall submit to the department a staffing pattern and indicate areas of responsibility, as well as lines of authority and supervision.

(4) The agency shall provide and/or secure orientation and in-service training for staff and volunteers responsible for service delivery and shall maintain a record of the training provided.

(5) Each agency shall implement a system to assure compliance with affirmative action standards, and equal opportunity employment standards, and shall provide a system for hearing and resolving grievances of staff and volunteers.

Section 4. Physical Facilities. (1) The spouse abuse shelter [agency] shall comply with applicable local, state and federal building, fire, safety and health codes.

(2) The spouse abuse shelter shall be of sound construction and suitable for residential use.

(3) The spouse abuse shelter shall be dry, adequately heated, ventilated, and lighted; windows, doors, stoves, heaters, furnaces, pipes, and ventilating fans shall be protected; screening shall be provided for windows and doors unless air-conditioned; and floors shall be free from splinters and easily cleaned. All types of gas heaters and stoves shall be properly ventilated.

(4) A recreation area with comfortable furnishings in sufficient quantity to accommodate the number of children and adults using it at any one time shall be provided.

(5) Bedrooms shall be equipped with a bed for each client, of adequate size, with suitable springs, mattress, pillow, and bedding as well as adequate closet space and individual drawer space.

(6) The spouse abuse shelter and grounds shall be well maintained.

(7) Each spouse abuse shelter [agency] shall maintain a security system to provide for the physical safety of the client.

Section 5. Medical and Dental. The spouse abuse shelter [agency] shall assure that access to emergency medical and dental services are available within the community or within close proximity.

Section 6. Meals. The spouse abuse shelter [agency] shall provide all clients with three (3) meals per day, each including foods from at least three (3) of the four (4) basic food groups.

Section 7. Services. (1) The spouse abuse shelter [agency] shall maintain and provide services on a continuing basis and for such hours as are necessary to meet the needs of eligible persons.

(2) Staff of the spouse abuse shelter [agency] are to apprise clients of resources available from the spouse abuse shelter [agency] or by referral which may assist them in the solution of their problems.

(3) Upon entrance into the [crisis center or] spouse abuse shelter, or when receiving any spouse abuse related service, the following minimal information shall be obtained and recorded in a permanent record:

(a) Name, date of birth, sex, address, marital status.

(b) Names and date of birth of any accompanying dependents.

(c) Identification of reason for intake.

(d) Identification of any physical injury.

(e) Any medical attention provided.

(f) Identification of any physical condition or ailment which may impact upon services to be offered the client.

(g) Any prior contacts with any [crisis center or] spouse abuse shelter.

(4) Immediately following gathering the information required in subsection (3) of this section, the information shall be reported to the offices of the department located within the county where the spouse abuse shelter [facility] exists in accordance with the department's spouse abuse reporting policy. This report shall constitute compliance with the provisions of KRS 199.335(2) and 209.030(2).

(5) Upon completion of the gathering of information as required in subsection (3) of this section, a service plan shall be developed for each individual and accompanying dependents setting forth a summary of services needed by the individual and available within the facility and community.

(6) Referral of the client for services outside the [crisis center or] spouse abuse shelter shall be documented and maintained in the client's permanent case record. Service coordination with all other agencies shall also

be documented in the case record.

(7) Daily program activities shall be offered with emphasis upon each client's physical, intellectual and social needs.

(8) The spouse abuse shelter [agency] shall have and enforce a policy which prohibits possession of any weapon, alcohol or nonprescribed drugs while in the shelter [facility].

(9) The spouse abuse shelter [facility] shall keep all client medication in a locked cabinet. Spouse abuse shelter [Facility] staff shall not dispense nor administer any medication but allow each client to take their own medication as prescribed. Shelter [Facility] staff shall also keep a record of any medication taken by a client during their stay at the spouse abuse shelter [facility].

(10) [(9)] In no instance shall cruel or unusual punishment be used.

(11) [(10)] Each spouse abuse shelter [agency] shall develop, subject to department approval, procedures to provide for the movement to more appropriate accommodations for those clients who present a danger to self or others or those clients who refuse to comply with spouse abuse shelter [facility] rules.

(12) [(11)] Each spouse abuse shelter [agency] shall establish written procedures to be given to each client upon initial contact describing the services to be rendered and a method for handling client complaints. The complaint procedure shall include an opportunity for the client to have access to department's grievance procedure for review. The department shall have access to all client records in the possession of each spouse abuse shelter [agency] for review upon the filing of a service complaint by the client.

(13) [(12)] Each spouse abuse shelter [agency] shall assure that services are available to all residents in the ADD in which the agency is located. A spouse abuse shelter [An agency] may accept referrals on a statewide basis so long as space is available. Each spouse abuse shelter [agency] shall cooperate with other spouse abuse agencies on a statewide basis.

(14) [(13)] Each spouse abuse shelter [agency] shall develop and implement, subject to department approval, procedures for emergency and/or temporary shelter closure.

(15) [(14)] Each spouse abuse shelter [agency] shall maintain a record of any unusual incidents involving a client or clients and shall forward a copy of same to the department.

(16) [(15)] Each spouse abuse shelter [agency] shall develop and implement a plan for the provision of outreach services in all counties of the area development district in which it is located.

Section 8. Records. (1) Client case records shall be maintained on each individual or family unit served by the [crisis center or residing in the] spouse abuse shelter during the time that the client or family unit is receiving services.

(2) Client case records of each agency shall be maintained as confidential and shall not be shared with any person outside the cabinet. Any records of the Cabinet for Human Resources, Department for Social Services, in the possession of any agency are strictly confidential and shall be shared with other individuals and/or organizations only as provided in KRS 209.140, KRS 194.060, and KRS 199.335 and with the prior written permission of the department.

(3) The department shall have access to the agency property and to records of all services provided, including but not limited to agency financial and client case records for the purpose of auditing and monitoring.

E. AUSTIN, JR., Secretary
ANNA GRACE DAY, Commissioner
APPROVED BY AGENCY: March 6, 1987
FILED WITH LRC: March 13, 1987 at 11 a.m.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Program Management
(As Amended)

905 KAR 5:050. Funding requirements for spouse abuse shelters and/or programs.

RELATES TO: KRS 209.030(7), 209.160
PURSUANT TO: KRS 209.030(1), 194.050
EFFECTIVE: May 14, 1987
NECESSITY AND FUNCTION: KRS 209.030(7) requires the Cabinet for Human Resources to provide protective services for adults except in cases where the adult refuses such services. KRS 209.160 creates a trust and agency account, to receive funds from the issuance of marriage licenses and charges the cabinet with the responsibility of using these funds for the purpose of providing protective shelter services for spouse abuse victims. KRS 209.030(1) authorizes the cabinet to adopt such rules, regulations, procedures, guidelines or policies necessary to protect adults. The function of this regulation is to set forth the requirements necessary for spouse abuse shelters [and programs] to receive funding.

Section 1. Definitions. (1) "Agency" means any private or public non-profit incorporated organization that has the capacity to provide spouse abuse shelter services, and with whom the cabinet contracts for such services.

(2) [(1)] "Annual plan and budget" means the annual application for funding submitted by each spouse abuse shelter [or crisis center].

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

(4) [(2)] "Cash" means any non-state money or funds given to the agency for use in the spouse abuse shelter program [or related service,] and which is not used to match any other grant or contract.

(5) [(3)] "Certified expenditure" means any non-state cash expenditures incurred by the agency when such expenditures are determined to be allowable, reasonable and necessary under applicable state laws and regulations and are not used to match any other grant or contract. Such certified expenditures may be incurred by the agency whether public or private non-profit, or may be certified on behalf of the provider by a third party which may also be a public or private non-profit organization.

(6) [(4)] "In-kind contribution" means property or services which directly benefit the services purchased; which are contributed by the agency or a third party without expenditure by

the agency; and would have been an allowable, reasonable and necessary cost in accordance with state laws and regulations, if purchased by the agency.

(7) [(5)] "Match" means locally generated funds or expenditures in the form or certified expenditures, in-kind contributions and/or cash provided by a contract agency as required to obtain state funding.

(8) "Primary service provider" means the agency within each area development district, (ADD), designated by the cabinet as the primary contractee and focal point of service delivery for spouse abuse shelter and related services. The primary service provider's area of jurisdiction is limited to those counties contained in each ADD.

(9) "Secondary service provider" means an agency within an area development district other than the primary service provider, which through contract with the primary service provider or the cabinet, provides spouse abuse shelter and related services to victims of spouse abuse and their dependent children. The secondary service provider's area of jurisdiction is limited to those counties contained in each ADD.

(10) "Service area" means the counties located within the area development district within which a primary service provider and/or a secondary service provider is located.

Section 2. General Funds. (1) Method of allocation. Of the amount of general funds that are appropriated to the cabinet for spouse abuse shelters for each fiscal year, ninety-eight (98) [ninety-five (95)] percent shall be allocated annually for the operation of these services by the designated primary service providers, and two (2) [five (5)] percent shall be retained by the cabinet for a six (6) month period to be used for the operation of supportive services by secondary service providers, and for emergency needs of one (1) or more primary service providers. After the first six (6) months of each fiscal year, the remaining unobligated funds shall be available for distribution among the designated primary service providers, based on validated need for increased funding.

(2) Primary service provider.

(a) Eligibility criteria. The cabinet shall designate one (1) primary service provider for each area development district (ADD) to receive an allocation of general funds. Such designation shall be in effect unless rescinded following a review of the agency's performance and/or its annual plan and budget proposal for the upcoming year. The agencies which will be initially designated as primary service providers by the cabinet shall be those receiving state general funds under contract as of the effective date of these regulations.

(b) Selection process. Each primary service provider shall be selected according to the cabinet's predesigned contract review and selection process. Each selected agency shall submit a properly executed annual plan and budget proposal which shall indicate each agency's capacity to provide spouse abuse shelter and other related services for abused spouses and their children. The application for funding shall be in the form and format prescribed by the department. Each agency's application for funding shall specify the type and kind of services it proposes to perform, either as a provider or under subcontract, detailed fiscal considerations, and assurances that the agency and/or all subcontractors will comply with all applicable federal and state regulations. Each agency's proposal shall include a commitment to provide outreach services in all counties of the area development district in which it is located.

(c) Match. Each primary service provider shall provide funds at the rate of twenty-five (25) percent local match to seventy-five (75) percent state general fund dollars. Of the required local match, five (5) percent shall be cash and the remainder may be provided in any combination of cash, certified expenditures, or in-kind contributions. No match shall be provided by any state funded spouse abuse program to or on behalf of another spouse abuse contractor.

(d) Service [Geographic] areas. The cabinet shall allocate general funds to primary service providers in each of the area development districts.

(3) Secondary service provider.

(a) Eligibility criteria. An agency that is properly organized and has the capacity to provide [crisis center or] spouse abuse shelter or related services in accordance with federal and state laws and regulations may enter into a written subcontract agreement with the primary service provider. If after negotiations, the primary service provider and the applying agency find they cannot agree on a subcontract, and the applying agency can document the need for its services, the applying agency may then request that the department consider them for funding under the following conditions:

1. The applying agency can submit proof that the service is needed by both the primary service provider and the ADD community.

2. The applying agency can document its willingness to cooperate with other major service providers in the same ADD.

3. The applying agency can document its efforts to subcontract and the basis for failure to effect a subcontract with the primary service provider.

4. The applying agency submits a request that the department review all existing and necessary information and that the department render a final funding decision.

(b) Selection process. After the department has received all of the required information from the applying agency, meetings will be scheduled with the applying agency and the primary service provider to determine if the submitted information justifies the need for funding before rendering one (1) of the following decisions:

1. If the service is not needed nor properly justified, no contract will be awarded.

2. If the service is needed by the primary service provider and the applying agency cannot agree to subcontract, a contract may be awarded in accordance with the cabinet's predesigned contract and review processes. The applying agency shall coordinate their service programs with the primary service provider in order to avoid duplication of services. A local agreement must be executed between the primary and secondary service provider and submitted to the department for final approval. The local service agreement must outline the services to be provided, the coordination of these services, and a willingness to cooperate in the provision of services. It shall be department policy that all secondary service providers subcontract with

the primary service provider to obtain second year funding.

3. If the service is needed and the department determines that it must be funded through the primary service provider for the current fiscal year, then the applying agency will be referred back to the primary service provider to resume subcontract negotiations.

(c) Match. Secondary service providers shall provide matching funds as described in Section 1(5) of this regulation [subsections (2)] and subsection (2)(c) of this section. No match may be provided by any state funded spouse abuse program to or on behalf of another spouse abuse contractor.

(d) Documentation. All primary and secondary service providers shall maintain documentation of the local match that is sufficient to determine that all requirements of this regulation are met. Records documenting local match, regardless of the type or source, shall be available to the cabinet and/or authorized entities for the purpose of audit.

(e) Disallowance. All primary and secondary service providers may be subject to disallowances and reimbursement to the Commonwealth, if required [such] local match is not documented by the provider or third party.

Section 3. Trust and Agency Funds. (1) Eligibility criteria. In order to be able to receive trust and agency funds, an agency must be designated as a primary service provider.

(2) Method of allocation. Of the trust and agency spouse abuse funds coming to the cabinet, ninety (90) percent shall be equally allocated among the designated primary service providers and ten (10) percent shall be retained by the cabinet to be used as emergency funds for primary service providers during the fiscal year on an as-needed basis. If any balance remains in the emergency funds at the end of the fiscal year this shall be added back to current year trust and agency funds.

(3) Unexpended funds. If all of the trust and agency funds allocated to a primary service provider at the beginning of each fiscal year are not expended, then they may be held by the cabinet to be expended by the same primary service provider the following year in accordance with the approved annual plan and budget. If the designated primary service provider changes and a new primary service provider has been selected by the cabinet, then all remaining unencumbered funds allocated to that original agency shall return to the cabinet. The cabinet may at its option assign these funds to the new primary service provider or designate them to the emergency fund for distribution as established in subsection (2) of this section.

E. AUSTIN, JR., Secretary
ANNA GRACE DAY, Commissioner
APPROVED BY AGENCY: March 6, 1987
FILED WITH LRC: March 13, 1987 at 11 a.m.

AMENDED AFTER HEARING

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Amended After Hearing)

704 KAR 20:100. Administrators and supervisors.

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 156.070, 161.030 [156.160]
NECESSITY AND FUNCTION: KRS 161.020, 161.025 and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the Council and approved by the State Board. This regulation establishes appropriate certificates for administration and supervision and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. (1) The Professional Certificate for School Administration and Supervision shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation for one (1) of the school leadership positions--elementary school principal, middle school-junior high school principal, secondary school principal, supervisor of instruction, [director of pupil personnel] or school superintendent--at a teacher education institution approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

(2) The Professional Certificate for School Administration and Supervision shall be endorsed for the specific position for which the program of preparation has been completed. Once the certificate has been issued and endorsed for one (1) position it may be further endorsed for any of the other school leadership positions upon completion of the corresponding program of preparation. The Professional Certificate for School Administration and Supervision may also be endorsed to show other programs of preparation-certification for which the holder is qualified.

(3) As a prerequisite to the issuance of the Professional Certificate for School Administration and Supervision with an endorsement for the position of school superintendent the applicant shall have completed five (5) years successful school teaching and/or school administrative experience. As a prerequisite to the issuance of

the certificate with an endorsement for any of the other school leadership positions the applicant shall have completed three (3) years of successful teaching experience.

(4) The duration of the Professional Certificate for School Administration and Supervision shall be for continuing service.

(5) Effective with the fall term of the 1988-89 academic year teacher education institutions shall not admit applicants to any of the preparation programs described in subsections (1), (2), (3), and (4) of this section; instead, applicants shall apply for admission to any one of the Professional Certificates for Instructional Leadership as described in these regulations. Persons admitted to any one of the preparation programs for the Professional Certificate for School Administration and Supervision must complete the program by September 1, 1992.

Section 2. (1) The Professional Certificate for School Administration and Supervision, endorsed for secondary school principal, may be endorsed for a one (1) year period for the position of elementary school principal upon completion of at least eight (8) semester hours graduate credit selected from the endorsement curriculum described in TEC 88.1, Section 2, Kentucky Standards for the Preparation-Certification of Professional School Personnel, and upon recommendation from the superintendent of the local district in which the applicant is to be employed as an elementary school principal. The endorsement may be extended for subsequent years upon completion of at least six (6) semester hours graduate credit annually until the total program has been completed.

(2) [Section 3.] The older type certificates which are still in force and valid for the position of secondary school principal may be endorsed for the position of elementary school principal in accordance with the same provisions outlined in subsection (1) of this section [Section 2 of this regulation].

(3) [For the 1987-88 and 1988-89 school years] Any certificate currently in force and valid for high school principalship, grades 7-12, shall be valid for any sequential combination of grades 5-12 which includes any grades 7-12 [may be endorsed for school principal, grades 5-6, upon completion of the following graduate level coursework:]

[(a) Three (3) semester hours of study with emphasis on pupils in the age range encompassed by pupils in the middle grades, 5-8.]

[(b) Three (3) semester hours of credit in the middle grade school curriculum; and]

[(c) Three (3) semester hours of credit in the teaching of reading.]

Section 3. [4.] Persons holding a valid certificate for principalship, supervision, or superintendency issued under the curricula in effect prior to September, 1970, shall not be required to hold a standard teaching certificate as a prerequisite to qualify for any of the administrative endorsements for the Professional Certificate for School Administration and Supervision.

Section 4. The provisions of Sections 1, 2, and 3 of this regulation shall expire on September 1, 1992. Persons engaged in any program of preparation described in Sections 1, 2, and 3 of this regulation must complete the preparation by that date or else become subject to the provisions related to the Professional Certificate for Instructional Leadership.

Section 5. (1) The Professional Certificate for School Administration and Supervision endorsed for Director of Pupil Personnel shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation for this position at a teacher education institution approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel, TEC 88.5.

(2) The Professional Certificate for School Administration and Supervision may also be endorsed to show other programs of preparation-certification for which the holder is qualified.

(3) As a prerequisite for the endorsement for Director of Pupil Personnel, the applicant shall have completed at least three (3) years of successful teaching experience.

(4) The duration of the Professional Certificate for School Administration and Supervision endorsed for Director of Pupil Personnel shall be for continuing service.

Section 6. [5.] In the event that a person holding continuing certification for the position of director of pupil personnel cannot be secured by the local board of education either locally or from a listing of available personnel supplied by the Department of Education, a one (1) year certificate for director of pupil personnel may be issued at the request of the local board of education to a person who holds a master's degree, a classroom teaching certificate, and has completed at least two (2) years of successful teaching experience.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: May 6, 1987
FILED WITH LRC: May 6, 1987 at 10 a.m.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Amended After Hearing)

704 KAR 20:125. Experimental program teachers.

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 156.070, 161.030 [156.160]
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualification for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. This regulation authorizes the Superintendent of Public Instruction to approve the assignment of selected high school teachers to certain experimental programs at the elementary school level.

Section 1. The Superintendent of Public Instruction may approve an experimental program in new patterns of organization or instruction

in the elementary school in which experienced high school teachers may be assigned to serve at the elementary school level in the experimental program provided:

(1) The local school superintendent submits to the Office of Instruction before July 15 a written proposal for the experimental program which shows the need for using successful high school personnel in the program.

(2) A commitment is made by the local school superintendent to submit a progress report at end of midterm (presumably by February 1) which includes an evaluation of the effectiveness of the teaching assignment.

(3) The proposal receives written approval by the head of the Office of Instruction prior to the opening of the school term.

Section 2. The qualifications of the high school teachers assigned to such experimental programs shall be ranked on the basis of their preparation and their high school certification.

Section 3. (1) The qualifications of teachers holding high school certificates valid for grades 7-12 who were approved by the Superintendent of Public Instruction under the authority of this regulation for teaching in approved middle schools during **any one of the school years 1985-86 or 1986-87, or so approved for the school year immediately preceding the initial taking of leave covering both said school years** [the school year 1986-87] may continue to be approved for teaching in approved middle schools, provided such teachers are assigned to teach in the specialization field shown on the teaching certificate as the teaching major, minor, or area of concentration.

(2) Beginning with the 1987-88 school year and thereafter, no new approvals for teaching in the middle schools will be made under this regulation; instead, high school teaching certificates may be endorsed for teaching the middle grades upon completion of the requirements as adopted by 704 KAR 20:078, TEC 31.0.

(3) Effective until June 30, 1990, and only in school districts reorganizing to a middle grade organization, teachers holding a certificate valid for grades 7-12 may extend the validity of the certificate to teach in the specialization field shown on the teaching certificate as a teaching major, minor or area of concentration in grades 5 and 6 upon completion of either of the following:

(a) Course work which includes:

1. Teaching of reading in the content areas, reading as a developmental process, readability of materials, and diagnostic and remedial techniques;

2. Human growth and development which provides depth of study in the age range of pupils in middle grades;

3. Study of the philosophy, organizational patterns and curriculum concepts relating to middle grades; or

(b) Completion of alternative training programs developed by local school districts either individually or in consortium with other local districts and/or approved institutions of higher education. All alternative programs shall be approved by the Superintendent of Public Instruction. At a minimum, such programs shall include subject matter outlined in paragraph (a)1, 2, and 3 of this subsection. Applications for approval shall be made to the Division of Teacher Education and Certification outlining specific objectives of the training program, detailed description of the components of the training and subject matter covered, description of training materials to be used, duration of training program, qualifications of training personnel/faculty, and an evaluation component to assess program outcome in relation to program objectives.

Section 4. (1) The qualifications of guidance counselors holding guidance counseling certification valid for grades 7-12 who were approved by the Superintendent of Public Instruction under the authority of this regulation for assignment as guidance counselors in approved middle schools during **any one of the school years 1985-86 or 1986-87, or so approved for the school year immediately preceding the initial taking of leave covering both said school years** [the school year 1986-87] may continue to be approved for the position of guidance counselor in approved middle schools.

(2) Beginning with the 1987-88 school year and thereafter, no new approvals for such assignments in middle schools will be made under this regulation; instead, guidance counselors holding certification valid for grades 7-12 may qualify for guidance counseling in grades 5-6 upon completion of the endorsement plan described in 704 KAR 20:130.

(3) Effective until June 30, 1990, and only in school districts reorganizing to a middle grade organization, guidance counselors holding a certificate valid for grades 7-12 may extend the validity of the certificate to include grades 5 and 6 upon completion of an alternative training program developed by local school districts either individually or in consortium with other local districts and/or approved institutions of higher education. All alternative programs shall be approved by the Superintendent of Public Instruction. At a minimum, such programs shall include the following subject matter:

(a) Human growth and development which provides depth of study in the age range of pupils in middle grades;

(b) Study of the philosophy, organizational patterns and curriculum concepts relating to middle grades.

Applications shall be made to the Division of Teacher Education and Certification outlining specific objectives of the training program, detailed description of the components of the training and subject matter covered, description of training materials to be used, duration of training program, qualifications of training personnel/faculty, and an evaluation component to assess program outcome in relation to program objectives.

Section 5. (1) The qualifications of teachers holding the reading specialist endorsement grades 7-12 who were approved by the Superintendent of Public Instruction under the authority of this regulation for assignment as reading specialists in approved middle schools during **any one of the school years 1985-86 or 1986-87, or so approved for the school year immediately preceding the initial taking of leave covering both said school years** [the 1986-87 school year] may continue to be

approved for the position of reading specialist in approved middle schools.

(2) Beginning with the 1987-88 school year and thereafter, no new approvals for such assignments will be made under this regulation; instead, teachers holding the reading specialist endorsement grades 7-12 may qualify for reading specialist grades 5-6 upon completion of the plan described in 704 KAR 20:180, Section 1(3).

(3) Effective until June 30, 1990, and only in school districts reorganizing to a middle grade organization, reading specialists holding a certificate valid for grades 7-12 may extend the validity of the certificate to include grades 5 and 6 upon completion of an alternative training program developed by local school districts either individually or in consortium with other local districts and/or approved institutions of higher education. All alternative programs must be approved by the Superintendent of Public Instruction. At a minimum, such programs shall include the following subject matter:

(a) Human growth and development which provides depth of study in the age range of pupils in middle grades;

(b) Study of the philosophy, organizational patterns and curriculum concepts relating to middle grades.

Applications shall be made to the Division of Teacher Education and Certification outlining specific objectives of the training program, detailed description of the components of the training and subject matter covered, description of training materials to be used, duration of training program, qualifications of training personnel/faculty, and an evaluation component to assess program outcome in relation to program objectives.

Section 6. (1) The qualifications of persons holding certification as school media librarians grades 7-12 who were approved by the Superintendent of Public Instruction under the authority of this regulation for assignements as school librarians in approved middle schools during any one of the school years 1985-86 or 1986-87, or so approved for the school year immediately preceding the initial taking of leave covering both said school years [the 1986-87 school year] may continue to be approved for the position of school librarian in approved middle schools.

(2) Beginning with the 1987-88 school year and thereafter, no new approvals for such assignments will be made under this regulation; instead, persons holding certification for school librarian grades 7-12 shall qualify for serving in grades 1-12 by completing the appropriate requirements in 704 KAR 20:145, TEC 71.1 or in 704 KAR 20:140.

(3) Effective until June 30, 1990, and only in school districts reorganizing to a middle grade organization, school media librarians holding a certificate valid for grades 7-12 may extend the validity of the certificate to include grades 5 and 6 upon completion of an alternative training program developed by local school districts either individually or in consortium with other local districts and/or approved institutions of higher education. All alternative programs must be approved by the Superintendent of Public Instruction. At a minimum, such programs shall include the following subject matter:

(a) Teaching of reading in the content areas, reading as a developmental process, readability of materials, and diagnostic and remedial techniques;

(b) Study of the philosophy, organizational patterns and curriculum concepts relating to middle grades.

Applications shall be made to the Division of Teacher Education and Certification outlining specific objectives of the training program, detailed description of the components of the training and subject matter covered, description of training materials to be used, duration of training program, qualifications of training personnel/faculty, and an evaluation component to assess program outcome in relation to program objectives.

[Section 7. (1) The qualifications of persons holding certification for high school principal grades 7-12 who were approved by the Superintendent of Public Instruction under the authority of this regulation for assignement as principals in approved middle schools during the school year 1986-87 may continue to be approved for the position of principal in approved middle schools.]

[(2) For the 1987-88 school year and thereafter, no new approvals for such assignment will be made under this regulation; instead, principalship certification grades 7-12 may be endorsed for grades 5-6 upon completion of the endorsement plan described in the regulations for the Professional Certificate for Instructional Leadership - Middle Grade Principal.]

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: May 6, 1987
FILED WITH LRC: March 6, 1987 at 10 a.m.

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

806 KAR 13:100. Motor vehicle comprehensive insurance rate discounts for anti-theft devices.

RELATES TO: KRS 304.12-090 to 304.12-110, 304.13-051, 304.13-065, 304.14-100, 304.14-110, 304.20-400 to 304.20-450

PURSUANT TO: KRS 304.2-110

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This regulation implements the provisions of 1986 Ky. Acts c. 352, which requires insurers to grant discounts in motor vehicle comprehensive insurance rates for those insureds using anti-theft devices which meet certain criteria.

Section 1. Definitions. As used in this regulation:

(1) "Commissioner" means the Commissioner of the Kentucky Department of Insurance.

(2) "Comprehensive insurance coverage" means a coverage under a motor vehicle insurance policy which provides protection against loss or damage to a motor vehicle except by collision or upset.

(3) "Motor vehicle" has the meaning set forth in KRS 304.39-020(7).

Section 2. Scope. (1) This regulation applies to comprehensive insurance coverage under all motor vehicle insurance policies issued or renewed after January 1, 1987.

(2) The discounts required by KRS 304.20-400 to 304.20-440 must be granted to both commercial and private passenger risks.

Section 3. Approval of Anti-theft Devices. All anti-theft devices which meet the criteria of KRS 304.20-400 to 304.20-440 are approved for discounts as specified in KRS 304.20-400 to 304.20-440.

Section 4. Rate Filings. All insurers issuing or renewing motor vehicle comprehensive insurance coverage in Kentucky after January 1, 1987, shall make a rate filing pursuant to KRS Chapter 304.13 to reflect the discounts required by KRS 304.20-400 to 304.20-440. Such rate filings must be made by January 1, 1987.

Section 5. Notice of Availability of Motor Vehicle Comprehensive Insurance Rate Discounts. (1) All insurers issuing or renewing motor vehicle comprehensive insurance coverage after January 1, 1987, shall provide written notice to insureds or prospective insureds of the right to apply for a discount for anti-theft devices. The notice shall be in the form prescribed by the commissioner. **The commissioner shall issue a bulletin establishing the effective date for use of the uniform notice form.**

(2) Notice to prospective insureds shall be given no later than the time of the delivery of the policy.

(3) Notice to existing insureds shall be given at the time of the first renewal following January 1, 1987, and on subsequent renewals at the option of the insurer.

Section 6. Application Forms for Discounts. (1) All insurers issuing motor vehicle comprehensive insurance coverage shall develop an application form for discounts in comprehensive insurance coverage pursuant to KRS 304.20-400 to 304.20-440.

(2) Such forms shall be available to insureds upon their request.

(3) Such forms shall be used pursuant to KRS 304.14-100(3), 304.14-110, and all other applicable law. Insurers shall use such forms to determine whether insureds must be granted discounts pursuant to KRS 304.20-400 to 304.20-440.

(4) Insurers may file such forms for approval pursuant to KRS 304.14-120 and 806 KAR 14:005. Such forms shall contain or request at least the following information:

(a) The name of the named insured;

(b) Policy number;

(c) Vehicle description (year, make, model, and vehicle identification number);

(d) A description of the anti-theft device;

(e) Signature by the insured as indication that the representations in the application are true; and

(f) Any other information desired by the insurer.

Section 7. Application for a Discount During a Policy Period. If an application for a discount pursuant to KRS 304.20-400 to 304.20-440 is received while a policy is in force and the discount is granted, the discount shall be prorated based on the unexpired policy period and credited to the insured's premium at renewal in addition to the discount for the next policy period. If the policy is not renewed, the amount of the prorated discount shall be paid to the insured, except that any such amount less than ten (10) dollars need not be refunded.

(1) At its option, the insurer may:

(a) Grant the full discount rather than prorating it;

(b) Make immediate payment of the discount to the insured rather than crediting it to the next billing.

Section 8. Anti-theft Devices Provided by Insurers. (1) Insurers may, at their option, provide their insureds an anti-theft device as a service to reduce the risk of loss.

(2) If an insurer provides an anti-theft device to its insureds pursuant to subsection (1) of this section and receives a properly completed application for a discount pursuant to KRS 304.20-400 to 304.20-440, it may:

(a) Withhold the first year's discount to assist in paying for the anti-theft device; or

(b) Grant the discount in accordance with KRS 304.20-400 to 304.20-440 and this regulation.

Section 9. Window Identification Systems. In order to qualify for the fifteen (15) percent discount established by KRS 304.20-420(5), a window identification system must meet the following guidelines:

(1) The identification number used by a window identification system shall be the vehicle identification number of the motor vehicle marked.

(2) As used in KRS 304.20-420(5), "small vent window" means a window which may be opened to ventilate the passenger compartment of a motor vehicle. If a small window in a motor vehicle cannot be opened, it must be marked.

(3) Insurers shall accept the uniform vehicle identification verification form prescribed by the Kentucky State Police as an application for a discount for a window identification system, if such form is approved by the commissioner.

Section **10.** [9.] [7.] Severability; Effective Date. (1) If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of this regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

(2) This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

(3) As a courtesy to the Legislative Research Commission, the Department of Insurance states that this regulation is intended to be permanent.

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: April 29, 1987
FILED WITH LRC: May 4, 1987 at 3 p.m.

PROPOSED AMENDMENTS

AUDITOR OF PUBLIC ACCOUNTS
(Proposed Amendment)

45 KAR 1:020. Audits of county budgets and county fee officials.

RELATES TO: KRS 43.070(1)(a),(b), 64.810
PURSUANT TO: KRS Chapter 13A, 43.075
NECESSITY AND FUNCTION: KRS 43.075 requires the Auditor of Public Accounts to develop uniform standards, procedures and formats for performing and reporting all audits of county government and the accounts, books and papers of elected county or district officials. This regulation provides the uniform standards for audits of the funds contained in each county's budget and for audits of each county fee official.

Section 1. (1) The financial and compliance audit of the funds contained in each county's budget shall be conducted in accordance with generally accepted government auditing standards as promulgated by the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" issued by the Comptroller General of the United States February 27, 1981, the "Single Audit Act of 1984," and the provision of OMB Circular A-128, "Audits of State and Local Governments" and the "Audit Guide for County Government" issued by the Auditor of Public Accounts, Commonwealth of Kentucky, May 15, 1987. A copy of each of the above is filed with the Legislative Research Commission and hereby incorporated by reference. These are also on file at the Auditor of Public Accounts, Commonwealth of Kentucky, Frankfort, Kentucky. For reporting purposes, whenever the phrase "generally accepted government auditing standards" is used, this shall be interpreted to mean "Standards for Audits of Governmental Organizations, Programs, Activities, and Functions" which include generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants. This regulation reflects the interpretation of the Auditor of Public Accounts of generally accepted governmental auditing standards as applied to county government.

(2) It is not the intent, however, of this regulation to subjugate either the judgment or the independence of the certified public accountant or the auditor of public accounts.

(3) Objective of the audit.

(a) The primary objective in audits of county governments is to express an opinion as to the fairness of the assets, liabilities and fund balances arising from the cash transactions of the county and its cash receipts and disbursements during the year.

(b) More specifically, the auditor should make sufficient tests to determine:

1. Whether county receipts have been collected, accounted for and disbursed in accordance with applicable state and federal laws and regulations.

2. Whether disbursements are properly documented.

3. Whether the official is complying with all other legal requirements relating to the management of public funds by his office including, but not limited to, requirements of the uniform system of accounts adopted under KRS 68.210 and all publication requirements.

4. Auditors shall be alert to situations or transactions that could be indicative of fraud, abuse, illegal expenditures and acts, and if such evidence exists, extend audit steps and procedures to identify the effect on the entity's financial statements.

5. Determine the [determination of] fund balance of official accounts.

(4) Reporting format.

(a) The auditor's report shall indicate [whether] the audit was conducted in accordance with the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions," the "Single Audit Act of 1984," and the provisions of OMB Circular A-128, "Audits of State and Local Governments" and the "Audit Guide for County Government" issued by the Auditor of Public Accounts, Commonwealth of Kentucky, May 15, 1987. For reporting purposes, whenever the phrase "generally accepted government auditing standards" is used, this shall be interpreted to mean "Standards for Audits of Governmental Organizations, Programs, Activities, and Functions" which include generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants.

(b) The report shall include the following: letter of transmittal - auditor's report: county officials: statement of assets, liabilities, and fund balances arising from cash transactions: statement of cash receits, cash disbursements, and changes in cash balances: sheriff's settlement - 19 taxes (include if this is audited by you): notes to financial statements. Additional information: Schedule A - comparative schedule of final budget and actual revenue: Schedule B - schedule of operating revenue: Schedule C - comparative schedule of final budget and budgeted expenditures: Schedule D - schedule of federal financial assistance: Notes to the schedule of federal financial assistance: Schedule E - schedule of unbudgeted expenditures (use to detail unbudgeted expenditures). Other single audit act required reports: report on internal accounting and administrative controls: report on compliance with laws and regulations. [The report shall include a comparative statement of assets, liabilities and fund balances arising from cash transactions, a statement of cash receipts, cash disbursements and changes in fund balances, a comparison of estimated and actual revenue, a statement of operating revenue and a comparative statement of final budget and budgeted expenditures. Other statements such as "Notes to Financial Statements" may also be included in the report.]

(c) The auditor shall express an overall opinion as to whether the financial statements of the county present fairly the assets, liabilities and fund balances arising from cash transactions and its cash receipts and disbursements or shall indicate the reasons why an overall opinion cannot be expressed.

(d) Since the content of the financial statements is determined by law, reference to

generally accepted accounting principles would not be appropriate. As recommended by the State Local Finance Officer, pursuant to KRS 68.210, the financial statements are prepared primarily on a cash basis. Consequently, certain revenues and the related assets are recognized when received rather than when earned, and certain expenses are recognized when paid rather than when a liability is incurred. Accordingly, the financial statements are not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

(e) The report shall indicate any matters of noncompliance with law or regulation known to the auditor including any deficit in official accounts. Additionally, the auditor's report shall contain a statement of positive assurance on those items of compliance tested and a statement of negative assurance on those items not tested. It shall also include material instances of noncompliances and instances or indications of fraud, abuse or illegal acts found during or in connection with the audit. All noncompliances shall be disclosed in the letter of transmittal (see paragraph (b) of this subsection).

(f) The auditors shall report on their study and evaluation of internal accounting controls made as part of the financial and compliance audit. They shall identify as a minimum:

1. The entity's significant internal accounting controls;
2. The controls identified that were evaluated;
3. The controls identified that were not evaluated (the auditor may satisfy this requirement by identifying any significant classes of transactions and related assets not included in the study and evaluation); and
4. The material weaknesses identified as a result of the evaluation. These shall be disclosed in the letter of transmittal (see paragraph (b) of this subsection).

[(g) There are a number of reasons why a study and evaluation of internal accounting control may not be made. They include:]

[1. The entity is so small that it is not feasible to have an adequate internal control system.]

[2. The auditor may conclude that the audit can be performed more efficiently by expanding substantive audit tests, thus placing very little reliance on the internal control system.]

[3. The existing internal control system may contain so many weaknesses that the auditor has no choice but to rely on substantive testing, thus virtually ignoring the internal control system.]

[The above circumstances may justify not making a study and evaluation of internal accounting controls. However, the auditors must describe in their report why a study was not made.]

(g) [(h)] The auditor shall report on any other material findings.

(h) [(i)] If certain information is prohibited from general disclosure, the report shall state the nature of the information omitted and the requirement that makes the omission necessary.

(i) The auditor shall adhere to the sample audit report format. Since other state agencies accumulate financial data from these reports, it is important that a uniform report format be used.

(5) Allowance audit fees - acceptance of report. In order for fees paid for completion of county audits to be considered allowable, reasonable, and necessary expense of the official's office, the independent accountant's examination must be performed using the standards and procedures required by this regulation and the Auditor of Public Accounts Audit Guide. To determine compliance and that the fees are allowable, the official shall obtain written approval of the audit report from the Auditor of Public Accounts prior to payment of the fees.

Section 2. (1) On and after December 31, 1981, financial and compliance audits of county fee officials shall be conducted in accordance with generally accepted government auditing standards as promulgated by the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" issued by the Comptroller General of the United States, February 27, 1981, [(copy filed with the Legislative Research Commission and hereby incorporated by reference)] and the "Audit Guide for County Fee Officials" issued by the Auditor of Public Accounts, Commonwealth of Kentucky, May 15, 1987. (A copy of each of the above has been filed with the Legislative Research Commission and hereby incorporated by reference. These are also on file at the Auditor of Public Accounts, Commonwealth of Kentucky, Frankfort, Kentucky.) For reporting purposes, whenever the phrase "generally accepted government auditing standards" is used, this shall be interpreted to mean "Standards for Audits of Governmental Organizations, Programs, Activities, and Functions" which include generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants. This regulation reflects the interpretation of the Auditor of Public Accounts of generally accepted governmental auditing standards as applied to county fee officials in Kentucky.

(2)(a) The Comptroller General of the United States indicates that the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions," include the following audit elements:

1. Financial and compliance;
2. Economy and efficiency; and
3. Program results.

(b) The minimum requirements for audit of county fee officials involve only the financial and compliance element prescribed by the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" issued by the Comptroller General of the United States, and the "Audit Guide for County Fee Officials" issued by the Auditor of Public Accounts. However, economy and efficiency and program results audits are permissible.

(3) [(2)] It is not the intent, however, of this regulation or the guide to subjugate either the judgment or the independence of the certified public accountant or the Auditor of Public Accounts.

(4) [(3)] Objective of the audit.

(a) The primary objective in audits of county fee officials is to express an opinion as to the fairness of the reported "Receipts, Disbursements and Excess Fee" of any of the officials and to determine whether the official complied with the laws and regulations governing the collection and expenditure of government funds as enumerated in KRS 43.070.

(b) More specifically, the auditor should make

sufficient tests to determine:

1. Whether statutory receipts have been collected, accounted for and disbursed in accordance with applicable state and federal laws and regulations.

2. Whether expenses claimed are allowable against fee income by statute or common law.

3. The amount of "excess fees," if any, of the officials and the amounts otherwise payable to the county and/or the state.

4. Whether the official is complying with all other legal requirements relating to the management of public funds by his office including, but not limited to, requirements of the uniform system of accounts adopted under KRS 68.210 and all publication requirements.

5. Auditors shall be alert to situations or transactions that could be indicative of fraud, abuse, illegal expenditures and acts, and if such evidence exists, extend audit steps and procedures to identify the effect on the entity's financial statements.

6. The [Determination of] fund balance of official accounts.

(5) [(4)] Reporting format.

(a) The auditor's report shall indicate [whether] the audit was conducted in accordance with the generally accepted government auditing standards ["Standards for Audit of Governmental Organizations, Programs, Activities and Functions" issued by the Comptroller General of the United States,] and the "Audit Guide for County Fee Officials" issued by the Auditor of Public Accounts, Commonwealth of Kentucky, May 15, 1987.

(b) The report shall include a statement of receipts, disbursements and excess fees, with receipts classified by source and disbursements classified by object. Excess fees shall be identified in the statement as the excess of receipts over disbursements, statutory compensation and unpaid obligations. Excess fees shall be reduced by payments including payments made up to the date of the audit report. Other representations [statements] such as "Notes to Financial Statements" and"Schedule of Excess of Liabilities Over Assets" may also be included in the report.

(c) The auditor shall express an overall opinion as to whether the statement of receipts, disbursements and excess fees presents fairly the receipts, disbursements and excess fees of the official, or shall indicate the reasons why an overall opinion cannot be expressed.

(d) If a deficit exists in the official accounts on December 31 of the audit period, it should be disclosed in the letter of transmittal. A schedule of excess of liabilities over assets should be presented as supplemental information and reported on accordingly.

(e) Since the content of the statement of receipts, disbursements and excess fees is determined by law, adherence [reference] to generally accepted accounting principles would not be appropriate. As recommended by the State Local Finance Officer, pursuant to KRS 68.210, the financial statements are prepared primarily on a cash basis. Consequently, certain revenues and the related assets are recognized when received rather than when earned, and certain expenses are recognized when paid rather than when a liability is incurred. Accordingly, the financial statements are not intended to present financial position and results of operations in conformity with generally accepted accounting principles. A statement explaining the financial statements are not presented in conformance with generally accepted accounting principles must be in the letter of transmittal.

(f) The report shall indicate any matters of noncompliance with law or regulation known to the auditor including any deficit in official accounts. Additionally, the auditor's report shall contain a statement of positive assurance on those items of compliance tested and a statement of negative assurance on those items not tested. It shall also include material instances of noncompliance and instances or indications of fraud, abuse or illegal acts found during or in connection with the audit. The above must be presented in the letter of transmittal.

(g) The auditors shall report on their study and evaluation of internal accounting controls made as part of the financial and compliance audit. They shall identify as a minimum:

1. The entity's significant internal accounting controls;

2. The controls identified that were evaluated;

3. The controls identified that were not evaluated (the auditor may satisfy this requirement by identifying any significant classes of transactions and related assets not included in the study and evaluation); and

4. The material weaknesses identified as a result of the evaluation.

(h) There are a number of reasons why a study and evaluation of internal accounting control may not be made. They include:

1. The entity is so small that it is not feasible to have an adequate internal control system.

2. The auditor may conclude that the audit can be performed more efficiently by expanding substantive audit tests, thus placing very little reliance on the internal control system.

3. The existing internal control system may contain so many weaknesses that the auditor has no choice but to rely on substantive testing, thus virtually ignoring the internal control system.

The above circumstances may justify not making a study and evaluation of internal accounting controls. However, the auditors must describe in their report why a study was not made.

(i) The auditor shall report on any other material findings.

(j) If certain information is prohibited from general disclosure, the report shall state the nature of the information omitted and the requirement that makes the omission necessary.

(k) The auditor shall adhere to the sample audit report format. Since other state agencies accumulate financial data from these reports, it is important that a uniform report format be used.

(6) Allowable audit fees - acceptance of report. In order for fees paid for completion of county fee official audit to be considered allowable, reasonable, and necessary expense of the official's office, the independent accountant's examination must be performed using the standards, procedures, and format required by this regulation and the Auditor of Public Accounts Audit Guide. To determine compliance and that the fees are allowable, the official shall obtain written approval of the audit report from the Auditor of Public Accounts prior to payment of the fees.

MARY ANN TOBIN, Auditor
APPROVED BY AGENCY: May 15, 1987
FILED WITH LRC: May 15, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on June 22, 1987 at 10 a.m. at the office of the Auditor of Public Accounts. Anyone interested in attending this hearing shall notify in writing James M. Critchfield, Jr., Assistant State Auditor, Auditor of Public Accounts, Capitol Annex, Suite 158, Frankfort, Kentucky 40601, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James M. Critchfield, Jr.
(1) Type and number of entities affected: 119 fiscal courts; 120 county clerks, 120 county sheriffs.
(a) Direct and indirect costs or savings to those affected:
1. First year: No additional costs projected.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: Establishes minimum reporting and work paper standards. Establishes uniform reporting requirements.
(2) Effects on the promulgating administrative body: No material time or cost increases.
(a) Direct and indirect costs or savings:
1. First year: No additional costs projected.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: No additional requirements.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. Audit standards must apply to all county government and fee official audits.

LOCAL MANDATE IMPACT STATEMENT

SUBJECT/TITLE: Audits of county governments and fee officials.
SPONSOR: Auditor of Public Accounts
NOTE SUMMARY
LOCAL GOVERNMENT MANDATE: Yes
TYPE OF MANDATE: KRS 43.075
LEVEL(S) OF IMPACT: County
BUDGET UNIT(S) IMPACT: Fiscal court and fee official audits.
FISCAL SUMMARY: Revenues: None. Expenditures: None. Net Effect: None.
MEASURE'S PURPOSE: Establish minimum audit standards.
PROVISION/MECHANICS: Standards promulgated by administrative regulation and audit guide for county government and fee officials.
FISCAL EXPLANATION:

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Equal to federal minimum uniform standards.
2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No
3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: N/A

GENERAL GOVERNMENT CABINET
Board of Accountancy
(Proposed Amendment)

201 KAR 1:035. Application to take examination.

RELATES TO: KRS 325.261, 325.265, 325.270
PURSUANT TO: KRS 325.240
NECESSITY AND FUNCTION: To promulgate administrative regulations of the State Board of Accountancy of Kentucky. This regulation relates to the application for taking an examination.

Section 1. The completed application, including all information requested therein, must be filed with the office of the State Board of Accountancy, Louisville, Kentucky at least two (2) months prior to the first day of the month in which the examination is to be held. Thus, applications to sit for the May examination shall be filed with the board on or before the first day of March preceding; and applications to sit for the November examination shall be filed with the board on or before the first day of September preceding. [Except that in the case of candidates filing for re-examination because of forfeiture or expiration of application, such applications shall be filed with the board within thirty (30) days after the results of the next preceding examination have been published.] In submitting the application to the board, the applicant shall:
(1) Submit the application on the form prescribed by the board, signed and acknowledged before a notary public;
(2) Enclose with the application, two (2) photographs taken within ninety (90) days preceding the filing of the application, the back of which is to bear the signature [in ink] of the applicant;
(3) Include with the application, evidence of educational qualifications and experience qualifications when required;
(4) The fee for the examination shall be $125 [100] in the case of a new applicant. On re-examination, the fee is twenty-five (25) [twenty (20)] dollars each for Theory of Accounts, Auditing and Business Law and fifty (50) [forty (40)] dollars for Accounting Practice. Payment shall be made at the time requested by the board in the form of a check made payable to the "Kentucky State Board of Accountancy." Fees specified in this section shall become effective July 1, 1987 [1985].

Section 2. [Effective January 1, 1986,] Persons who expect to meet the educational

requirement of KRS 325.265(1)(a) within ninety (90) days following the examination shall be eligible for admission. In the case of any candidate admitted to the examination on the expectation that he will complete his education requirement and receive his baccalaureate degree in the time period specified, no grades shall be released nor shall credit for the examination or any part of it be granted until the applicant provides the board with evidence of completion of the educational requirement. Evidence of completion shall be a final official transcript filed with the board within the ninety (90) day period specified. Applications for admission to the examination as a provisional candidate shall include a transcript of college work completed and an official statement from the applicant's college or university that the applicant is expected to complete, within the period of ninety (90) days after the examination for which application is made, the required course of study leading to the awarding of a baccalaureate degree with a major or concentration in accounting.

Section 3. The act of filing an application for admission to the examination [shall be deemed to be and] shall constitute an agreement on [upon] the part of the applicant that he will observe and conform to the requirements expressed in these rules, or such as may be promulgated hereafter.

JAMES T. AHLER, Executive Director
APPROVED BY AGENCY: March 27, 1987
FILED WITH LRC: May 12, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on Monday, June 29, 1987 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 June 24, 1987 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, KY 40202.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Ahler
(1) Type and number of entities affected: Approximately 1,100 candidates admitted to the examination annually will be affected by the increase in exam fees.
(a) Direct and indirect costs or savings to those affected:
1. First year: An increase of $5 per part of the exam.
2. Continuing costs or savings: Same as #1.
3. Additional factors increasing or decreasing costs (note any effects upon competition): The Advisory Grading Service has announced an increase in the cost of the exam effective in November 1987.
(b) Reporting and paperwork requirements: No increase in reporting and paperwork requirements are anticipated.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Increasing the fees associated with the exam will save the board approximately $10,000 in increased fees associated with the administration of the exam.
2. Continuing costs or savings: Same as #1.
3. Additional factors increasing or decreasing costs: Increasingly higher costs for facilities will be offset by this increase.
(b) Reporting and paperwork requirements: Insignificant
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative would have been to absorb the increase in costs associated with the preparation and grading which this agency was not in a position to do at this time.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. Regulation applied equally to all candidates.

GENERAL GOVERNMENT CABINET
Board of Physical Therapy
(Proposed Amendment)

201 KAR 22:031. Therapist's licensing procedure.

RELATES TO: KRS 327.050, 327.060, 327.080
PURSUANT TO: KRS 327.040
NECESSITY AND FUNCTION: The purpose of this regulation is to define clearly the procedure for issuing licenses. This regulation standardizes the administrative procedures involved in granting a physical therapy license through the various means of qualifying.

Section 1. The fee for application for licensure by examination shall be prorated according to the time within the biennial licensure term it is received by the executive secretary of the board and shall be set by regulation. [during the first year of the biennial licensure term shall be $205. This application could result in a temporary permit and license which would be valid for more than one (1) year. The fee for application received by the executive secretary in the second year of a biennial licensure term shall be $165. This application could result in a temporary permit and license which would be valid for one (1) year or less. All application fees shall be paid by cashier's or certified check or money order payable to the Kentucky State Treasurer.] Upon approval as a candidate by the board, the candidate for licensure by examination will be notified of the date, place and time of the examination by the board. Examinations will be held at a time and location set by the board. The board will administer the Professional Examination Service of the American Public Health Association examination and/or other examinations as determined by the board to those qualified candidates permitted to sit for the examination.

Section 2. If an applicant becomes a candidate for licensure by examination before [after] forty-five (45) days preceding the date that the

next examination is to be held and credentials of the applicant are in order, fees submitted and the board is in receipt of a completed supervisory agreement statement, then a temporary permit shall be issued to be in force until sixty (60) days after that [the] examination is held [six (6) months later], until the results of that examination are received and processed, or until the regularly scheduled renewal date of all licenses to practice, March 31 of each uneven numbered year, whichever comes first.

Section 3. A temporary permit requires that the physical therpist applicant shall work only under the supervision of a physical therapist licensed and practicing in Kentucky. Supervision means that the responsible therapist be available and accessible by telecommunications at all times during the working hours of the person with a temporary permit. The supervising therapist shall be responsible for the direction of the actions of the person supervised when services are performed by the person with a temporary permit including co-signing all evaluations and physical therapy recordings within fourteen (14) days. The date of the record review shall be noted. The board shall issue a temporary permit only to:

(1) Graduates who have applied for licensure by examination, have met all requirements and are sitting for the next examination or who have taken that examination and have not yet been notified of the results.

(2) Applicants for licensure by endorsement who have met all other requirements but must take one (1) or more parts of the examination again.

(3) Foreign-trained physical therapist applicants who have met all requirements for licensure application and paid all fees provided for in KRS 327.060(2), except that the applicant has not yet taken and successfully completed the PES examination and/or has not yet begun a one (1) year board approved employment as a physical therapist.

(4) Graduates who have applied for licensure by PES examination in another state and who have met all requirements for Kentucky application but who have not yet taken and/or been notified of successful completion of that examination.

Section 4. The applicant shall have three (3) attempts to pass the examination except that no applicant may work with a temporary permit longer than twenty-one (21) months. The original application fee covers the first attempt. The cost of the examination to the board plus an administrative fee of forty-seven (47) dollars and fifty (50) cents must be assumed by the applicant for the second and third attempts. The temporary permit will be issued after request for re-examination on the second and third attempts and payment of the required fee at the discretion of the board. If the applicant fails on the third attempt, the temporary permit is revoked and the applicant may no longer be employed in Kentucky as a physical therapist. The applicant may reapply after one (1) year but must submit a new application fee and no temporary permit will be issued.

Section 5. Candidates examined by boards of other states and territories shall have registered their PES scores with the Interstate Reporting Service of the Professional Examination Service. The applicants' scores, calculated by the PES to meet Kentucky board requirements, shall be submitted by the Interstate Reporting Service to this board for consideration of licensure.

Section 6. The candidate for licensure by endorsement shall submit the regular license application form, shall arrange to have submitted proper evidence that he has been examined by the PES and pay an application fee proporated according to [proper for] the period within the biennial licensure term in which he is applying. The fee required shall be set by regulation. [submitted for application received by the executive secretary of the board in the first year of a biennial licensure term shall be $140. This application could result in a license valid for more than one (1) year. An application fee received by the executive secretary of the board in the second year of a biennial licensure term shall be $100. This application could result in a license valid for one (1) year or less. Application fees shall be paid by money order, cashier's or certified check payable to the Kentucky State Treasurer.] The Kentucky State Board of Physical Therapy will endorse a candidate who has been examined by the Professional Examination Service, meets the board's requirements of national average raw score minus one and five tenths (1.5) standards deviation set equal to a converted score of seventy-five (75) on each part of the examination, and whose physical therapy license has never been revoked or suspended, and is currently not on probation or under disciplinary review in another state. Other examinations as determined by the board may be administered in lieu of, or in addition to the PES examination.

Section 7. The candidate for licensure through reinstatement may receive renewal of his license without further examination upon requesting reinstatement [renewal], furnishing his complete current home and physical therapy work addresses and telephone number, payment of the reinstatement [renewal] fee which has been set by regulation and prorated according to the time within a biennial licensure term it received by the executive secretary of the board. [of eighty (80) dollars plus reinstatement fee of twenty-five (25) dollars. The fee for reinstatement received which will grant licensure for a period of one (1) year or less shall be forty (40) dollars plus a reinstatement fee of twenty-five (25) dollars. Reinstatement fees shall be paid by money order, cashier's or certified check made payable to the Kentucky State Treasurer and should be sent to the executive secretary of the board.] Therapists who have not been licensed for three (3) years may, in addition, be required to appear before the board and/or show evidence of professional competency. Reinstatement of the candidate will be at the board's discretion after evaluation of said evidence.

Section 8. A license, which shall be in effect until March 31st of the next uneven numbered year shall be issued by the board when [as soon as] it receives notice from the Professional Examination Service that the candidate by examination has received a passing grade which shall be set based on the national raw average

score minus one and five tenths (1.5) standard deviation set equal to a converted score of seventy-five (75) on each part of the examination, and when candidates by endorsement and foreign trained candidates have met all requirements.

Section 9. The executive secretary of the board may function admininstratively to review, process and interpret all applications received by the board and correspond with the applicants accordingly.

DEBORAH BRYANT THARP, Chairman
APPROVED BY AGENCY: March 21, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.
PUBLIC HEARING APPROVED: A public hearing on this regulation will be held on June 22, 1987 at 10 a.m. in Room 109 of the Capitol Annex. Anyone interested in attending this hearing shall contact in writing by June 16, 1987: Nancy Brinly, Executive Secretary, Kentucky State Board of Physical Therapy, 1614 Dunbarton Wynde, Louisville, KY 40205-2778.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nancy Brinly
(1) Type and number of entities affected: Approximately 120 applicants/year.
(a) Direct and indirect costs or savings to those affected:
1. First year: No cost factors.
2. Continuing costs or savings: No cost factors.
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: No cost factors.
2. Continuing costs or savings: No cost factors.
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: No change
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: This proposed regulation has been written in anticipation of implementation of HB 310. The board has been granted maximum allowable fees in KRS Chapter 327. Actual fees, set by regulation are lower than allowed. Because costs to the board change, the board needs to retain the flexibility in fees charged. Fees were deleted from the regulations which will be submitted for implementation of HB 310.
TIERING: Was tiering applied? No All physical therapists and physical therapists' assistants are treated uniformly under the law.

GENERAL GOVERNMENT CABINET
Board of Physical Therapy
(Proposed Amendment)

201 KAR 22:040. Procedure for renewing licenses.

RELATES TO: KRS 327.050
PURSUANT TO: KRS 327.040
NECESSITY AND FUNCION: Provides specific directions for the biennial renewal of the physical therapy license. The billfold license is a means of identifying those persons holding themselves out as a licensed physical therapist.

Section 1. [Beginning with licenses valid until January 31, 1985 and thereafter beginning March 31, 1987,] The licensed physical therapist will automatically receive renewal of licensure upon payment on or before March 31st of each uneven numbered year of a renewal fee to be set by regulation. The licensee must also furnish [of eighty (80) dollars by money order or check made payable to the Kentucky State Treasurer and] current complete home and all physical therapy business locations and addresses and telephone numbers, sending all [and sent] to the executive secretary of the board. If payment and complete information are not received by the executive secretary by March 31 of each uneven numbered year, the license shall lapse and the person shall not work as a physical therapist in Kentucky.

Section 2. Upon initial licensing and each subsequent renewal, all therapists will be furnished a validation that must be posted to the original certificate and displayed at the primary physical therapy business address.

DEBORAH BRYANT THARP, Chairman
APPROVED BY AGENCY: March 21, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.
PUBLIC HEARING APPROVED: A public hearing on this regulation will be held on June 22, 1987 at 10 a.m. in Room 109 of the Capitol Annex. Anyone interested in attending this hearing shall contact in writing by June 17, 1987: Nancy Brinly, Executive Secretary, Kentucky State Board of Physical Therapy, 1614 Dunbarton Wynde, Louisville, KY 40205-2778.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nancy Brinly
(1) Type and number of entities affected: 680 physical therapists.
(a) Direct and indirect costs or savings to those affected:
1. First year: No cost factors.
2. Continuing costs or savings: No cost factors.
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: No cost factors.
2. Continuing costs or savings: No cost factors.
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: This proposed amendment has been written in anticipation of implementation of HB 310. The board has been granted maximum allowable fees in KRS Chapter 327. Actual fees, set by regulation are lower than allowed. Because costs to the board change, the board needs to retain the flexibility in fees charged. Fees were deleted from the regulation which will be submitted for implementation of HB 310.
TIERING: Was tiering applied? No All physical therapists and physical therapist's assistants are treated uniformly under the law.

GENERAL GOVERNMENT CABINET
Board of Physical Therapy
(Proposed Amendment)

201 KAR 22:106. Assistant's certification procedure.

RELATES TO: KRS 327.040
PURSUANT TO: KRS 327.040
NECESSITY AND FUNCTION: Because certification may be achieved in several ways, this regulation defines the types of candidates, the fee and procedure for making application to the State Board of Physical Therapy as a candidate for certification as a physical therapist's assistant.

Section 1. The fee for application for certification by examination shall be set by regulation and be prorated according to the time within a biennial licensure term it is received by the executive secretary of the board [during the first year of the biennial licensure term shall be $200. This application could result in a temporary permit and certificate which would be valid for more than one (1) year. The fee for application received by the executive secretary in the second year of a biennial licensure term shall be $160. This application could result in a temporary permit and certificate which would be valid for one (1) year or less. All application fees shall be paid by cashier's or certified check or money order payable to the Kentucky State Treasurer]. Upon approval as a candidate by the board, the candidate for certification by examination will be notified of the date, place and time of the examination. Examination will be held at a time and location set by the board. The board will administer the Professional Examination Service of the American Public Health Association examination and/or other examinations as determined by the board to those qualified candidates permitted to sit for the examination.

Section 2. If an applicant becomes a candidate for certification by examination before forty-five (45) days preceding the date that the next examination is to be held, the credentials of the applicant are in order, correct fee submitted and the board is in receipt of a completed supervisory agreement statement, then a temporary permit shall be isued to be in force until sixty (60) days after the examination [held six (6) months later], until the results of that examination are received and processed, or until the regularly scheduled renewal date of all licenses to practice, March 31 of each uneven numbered year, whichever comes first. A temporary permit requires that the physical therapist's assistant candidate work only with on-site supervision of a physical therapist licensed in Kentucky. The board shall issue a temporary permit to:
(1) Graduates who have applied for certification by examination, have met all requirements and are sitting for the next examination or who have taken that examination and have not yet been notified of the results.
(2) Applicants for certification by endorsement who have met all other requirements but must take the examination again.
(3) Graduates who have applied for certification by PES examination or other examinations approved by the board in another state and who have met all requirements for Kentucky application but who have not yet taken and been notified of successful completion of that examination.

Section 3. The applicant shall have three (3) attempts to pass the examination except that no applicant may work with a temporary permit longer than twenty-one (21) months. The original fee covers the first attempt. The cost of the examination to the board plus an administrative fee of forty-seven (47) dollars and fifty (50) cents must be assumed by the applicant for the second and third attempts. If the applicant fails on the first and second attempts and requests re-examination and pays the required fee, at the discretion of the board, a temporary permit shall be issued to allow the applicant to practice. If the applicant fails on the third attempt, the temporary permit is revoked and the applicant may no longer be employed in Kentucky as a physical therapist's assistant. The applicant who has failed the qualifying examination three (3) times may reapply after one (1) year but must submit a new application fee and no temporary permit will be issued.

Section 4. Candidates examined by boards of other states or territories shall have registered their PES scores with the Interstate Reporting Service of the Professional Examination Service. The applicant's scores, calculated by the PES to meet Kentucky board requirements, shall be submitted by the Interstate Reporting Service to this board for consideration of certification.

Section 5. The candidate for certification by endorsement shall use the regular application form. The Kentucky State Board of Physical Therapy will endorse a candidate who has paid an application fee proper for the period within the biennial licensure term in which he is applying, been examined by the Professional Examination Service, meets the Kentucky board's requirements of the national raw average score minus one and five-tenths (1.5) standard deviation set equal to a converted score of seventy-five (75), and

has never had a physical therapist's assistant certificate revoked or suspended or whose certificate is currently not on probation or under disciplinary review in another state. The fee submitted for application received by the executive secretary of the board shall be set by regulation and be prorated according to the time within the biennial licensure term it is received. Other examinations as determined by the board can be administered in lieu of, or in addition to the PES examination. [in the first year of a biennial licensure term shall be $140. This application could result in a certificate which would be valid for more than one (1) year. An application fee received by the executive secretary of the board in the second year of a biennial licensure term shall be $100. This application could result in a license valid for one (1) year or less. Application fees shall be paid by money order, cashier's or certified check payable to the Kentucky State Treasurer.]

Section 6. The candidate for reinstatement may receive a renewal of his/her certificate without further examination upon requesting renewal, payment of the reinstatement [renewal] fee which is set by regulation and prorated according to the time within the biennial licensure term it is received by the executive secretary of the board. He must also [of eighty (80) dollars plus reinstatement fee of twenty-five (25) dollars by money order, cashier's or certified check made payable to the Kentucky State Treasurer,] furnish current complete home and all physical therapy business locations [addresses] and telephone numbers and send [mailing] these to the executive secretary of the board. [The fee for renewal received which will grant certification for a period of one (1) year or less shall be forty (40) dollars plus a reinstatement fee of twenty-five (25) dollars.] Assistants who have not been certified for three (3) or more years may, in addition, be required to work with on-site supervision for a maximum period of time of up to six (6) months; or possibly, after evaulation of each instance be required to be re-examined. Reinstatement of the candidate shall be at the board's discretion after evaluation of all evidence.

Section 7. Physical therapist candidates who fail to pass the physical therapists' licensure examination on three (3) attempts and foreign trained physical therapist candidates who fail to complete general education requirements within the designated twenty-one (21) months may become special candidates for certification as a physical therapist's assistant by application to the board. The board will only consider those candidates who have achieved at least a converted sixty-five (65) on each part of their physical therapist examination with a passing set equal to the national average raw score minus one and five-tenths (1.5) standard deviation set equal to a converted seventy-five (75) on each part of the physical therapist examination.

Section 8. Certification, which shall be in effect until March 31 of the next uneven numbered year shall be issued by the board when candidates for certification by endorsement, reinstatement and special means have met all requirements and the board has received notice from the Professional Examination Service that the candidate by examination has received a passing grade of at least the national raw average score minus one and five-tenths (1.5) standard deviation set equal to a converted score of seventy-five (75).

DEBORAH BRYANT THARP, Chairman
APPROVED BY AGENCY: March 21, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.
PUBLIC HEARING APPROVED: A public hearing on this regulation will be held on June 22, 1987 at 10 a.m. in Room 109 of the Capitol Annex. Anyone interested in attending this hearing shall contact in writing by June 16, 1987: Nancy Brinly, Executive Secretary, Kentucky State Board of Physical Therapy, 1614 Dunbarton Wynde, Louisville, KY 40205-2778.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nancy Brinly
(1) Type and number of entities affected: Approximately 30 applicants/year.
(a) Direct and indirect costs or savings to those affected:
1. First year: No cost factors.
2. Continuing costs or savings: No cost factors.
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: No cost factors.
2. Continuing costs or savings: No cost factors.
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: No change
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: This proposed amendment has been written in anticipation of implementation of HB 310. The board has been granted maximum allowable fees in KRS Chapter 327. Actual fees, set by regulation are lower than allowed. Because costs to the board change, the board needs to retain the flexibility in fees charged.
TIERING: Was tiering applied? No All physical therapists and physical therapist's assistants are treated uniformly under the law.

GENERAL GOVERNMENT CABINET
Board of Physical Therapy
(Proposed Amendment)

201 KAR 22:110. Renewal of assistant's certification.

RELATES TO: KRS 327.040
PURSUANT TO: KRS 327.040

NECESSITY AND FUNCTION: This regulation provides specific direction for the biennial renewal of the assistant's certification. The billfold certificate is a means of identifying those persons holding themselves out as a certified physical therapist's assistant.

Section 1. [Beginning with certificates valid until January 31, 1985 and thereafter beginning March 31, 1987,] The assistant will automatically receive a renewal certificate upon payment on or before March 31 of each uneven numbered year of a renewal fee to be set by regulation [of eighty (80) dollars by money order or check made payable to the Kentucky State Treasurer] and current complete home and all physical therapy business locations, [and] addresses and telephone numbers and sending all [sent] to the executive secretary of the board. If payment and complete information are not received by the executive secretary by March 31 of each uneven numbered year, the certificate shall lapse and the person shall not work as a physical therapist's assistant in Kentucky.

Section 2. Upon initial certification and each subsequent renewal, all certified physical therapist's assistants will be furnished a validation that must be posted to the original certificate and displayed at the primary physical therapy business address.

DEBORAH BRYANT THARP, Chairman
APPROVED BY AGENCY: March 21, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.
PUBLIC HEARING APPROVED: A public hearing on this regulation will be held on June 22, 1987 at 10 a.m. in Room 109 of the Capitol Annex. Anyone interested in attending this hearing shall contact in writing by June 16, 1987: Nancy Brinly, Executive Secretary, Kentucky State Board of Physical Therapy, 1614 Dunbarton Wynde, Louisville, KY 40205-2778.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nancy Brinly
(1) Type and number of entities affected: 190 physical therapists' assistants.
(a) Direct and indirect costs or savings to those affected:
1. First year: No cost factors.
2. Continuing costs or savings: No cost factors.
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: No cost factors.
2. Continuing costs or savings: No cost factors.
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: No change
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: This proposed amendment has been written in anticipation of implementation of HB 310. The board has been granted maximum allowable fees in KRS Chapter 327. Actual fees, set by regulation are lower than allowed. Because costs to the board change, the board needs to retain the flexibility in fees charged. Fees were deleted from the regulations which will be submitted for implementation of HB 310.
TIERING: Was tiering applied? No All physical therapists and physical therapists' assistants are treated uniformly under the law.

GENERAL GOVERNMENT CABINET
Board of Licensure for Social Work
(Proposed Amendment)

201 KAR 23:040. Suspension, revocation, refusal to renew license.

RELATES TO: KRS 335.010, 335.150 to 335.160
PURSUANT TO: KRS 335.070
NECESSITY AND FUNCTION: In order to protect the public from inappropriate social work practices, this regulation is promulgated to provide safeguards in the public interest by setting forth criteria for disciplinary action.

Section 1. The board may reprimand, suspend, revoke, or refuse to renew the license or certification of any licensee who is found by the board to have willfully or repeatedly:
(1) Committed or caused to be committed any fraud, deceit or misrepresentation in an effort to obtain a license or certificate; or
(2) Violated any of the provisions of KRS Chapter 335 or any of the rules and regulations promulgated thereunder; or
(3) Has committed any gross negligence, professional incompetence or unprofessional conduct in the context of his practice of social work, as a licensee; or
(4) Has been legally declared mentally incompetent; or
(5) Has aided or abetted another person in falsely procuring or attempting to procure a license or certificate under KRS Chapter 335; or
(6) Practiced as a social worker as defined by KRS 335.020 while under suspension, revocation, or restriction of the social workers license by any state or federal authority; or
(7) Committed any unfair, false, misleading or deceptive act or practice in the conduct of the practice of social work. For the purpose of this subsection, unfair shall be construed to mean unconscionable; or
(8) Unlawfully failed to cooperate with the board by:
(a) Failing to furnish papers or documents lawfully requested by the board;
(b) Failing to appear before the board, in person or by counsel, at a time and place lawfully designated; or
(c) Failing to respond to subpoenas issued by the board; or
(9) Aided or abetted an unlicensed person in the practice of social work; or
(10) Taking financial advantage of a client; or
(11) Practiced in a specialty as defined by

201 KAR 23:070 without being certified to do so by the board; or

(12) Failed to provide adequate supervision of certified or licensed social workers who by contract are operating under the direction or control or fails to provide adequate supervision of their staff who work with clients; or

(13) Physically abused or has sexual contact with a client; or

(14) Used alcohol or mind-altering drugs while treating clients; or

(15) Committed any act involving dishonesty or corruption relating to the practice of social work. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action by the board. Upon conviction of such a crime the judgment and sentence shall be presumptive evidence at any disciplinary hearing by the board of the guilt of the licensee or applicant of the crime for which the licensee or applicant was convicted and of the licensee or applicant's violation of the statute upon which the conviction was based. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere was the basis for the conviction; or

(16) Use the letterhead, medical title, billing forms, or any other such documents to obtain payments, whether direct or indirect, from an insurance company or other source which indicates that another professional has treated the client when the client was actually treated by the social worker; provided, however, that the letterhead, medical title, billing forms, or other such documents of another professional may be used if there is an actual professional association between the professionals and the billing shows in a clear and conspicuous manner that the treatment was actually performed by the social worker; or

(17) Exploited persons in the delivery of professional services, including accepting clients for treatment when benefit cannot reasonably be expected or exploiting clients by continuing treatment unnecessarily or exploiting the professional relationship for any personal advantage; or

(18) Guaranteed the results of any therapeutic procedures directly or by implication, provided however, that a reasonable statement of prognosis may be made, but caution must be exercised not to mislead persons served professionally to expect results that cannot be predicted from sound evidence; or

(19) Improperly altered medical records of a client; or

(20) Failed to maintain the confidential relationship between social worker and client when engaging in therapy with such client or revealed the name of a client to another person without the specific approval of such client; or

(21) Possessed or distributed the board's testing or examination material without authorization; or

(22) Obtained or retained a client through deception, intimidation or coercion or discouraged the client from obtaining a second opinion; or

(23) Failed to report any person the licensee knows is in violation of KRS Chapter 335 or any regulations adopted by the board; or

(24) Abandoned a client without offering an appropriate referral to another mental health provider.

Section 2. The board may issue or reissue a license or certificate to any person whose license or certificate has been revoked, suspended or denied, provided that a majority of the entire board votes in favor of reissuance or issuance of said license.

DAVID NICHOLAS, Director
APPROVED BY AGENCY: May 15, 1987
FILED WITH LRC: May 15, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on the amendment to this regulation has been scheduled for June 26, 1987 at 9 a.m. to 11:30 a.m. at Farnham Dudgeon Civic Center, Rooms A, B, and C, 405 Mero Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 21, 1987 of their desire to appear and testify at the hearing: Mr. David Nicholas, Director, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Board of Licensure for Social Work.
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Licensure for Social Work
(Proposed Amendment)

201 KAR 23:060. Licensed and certified social workers.

RELATES TO: KRS 335.010 to 335.160
PURSUANT TO: KRS 335.070
NECESSITY AND FUNCTION: This regulation refines the use of descriptions prohibited from usage by unlicensed individuals.

Section 1. Any person who possesses a valid, unsuspended or unrevoked certificate as a licensed social worker, and who has received a

license pursuant to KRS Chapter 335 has the right to:

(1) Practice the profession of social work within the constraints of KRS Chapter 335 and rules and regulations promulgated thereunder; [and]

(2) Engage in any social work activities except the private independent practice of clinical social work as defined in 201 KAR 23:070; and

(3) [(2)] Use the title, "Licensed Social Worker" or the abbreviation "LSW." No other person shall assume these titles or use these abbreviations on any work or letter, sign, figure, or device to indicate that the person using the same is a licensed social worker.

Section 2. Any person who possesses a valid, unsuspended or unrevoked license as a "Certified Social Worker" has the right to:

(1) Practice his profession within the constraints of KRS Chapter 335; [and]

(2) Engage in any social work activities except the private independent practice of clinical social work as defined in 201 KAR 23:070;

(3) Perform clinical social work activities under the conditions set forth in 201 KAR 23:070, Section 2; and

(4) [(2) To] Use the title "Certified Social Worker" or its abbreviation "CSW.." No other person shall assume such title or use such abbreviation on any work or letter, sign, or figure, or device to indicate that the person using the same is a licensed certified social worker.

Section 3. Any person who possesses a valid, unsuspended or unrevoked certificate as a certified social worker for the private independent practice of clinical social work has the right to:

(1) Engage in the private practice of social work under the constraints of KRS Chapter 335 and rules and regulations promulgated thereunder; and

(2) To hold himself out to the public as providing service authorized in 201 KAR 23:070; and

(3) To use the title of or the abbreviation "LCSW." [:]

[(a) Clinical social worker;]

[(b) Community social worker;]

[(c) Social work researcher; or]

[(d) Social work administrator and manager.]

(4) Employ a certified social worker under the conditions set forth in 201 KAR 23:070, Section 2. [these regulations.]

DAVID NICHOLAS, Director

APPROVED BY AGENCY: May 15, 1987

FILED WITH LRC: May 15, 1987 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on the amendment to this regulation has been scheduled for June 26, 1987 at 9 a.m. to 11:30 a.m. at Farnham Dudgeon Civic Center, Rooms A, B, and C, 405 Mero Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 21, 1987 of their desire to appear and testify at the hearing: Mr. David Nicholas, Director, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas

(1) Type and number of entities affected:

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

1. First year: Board of Licensure for Social Work.

2. Continuing costs or savings: N/A

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

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: N/A

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: N/A

TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Licensure for Social Work
(Proposed Amendment)

201 KAR 23:070. Specialty certification.

RELATES TO: 335.080, 335.090, 335.100

PURSUANT TO: KRS 335.070

NECESSITY AND FUNCTION: This regulation further clarifies descriptions of specialty certification and the functions evolving therefrom, in addition to clarifying terms used KRS Chapter 335.

Section 1. Definitions. (1) (a) "Educational institution approved by the board" means graduate schools of social work accredited by the Council on Social Work Education, except that the board will evaluate credentials of foreign graduates on a case-by-case basis; and

(b) "A social work or social welfare program" not accredited by the Council on Social Work Education must demonstrate to the satisfaction of the board that they meet the Council on Social Work Education standards for accreditation of [under]graduate programs.

(2) Supervision for the independent practice of clinical social work shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual, and on helping with problems of living and activities designed to stimulate growth and development.

(3) "Certification for the independent practice of clinical social work" is defined as the process whereby the board recognizes a certified social worker to have special training

and/or competence to engage in the autonomous and independent practice of clinical social work. [Supervision for independent practice of community social work shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for social planning, program development, evaluation advocacy, ombudsmanship, facilitation, program budgeting, legislative activity, social organization and social mediation, among others.]

(4) "Private independent practice of clinical social work" is defined as that practice in which an individual who, wholly or in part, practices clinical social work outside of those settings specifically exempted by KRS 335.010, and has responsibility for his own practice and sets up his own conditions of exchange with his clients and identifies himself in any manner as a clinical social work practitioner in offering services. In addition, a social work employee of any individual, institution, or organization except those exempted by KRS 335.010 providing clinical social work services and paid by such persons, institutions or organizations rather than by direct arrangement with the client is considered within the definition of the private independent practice of clinical social work. [Supervision for independent practice of social work research shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for hypothesis formulation, sampling, data collection, data analysis, and interpretation of results, among others.]

(5) "Clinical social work" is defined as practice which focuses on the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual, and on helping with problems of living and activities designed to stimulate growth and development. Such practice is based on knowledge of psychodynamics, human relations, crisis intervention, psychopathology, and group dynamics. Practitioners have numerous skills including those necessary for individual, marital, family and group psychotherapy, as well as other treatment modalities. [Supervision for independent practice of social work administration and management shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for organizing, directing, supervising, staffing, evaluating, and consulting, among others.]

Section 2. [(1) For the purpose of the board, the private independent practice of social work for the specialty areas of community social work, social work research, and social work administration and management is defined as that practice in which an individual who, wholly or in part, practices social work outside of those settings specifically exempted by KRS 335.010, who has responsibility for his own practice and sets up his own conditions of exchange with his clients and identifies himself in any manner as a social work practitioner in offering services.]

[(2) For the purpose of the board, the private independent practice of clinical social work is defined as that practice in which an individual who, wholly or in part, practices social work outside of those settings specifically exempted by KRS 335.010, who has responsibility for his own practice and sets up his own conditions of exchange with his clients and identifies himself in any manner as a social work practitioner in offering services. In addition, a social work employee of any individual, institution or organization except those specifically exempted by KRS 335.010 providing clinical social work services and paid by such persons, institutions or organizations rather than by direct arrangement with the client is considered within the definition of a private practitioner. Furthermore,]

(1) A certified social work employee of an individual, [such persons,] institution, or organization may engage in the practice of clinical social work by contracting, [shall contract,] in writing, with a person who holds a valid Kentucky certification for clinical practice, who shall assume responsibility for the employee's practice and shall supervise in accordance with Section 3 [5] of this regulation, and KRS 335.100(b), over the qualifying period of eligibility for taking the specialty exam. He shall not enter into such practice of social work until this contract has been approved by the board and shall cease such practice of social work immediately upon the termination of said contract. At the termination of the contract the employee shall apply for the speciality certification or request an extension of the contract from the board.

(2) [(3)] The supervisory contract required in subsection (1) of this section shall contain all of the following:

(a) The name and license number of the supervisee.

(b) The name and license number of the supervisor.

(c) The nature of such practice.

(d) The nature, duration and frequency of the supervision.

(e) The conditions or procedures for termination of the supervision.

(f) The explicit statement that the supervisor understands that he shall be held accountable to the board for the care given to the supervisee's clients.

(g) The explicit statement that the certified social worker is a bona fide employee, and as such has social security and income tax deducted from his salary.

(h) The explicit statement that the supervisor meets the criteria set out in subsection (3) of this section.

(3) For purposes of the contractural arrangement mentioned in subsection (1) of this section only, [(4)] the criteria for a supervisor shall be:

(a) A person who has been in the independent practice of clinical social work for five (5) years following licensure for the independent practice of clinical social work.

(b) A person who has no unresolved complaints filed before the board.

(c) A person who has no more than six (6) certified social workers with whom they have a contract to be held accountable to the board. [supervisees at one time, unless specifically approved by the board.]

(d) A person who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.

[Section 3. Certification for Independent Practice. Certification is the process whereby the board recognizes a licensed certified social worker to have special training and/or competence to engage in autonomous and independent practice in specified areas of specialty.]

[Section 4. The areas of certification for private, independent practice are those of clinical social work, community social work, social work research, and social work administration and management.]

Section 3. [5. Clinical social work is defined as practice which focuses on the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual, and on helping with problems of living and activities designed to stimulate growth and development. Such practice is based on knowledge of psychodynamics, human relations, crisis intervention, psychopathology, and group dynamics. Practitioners have numerous skills including those necessary for individual, marital, family, and group psychotherapy, as well as other treatment modalities.] To be certified for the independent practice of [in] clinical social work the licensee must have:

(1) Had the required number of hours of experience in clinical social work under supervision. Such supervision shall have been provided by an individual meeting the requirement set forth in subsection (4) of this section;

(2) Shall have spent at least sixty (60) percent of the required experience in a direct client-professional relationship;

(3) Shall have had direct responsibility for specific individual and/or groups of clients;

(4) Supervision shall be provided by one (1) of the following:

(a) An individual certified for the independent practice of clinical social work [in the clinical specialty] by this board.

(b) An individual listed at the time of supervision in either the National Association of Social Workers Registry of Clinical Social Workers or the National Registry of Health Care Providers in Clinical Social Work. Persons beginning supervision after September 1, 1987 must obtain their supervision from persons meeting the qualifications set out in paragraph (a) or (c) of this subsection.

(c) A person who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.

(5) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the clinical certificate;

(6) Before [When] supervision can be obtained [is being provided] outside the agency in which the clinical experience is occurring, a written agreement among an authorized agent of the agency, the supervisor, and the supervisee, [a contractural arrangement,] including evidence of built-in accountability shall be provided to the board;

(7) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, excepting hours of supervision received prior to December 31, 1981, may be obtained through group supervision in groups of six (6) or fewer members;

(8) Such supervision shall be congruent with the board's code of ethical practice;

(9) Pass an examination developed by the board.

[Section 6. Community social work is defined as practice which deals with intervention at the community level oriented at involving community institutions and solving community welfare problems. Such practice is based on knowledge of community organization and development, social planning, policy analysis and social action. Practitioners have numerous skills including those necessary for social planning, program development, evaluation, advocacy, ombudsmanship, facilitation, program budgeting, legislative activity, social organization and social mediation, among others. In order to be certified for the independent practice of community social work the licensee must have:]

[(1) Completed the required number of hours of supervised experience in community social work. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (3) of this section;]

[(2) Shall have had direct responsibility for specific projects which would require the utilization and refinement of the knowledge and skills outlined above;]

[(3) Supervision shall be provided by one (1) of the following:]

[(a) An individual certified in the community specialty by this board; or]

[(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.]

[(4) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the community certificate;]

[(5) When supervision is being provided outside the agency in which the community experience is occurring, a contractural arrangement, including evidence of built-in accountability shall be provided;]

[(6) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, excepting hours of supervision received prior to December 31, 1981, may be obtained through group supervision in groups of six (6) or fewer members;]

[(7) Such supervision shall be congruent with the board's code of ethical practice;]

[(8) Pass an examination developed by the board.]

[Section 7. Social work research is defined as practice which focuses primarily on the scientific investigation of social and behavioral phenomena. Such practice is based on knowledge of statistics, research design, research methodology and basic computer methodology, among other things. Practitioners have numerous skills, including those necessary for hypothesis formulation, sampling, data collection, data analysis, and interpretation of results, among others. Licensees applying for certification in this specialty will be expected to have:]

[(1) Completed the required number of hours of supervised experience in the practice of this specialty. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (2) of

this section;]

[(2) Supervision shall be provided by one (1) of the following:]

[(a) An individual certified in the social research specialty by this board; or]

[(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.]

[(3) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for social work research;]

[(4) When supervision is being provided outside the agency in which the social work research experience is occurring, a contractural arrangement, including evidence of built-in accountability shall be provided;]

[(5) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, excepting hours of supervision received prior to December 31, 1981, may be obtained through group supervision in groups of six (6) or fewer members;]

[(6) Such supervision shall be congruent with the board's code of ethical practice;]

[(7) Pass an examination developed by the board.]

[Section 8. Social work administration and management is defined as practice which focuses primarily on directing the development and/or management of social service delivery systems. Such practice is based on knowledge of policy development, program management, personnel management, fiscal management, public relations and organization development among other things. Practitioners have numerous skills including those necessary for organizing, directing, supervising, staffing, evaluating and consulting, among others. Licensees applying for certification for the independent practice in this specialty shall be expected to have:]

[(1) Completed the required number of hours of supervised experience in the area of administration and management. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (6) of this section;]

[(2) Affirmed that sixty (60) percent of such experience has been spent in management of a recognized unit or units which has a continuing function;]

[(3) Organization responsibility for at least four (4) or more professional staff with the ability to hire or dismiss, or at least make recommendations on any change of status in such staff;]

[(4) Demonstrated the exercise of discretion and independent judgment which involves the comparison and evaluation of possible courses of conduct and subsequent action or making a decision after the various possibilities have been considered;]

[(5) Have demonstrated significant responsibility for program planning and budgeting for the organizational unit which he has managed;]

[(6) Supervision shall be provided by one (1) of the following:]

[(a) An individual certified in administration and management by this board; or]

[(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.]

[(7) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the administration and management certificate;]

[(8) When supervision is being provided outside the agency in which the administration and management experience is occurring, a contractural arrangement, including evidence of built-in accountability shall be provided;]

[(9) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, excepting hours of supervision received prior to December 31, 1981, may be obtained through group supervision in groups of six (6) or fewer members;]

[(10) Such supervision shall be congruent with the board's code of ethical practice;]

[(11) Pass an examination developed by the board.

DAVID NICHOLAS, Director

APPROVED BY AGENCY: May 15, 1987

FILED WITH LRC: May 15, 1987 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on the amendment to this regulation has been scheduled for June 26, 1987 at 9 a.m. to 11:30 a.m. at Farnham Dudgeon Civic Center, Rooms A, B, and C, 405 Mero Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 21, 1987 of their desire to appear and testify at the hearing: Mr. David Nicholas, Director, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas

(1) Type and number of entities affected:

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

1. First year: Board of Licensure for Social Work.

2. Continuing costs or savings: N/A

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

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: N/A

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: N/A

TIERING: Was tiering applied? No. N/A

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

301 KAR 1:031. Land Between the Lakes provisions.

RELATES TO: KRS 150.025, 150.090, 150.170, 150.175, 150.250, 150.340, 150.360, 150.370, 150.470
PURSUANT TO: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: Whereas, the Tennessee Valley Authority has requested the Kentucky Department of Fish and Wildlife Resources to enforce its special fishing regulations on its Land Between the Lakes National Recreation Area waters; this regulation sets forth the conditions and provisions under which fishing is permitted in the Land Between the Lakes area and provides for enforcement by state conservation officers. It is necessary in order to protect the fishery resources of the Land Between the Lakes area. This amendment is necessary in order to standardize fishing dates and bring them more closely in line with angler use.

Section 1. Fishing is permitted in Land Between the Lakes in accordance with the following regulations:
(1) Energy Lake. Fishing (boat and bank) is permitted year-round except in the waterfowl refuge area (western one-third (1/3) [half] of lake) which is open to fishing from March 16 [1] through October 31 [September 30] as posted.
(2) Honker Lake. Fishing (boat and bank) is permitted from March 16 [1] through October 31 [September 30] except the two (2) northern bays [portion] designated as a waterfowl nesting area which are open to fishing May 16 through October 31 as indicated by signs and buoys [is posted as closed to fishing and boating year-round]. Fishing is permitted year-round in the portion of Honker Lake which extends from near the end, as indicated by signs, of the Long Creek Walk (handicap trail) to the base of the Hematite Lake spillway.
(3) Hematite Lake. [Unless posted otherwise,] Bank fishing is permitted from March 16 [1] through October 31. Open to boat fishing May 16 through October 31. No gas powered motors allowed. [September 30 during daylight hours only.]
(4) Farm Ponds. Open to fishing year-round [during daylight hours only] unless posted.
(5) Lake Barkley - Kentucky Lake. Open to fishing year-round unless posted. Bank fishing and frogging (gigs only) from shoreline is permitted in accordance with state regulations except in areas that are posted as closed for waterfowl refuges and other special uses.

Section 2. Frogs may be taken in farm ponds and Energy and Honker Lakes by gigs only from May 15 through May 31. Hematite Lake and other areas as posted will be closed to frogging.

Section 3. Boats must operate at "no wake" speed on Energy and Honker Lakes. A federal permit is not required for fishing or frogging. State fishing regulations and limits apply.

DON R. McCORMICK, Commissioner
G. WENDELL COMBS, Secretary
CHARLES E. PALMER, JR., Chairman
APPROVED BY AGENCY: April 12, 1987
FILED WITH LRC: May 12, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on June 24, 1987 at 1:30 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, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick
(1) Type and number of entities affected: Approximately 10,000 anglers that fish LBL Lakes.
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None 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: None
TIERING: Was tiering applied? No. Not applicable.

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

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

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390
PURSUANT TO: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: This regulation pertains to the deer gun and archery season and the turkey archery season on special deer areas. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of deer and turkey within reasonable limits based upon an adequate supply. This amendment is necessary to establish current season dates and hunting rules.

Section 1. Deer and turkey Season on Special Deer Areas. Unless stated herein, statewide deer

gun and archery season regulations apply. These areas are open only on the dates specified below for the species mentioned herein.

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

(a) Deer archery hunts (either sex): White-tailed or fallow deer. The fourth Saturday in September [October 1] through November 5 [11] and November 10-12 and 17-19 [December 13 through December 31].

(b) Quota deer hunts:

1. Quota gun hunts: White-tailed or fallow deer and sex as specified on permit. November 21-22, 24-25, and 28-29 [19-20, 25-26 and 29-30].

2. Quota archery hunts: White-tailed or fallow deer as specified on permit, in that portion of the Environmental Education Area designated as hunt area 17. November 7-9, 21-23, and 28-30 [15-17, 19-21, and November 29-December 1].

(c) Turkey archery hunts: One (1) turkey of either sex during the deer archery hunts as specified in subsection (1)(a) of this section. Hunter must have a valid wild turkey permit in possession when a turkey is taken. Turkey hunting will [not] be allowed only by hunters with a valid unfilled deer tag [after a hunter has harvested a deer].

(d) Quota deer gun hunt for youths only: One (1) white-tailed deer or fallow of either sex on November 7-8 [15-16]. Hunting is restricted to persons at least ten (10) years of age but who have not reached their sixteenth birthday. Each youth must be accompanied by an adult and must have a valid Kentucky hunting license, a state deer permit, an LBL Youth Hunt Permit and a state approved Hunter Safety Certificate.

(e) Bag limits: The deer bag limit for the Kentucky portion of LBL is two (2) deer; provided only [one (1) deer of either sex is taken during the Land Between the Lakes deer archery season, and] one (1) deer is taken during any quota gun or quota archery hunts at LBL.

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

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

(h) Checking in and out:

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

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

(i) Permits and tagging requirements:

1. Permits. An LBL hunter use permit is required for each hunter participating in the deer and turkey archery season and an LBL computer card permit is required for each hunter participating in the quota gun or quota archery deer hunts.

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

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

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

(l) For LBL general hunting rules refer to 301 KAR 2:050.

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

(a) Deer archery and muzzle-loading rifles (either sex): September 26 [27] through October 9 [10].

(b) Deer gun and archery (either sex): October 10 [11] through November 23 and December 12 [13] through December 31 on selected areas.

(c) Wild turkey archery season: Gobblers only with visible beards. Statewide season limits apply. September 26 [27] through October 9 [10]. Only those turkey hunters who possess valid deer and turkey hunting permits are permitted to hunt turkey at this time. Turkey hunting will [not] be permitted only by hunters with a valid unfilled deer tag [after a hunter has harvested a deer].

(d) White turkey season: Either sex white turkeys. The post bag limit is one (1) white turkey per deer gun season. Statewide and post season limits on white turkey do not apply to the taking of other turkey. White turkey may be taken during any open hunting season on Ft. Campbell. [October 11 through November 23 and December 13 through 31.] Only those turkey hunters who possess valid unfilled deer tags and turkey hunting permits are permitted to hunt turkey at this time. [Turkey hunting will not be permitted after a hunter has harvested a deer.]

(e) Bag limits: The bag limit for Kentucky license holders hunting on Fort Campbell will be two (2) deer of either sex taken by either gun or bow. Prior to November 23, once a hunter has taken his first deer on Fort Campbell, he is not eligible for weekend drawings (i.e., he can only hunt on Mondays, Thursdays, or Fridays [Wednesdays through Fridays] or on weekend standby) until the reopening of deer hunting on December 12 [13]. At that time if he has not harvested his limit he is eligible for the weekend drawing until he has taken his limit.

(f) Permits and tagging requirements:

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

required to purchase a post hunting and fishing permit.

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

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

(h) Hunter safety certificate: All deer hunters between the ages of twelve (12) and eighteen (18) must possess a hunter safety certificate.

(i) Special clothing requirements: All deer gun hunters must wear a cap and jacket or panels of daylight fluorescent orange totaling 500 square inches.

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

(a) Deer archer hunt (either sex): Second Saturday in October through the second Sunday in November [October 11 through November 11].

(b) Deer gun hunt (either sex): The third and fourth Saturdays and Sundays in November and the first Saturday and Sunday in December. [November 22-23, 29-30, and December 6-7.]

(c) Bag limits: The post bag limit is one (1) deer of either sex.

(d) Applications: Separate applications are required for archery and gun hunts.

1. Archery hunts: Civilians not working on post must apply for weekend archery hunts by mail. No more than five (5) hunters may apply on any one (1) application. Applications must not be postmarked earlier than the second Saturday in July or later than the fourth Sunday in July [July 12 or later than July 27] to be considered for the drawing for weekend archery hunts. Applicants drawn will be assigned one (1) weekend of archery hunting. [Applications must include type of hunt (archery), name and address of each hunter, a self-addressed stamped envelope and a twenty (20) dollar money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United states. Mail applications to Morale Support Activities, Hunt Control Office, Fort Knox, Kentucky 40121.] Weekday archery hunting will be on a first come, first served basis. Sign-up for weekday hunts must be made forty-eight (48) hours in advance at Hunt Control Headquarters Building 1060.

2. Gun hunts: Civilians not working on post must apply for a two (2) day gun hunt by mail. No more than five (5) hunters may apply on any one (1) application. Applications must not be postmarked earlier than the second Saturday in August or later than the fourth Sunday in August [August 9 or later than August 24] to be considered for a random drawing. Hunters will be assigned one (1), two (2) day hunting period. [Applications must contain the type of hunt (gun), names and addresses of each hunter, a self-addressed stamped envelope and a twenty (20) dollar money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Morale Support Activities, Hunt Control Office, Fort Knox, Kentucky 40121.]

3. Application procedure: All applications must contain the type of hunt (gun or bow), names and addresses of each hunter, a self-addressed stamped envelope and a twenty-five (25) dollar money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Morale Support Activities, Hunt Control Office, Fort Knox, Kentucky 40121.

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

(f) Hunting hours: One-half (1/2) hour before sunrise until 5:00 p.m. local prevailing time. Hunters must clear hunt control by 7:00 p.m.

(g) Prohibited and permitted weapons: Only breech-loading and muzzle-loading shotguns of twelve (12) gauge maximum and twenty (20) gauge minimum firing a single projectile, and muzzle-loading rifles of .40 [.38] caliber to .58 caliber firing a single projectile will be permitted. Magazined shotguns must be plugged to a three-shot capacity. Hunters may have only ten (10) rounds [shots] of ammunition in possession for any one (1) hunting day. Crossbows are prohibited.

(h) Hunter safety certificates: All deer hunters under the age of twenty-one (21) [sixteen (16)] must possess a hunter safety certificate.

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

(a) Deer archery hunts: During the month of October and November.

(b) Deer gun hunts: During the month of November and December.

(c) Bag limits: The post bag limit is one (1) deer of the sex announced on the day of the hunt.

(d) Applications: Hunters may submit applications for archery or gun hunts, but not for both. Applications for the drawings must be made on a postcard with only one (1) hunter allowed per card. More than one (1) postcard per individual will disqualify the applicant. When a [husband and wife or adult and juvenile or a] maximum of two (2) people desire to hunt together, the required information may be written on individual three (3) inch by five (5) inch cards, stapled together, and mailed in one (1) envelope. Each applicant must furnish name and address (including zip code), telephone number and specify whether gun or archery hunting is desired. Hunters, their hunting dates and areas will be selected by a drawing. All cards or envelopes must be postmarked no earlier than August 10 or later than September 9 to be eligible for the drawing. A fifteen (15) dollars per person fee will be charged for hunting payable on the assigned hunting date. Mail all applications to: Commander, Lexington-Blue Grass Depot [Activity], Attention: Land Manager [Chairman, Wildlife Management Subcommittee], Lexington, Kentucky 40511-5010 [5000].

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

(f) Prohibited and permitted weapons: Only breech-loading shotguns are permitted. Only longbows and compound bows having a pull weight

of forty (40) pounds or greater are permitted. Crossbows are prohibited.

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

(h) Hunter safety certificates: All deer hunters born after January 1, 1970 must possess a hunter safety certificate.

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

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

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

(c) Deer archery hunt: Open to either sex deer beginning the third Saturday in October and lasting for five (5) consecutive days.

(d) Bag limits: The refuge bag limit is one (1) deer of either sex.

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

(6) Westvaco public hunting area. All persons hunting must possess a valid Westvaco hunting permit.

(7) Higginson-Henry WMA located in Union County.

(a) Turkey archery season: Either sex during the month of October.

(b) Special requirements: All hunters must possess both a valid deer tag and turkey tag.

DON R. McCORMICK, Commissioner
G. WENDELL COMBS, Secretary
CHARLES E. PALMER, JR., Chairman
APPROVED BY AGENCY: May 12, 1987
FILED WITH LRC: May 12, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on June 22, 1987 at 10 a.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: Lauren Schaaf, 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 170,000 persons will participate in white-tailed deer hunting, and an estimated 3,000 persons will participate in wild turkey hunting in 1987. An unknown portion of these will avail themselves of the hunting opportunities offered on the federal installations spoken to in this regulation.

(a) Direct and indirect costs or savings to those affected: Direct and indirect costs involve the purchase of a state hunting license, one or two deer permits, and special hunting permits required by the administration of the federal installations. Indirect costs are determined by the individual hunter, depending on his level of participation.

1. First year: Persons participating in the deer hunting proposed for authorization by this regulation would be required to possess a valid hunting license ($8.50 for residents) and a deer permit ($11.50) unless exempt by regulations. Those participating in turkey hunting would be required to also purchase a turkey permit ($6.50).

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): The taking of a second deer would require the purchase of a second deer permit ($11.50). An additional hunting fee is charged by Fort Knox, Blue Grass Ordnance Depot Activity, Land Between the Lakes, and Fort Campbell.

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

(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 promulgation and enforcement of the regulation.

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

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Deer and turkey hunters may be expected to expend money for equipment, transportation, food and lodging. The annual expenditure for these items averages $25 per day of hunting according to the 1980 National Hunting and Fishing Survey. State and local revenues can be expected to be positively affected due to the necessary expenditures for the required licenses and taxes levied upon items purchased by hunters.

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

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

COMMERCE CABINET
Department of Economic Development
(Proposed Amendment)

306 KAR 1:010. Definitions.

RELATES TO: KRS 154.655
PURSUANT TO: KRS 278.280(2)
NECESSITY AND FUNCTION: KRS 154.650 et seq. establishes and directs the Enterprise Zone Authority of Kentucky (hereinafter referred to as the authority) to organize and regulate the implementation of the Enterprise Zone Act. This regulation sets forth definitions for words and/or phrases used by the authority in determining the eligibility of applicants for designation as an Enterprise Zone Area.

Section 1. Definitions of terms or phrases used in regulations and relating to the Enterprise Zone Act are as follows:

[(1)] "Qualified business" means any new or existing business with at least fifty (50) percent of its employees performing substantially all of their services within an enterprise zone. [is any person, corporation or other entity physically located within the designated zone area (hereinafter referred to as zone or zone area) who during the time of designation is already engaged in or who becomes so engaged in the active conduct of trade or business during the life of the zone and who meets the following criteria:]

[(a) Fifty (50) percent of the employees must perform substantially all of their services within the zone.]

(1) [1.] Employees shall include all full-time employees and all part-time employees who are employed on a regular basis by the business physically located within the same area.

(2) [2.] Substantial performance in the zone includes any business performed outside of the zone area only if the business originates in the office of the business physically located within the zone, if the employees are dispatched from that office and if the employees are required to report to that office.

(3) [3.] It is not permitted that an employer terminate an individual's employment, lay off an employee or otherwise remove an employee from a payroll in order that a new employee who qualifies under these regulations may take the removed employee's place unless said removal was for good cause.

(4) New business data source means the Department for Social Insurance, Division of Unemployment Insurance or the Department for Employment Services, Human Resources Cabinet.

[(b) Twenty-five (25) percent of the business's employees must come from one (1) or more of the following three (3) categories:]

[1. Residents of the zone area.]

[2. Individuals who have been unemployed for at least the entire year prior to obtaining employment with the business. Acceptable data will be proof that the individuals have been unemployment insurance recipients or actively seeking employment the entire year prior to obtaining employment with the business, said data to obtaining employment with the business, said data to be obtained at the Department of Social Insurance, Division of Unemployment Insurance or the Bureau for Manpower Services, Cabinet for Human Resources.]

[3. Individuals who have been receiving public assistance benefits based on need and intended to alleviate poverty, i.e., food stamps or Aid to Families with Dependent Children, for at least the entire year prior to obtaining employment with the business. This data is to be obtained from the Cabinet for Human Resources, Department of Social Insurance.]

(5) Existing business' increase in capital investment will be based on fixed assets. Increase in capital investment will be based on a firm's net fixed assets as shown on the firm's most recent interim financial statement dated within sixty (60) days of the date of application for certification as a qualified business. The firm's most recent fiscal or calendar year-end financial statement will also be required. Follow-up status reports will be required every six (6) months until the firm has fulfilled its contract. An authorized official of the firm will be notified when these status reports are due. Reports will be sent to the Kentucky Enterprise Zone Authority, Commerce Cabinet, Frankfort, Kentucky. The authority may request appropriate financial statements which reflects the firm's increase in order to verify the fulfillment of the contract.

(6) Existing business' increase in number of employees may be verified by the Department of Employment Services, Human Resources Cabinet, if hiring has been placed through this agency, by appropriate financial statements showing a break-out of employment and payroll, or by affidavit of an authorized company official. Follow-up status reports will be required every six (6) months during the contract period until the business has fulfilled its contract. An authorized official of the business will be notified when these status reports are due. Reports will be sent to the Kentucky Enterprise Zone Authority, Commerce Cabinet, Frankfort, Kentucky.

[(2) "Qualified property" shall mean:]

[(a) Any tangible personal property located in the zone area used predominately by the operator of a business located within the zone area; and]

[(b) Any real property located in the zone which:]

[1. Was used predominately by the owner of said property in the active conduct of a trade or business; or]

[2. Was the principal residence of the owner of the property on the date of sale or exchange.]

Section 2. 306 KAR 1:080, Regulations review, is hereby repealed.

CARROLL KNICELY, Secretary
JAMES R. POSTON, Chairman
DAVID LOVELACE, Commissioner
APPROVED BY AGENCY: May 13, 1987
FILED WITH LRC: May 13, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing to receive comments on this proposed amendment will be conducted on June 23, 1987, at 10 a.m. (EDT) in the Commerce Cabinet Conference Room of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this public hearing shall contact, in writing at least five days prior to the hearing, Sara L. Bell, Enterprise Zone Coordinator, Commerce Cabinet, 2300 Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sara Bell
(1) Type and number of entities affected: None
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: 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

LOCAL MANDATE IMPACT STATEMENT

Regulation No.: 306 KAR 1:010
SUBJECT/TITLE: Enterprise Zone Act - definitions of terms.
SPONSOR:
NOTE SUMMARY
LOCAL GOVERNMENT MANDATE: Yes
TYPE OF MANDATE: Permissive mandate, setting forth guidelines for local governments establishing an enterprise zone.
LEVEL(S) OF IMPACT: City, County, Urban County Government.
BUDGET UNIT(S) IMPACT: N/A
FISCAL SUMMARY: Due to the permissive nature of this program and the many variables involved, fiscal estimates are not available.
MEASURE'S PURPOSE: To make proposed amended regulations conform with statutory changes to Enterprise Zone Act (KRS 154.650-700).
PROVISION/MECHANICS: Conforming changes to reflect 1986 statute revisions of Enterprise Zone Act.
FISCAL EXPLANATION: N/A

COMMERCE CABINET
Department of Economic Development
(Proposed Amendment)

306 KAR 1:020. Application process.

RELATES TO: KRS 154.660
PURSUANT TO: KRS 278.280(2)
NECESSITY AND FUNCTION: KRS 154.650 et seq. establishes and directs the Enterprise Zone Authority of Kentucky to organize and regulate the implementation of the Enterprise Zone Act. This regulation sets forth the procedures by which an application is made and the application process used by the authority in the administration of this program. This regulation also established a procedure to after the zone's boundary. [The Kentucky Enterprise Zone Authority will be designating a state enterprise zone in 1986.]

Section 1. Application Process. (1) The authority shall devise application forms and shall review each application as submitted by the applicant and request such additional information as they deem necessary. Subsequent to said review, the authority may require oral presentations by the applicants and may visit the proposed zone area. [Proper to application, the city, county or urban-county government must, by official act of the appropriate local legislative body, designate an area within its jurisdicational boundary of a city or county, there must be submitted to the authority an intergovernmental agreement which sets forth the commitment by the jurisdictions to work jointly to achieve the results set forth in the jointly executed plan. The local government may designate more than one (1) such area.]
[(2) The authority shall devise application forms and shall make them available to anyone desiring same. All first year applications must be received by the authority on or before May 1, 1983 at which time the period in which the authority must make a decision begins to run. Applications for subsequent years shall be received by the authority on or before September 1 of the year submitted. The authority is to act promptly on the applications and may request additional information from the individual applicants. Applicants shall be mailed to and information is available from the Enterprise Zone Authority, 2200 Capital Plaza Tower, Frankfort, Kentucky 40601.]
[(3) The staff of the authority shall review each application as submitted by the different applicants and request such additional information as they deem necessary. After said screening the staff shall submit the applications to the authority at which time the members of the authority shall review same. Subsequent to said review the authority may require oral presentations to be made by same or all of the applicants as they deem proper.]
(2) [(4)] Failure of an applicant to receive a designation does not preclude application in the following years.
[(5) At any time before or after an application has been approved, a community may apply to the Kentucky Enterprise Zone Authority for an addition to the boundaries previously submitted or approved. Such requests for additions of enterprise zone boundaries should reflect a need which now exists due to the prospects of economic activity in the change area which would create a significant number of new jobs and attract considerable amounts of private sector investment.]

CARROLL KNICELY, Secretary
JAMES R. POSTON, Chairman
DAVID LOVELACE, Commissioner
APPROVED BY AGENCY: May 13, 1987
FILED WITH LRC: May 13, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing to receive comments on this proposed amendment will be conducted on June 23, 1987, at 10 a.m. (EDT) in the Commerce Cabinet Conference Room of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this public

hearing shall contact, in writing at least five days prior to the hearing, Sara L. Bell, Enterprise Zone Coordinator, Commerce Cabinet, 2300 Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sara Bell
(1) Type and number of entities affected: City, county or urban county government.
(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: Application to be completed.
(2) Effects on the promulgating administrative body: Limited costs for mailing and travel to applying communities.
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs: The more areas which apply for state enterprise zone status, the more travel expenses incurred.
(b) Reporting and paperwork requirements: Review of applications.
(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

LOCAL MANDATE IMPACT STATEMENT

Regulation No.: 306 KAR 1:020
SUBJECT/TITLE: Enterprise Zone Act - application process.
SPONSOR:
NOTE SUMMARY
LOCAL GOVERNMENT MANDATE: Yes
TYPE OF MANDATE: Permissive mandate, setting forth guidelines for local governments establishing an enterprise zone.
LEVEL(S) OF IMPACT: City, County, Urban County Government.
BUDGET UNIT(S) IMPACT: N/A
FISCAL SUMMARY: Due to the permissive nature of this program and the many variables involved, fiscal estimates are not available.
MEASURE'S PURPOSE: To make proposed amended regulations conform with statutory changes to Enterprise Zone Act (KRS 154.650-700).
PROVISION/MECHANICS: Conforming changes to reflect 1986 statute revisions of Enterprise Zone Act.
FISCAL EXPLANATION: N/A

COMMERCE CABINET
Department of Economic Development
(Proposed Amendment)

306 KAR 1:030. Eligibility requirements.

RELATES TO: KRS 154.665
PURSUANT TO: KRS 278.280(2)
NECESSITY AND FUNCTION: KRS 154.650 et seq. establishes and directs the Enterprise Zone Authority of Kentucky to organize and regulate the implementation of the Enterprise Zone Act. This regulation sets forth the eligibility requirements used by the authority in determining the ability of the applicant to meet the requirements and the criteria which will be acceptable to the authority as supportive of the applicant's eligibility. This regulation needs to establish eligibility criteria for state enterprise zones.

Section 1. Eligibility Requirements. <u>(1) The average rate of unemployment in such areas shall be determined by 1980 decennial United States Census or other statistical data computed using approved Bureau of Labor Statistics methodology.</u> [An area meets the requirements of pervasive poverty, unemployment and economic distress if:]
[(1) The average rate of unemployment in such area for the most recent eighteen (18) month period, for which 1980 decennial United States Census is available or other statistical data computed using approved Bureau of Labor Statistics methodology, was at least one and one-half (11/2) times the average national rate of unemployment for such eighteen (18) month period.]
(2) <u>Income data shall be based on 1980 decennial United States Census or which is the product of a study or survey done by a source which is acceptable to the authority.</u> [In addition to the unemployment statistics, an area must meet one (1) of the following additional requirements to be eligible:]
[(a) At least seventy (70) percent of the residents (households) living in the area have income below eighty (80) percent of the median income of the residents (families) of the city, county or urban county government requesting designation as based on 1980 decennial United States Census or which is the product of a study or survey done by a source which is acceptable to the authority; or]
[(b) The population of all census tracts or equivalent census statistical area, i.e., block numbering areas or enumeration districts, in the area decreased by ten (10) percent or more between 1970 and 1980 as determined by the 1970 and 1980 censuses respectively, and the city, county or urban county government requesting designation can establish to the satisfaction of the authority that either: chronic abandonment or demolition of commercial or residential structures exist in the area, or substantial tax arrearages of commercial or residential structures exist in the area. Acceptable data for "chronic abandonment" could include tax arrearages information from the offices of the county sheriff or property valuation administrator, or demolition permits if available. A measure of chronic abandonment, demolition of or substantial tax arrearages of commercial or residential structures could be established if the area has a higher rate of tax arrearages by dollar value or parcels, than the

city or county as a whole.]

[(3) An applicant which chooses to generate statistics or use those of others to support eligibility requirements shall provide the authority with the detailed statistics, source methodology and certification by the person or persons responsible for preparation approving the explanation and interpretation of the findings.]

[(4) A community applying to the Kentucky Enterprise Zone Authority for an addition to the boundaries of an enterprise zone must certify that the area in question is contiguous to the present zone boundaries and that the changed zone area still meets the minimum eligibility criteria set forth in the Act. A community should submit an application for boundary additions under the same guidelines as the original application, showing new zone boundaries, and new eligibility criteria. Boundary changes do not go into effect until after written approval has been received from the Kentucky Enterprise Zone Authority. For purposes of time period referred to in KRS 154.670(20 and (3), the date of the original zone designation shall be utilized for calculating said time periods.]

CARROLL KNICELY, Secretary
JAMES R. POSTON, Chairman
DAVID LOVELACE, Commissioner
APPROVED BY AGENCY: May 13, 1987
FILED WITH LRC: May 13, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing to receive comments on this proposed amendment will be conducted on June 23, 1987, at 10 a.m. (EDT) in the Commerce Cabinet Conference Room of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this public hearing shall contact, in writing at least five days prior to the hearing, Sara L. Bell, Enterprise Zone Coordinator, Commerce Cabinet, 2300 Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sara Bell
(1) Type and number of entities affected: None
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: 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

LOCAL MANDATE IMPACT STATEMENT

Regulation No.: 306 KAR 1:030
SUBJECT/TITLE: Enterprise Zone Act - eligibility requirements.
SPONSOR:
NOTE SUMMARY
LOCAL GOVERNMENT MANDATE: Yes
TYPE OF MANDATE: Permissive mandate, setting forth guidelines for local governments establishing an enterprise zone.
LEVEL(S) OF IMPACT: City, County, Urban County Government.
BUDGET UNIT(S) IMPACT: N/A
FISCAL SUMMARY: Due to the permissive nature of this program and the many variables involved, fiscal estimates are not available.
MEASURE'S PURPOSE: To make proposed amended regulations conform with statutory changes to Enterprise Zone Act (KRS 154.650-700).
PROVISION/MECHANICS: Conforming changes to reflect 1986 statute revisions of Enterprise Zone Act.
FISCAL EXPLANATION: N/A

COMMERCE CABINET
Department of Economic Development
(Proposed Amendment)

306 KAR 1:040. Qualification.

RELATES TO: KRS 154.680
PURSUANT TO: KRS 278.280(2)
NECESSITY AND FUNCTION: KRS 154.650 et seq. establishes and directs the Enterprise Zone Authority of Kentucky to organize and regulate the implementation of the Enterprise Zone Act. This regulation sets forth the requirements imposed upon a qualified business prior to their obtaining the benefits under KRS Chapters 132, 138, 139 and 141. This regulation sets forth the requirements imposed upon a qualified business in order to obtain [prior to their obtaining] enterprise zone benefits.

Section 1. Monitoring. The authority reserves the right to perform periodic audits, spot check or other policing functions in order to assure compliance with the requirements under the Act. [Qualification. A report is to be prepared by any business seeking qualifications, said report to be submitted to the authority wherein the business, certifies compliance with the requirements of the act and these regulations. The report shall include the requirements listed in KRS 154.665 as well as the regulations governing same.]

Section 2. Removal of Qualification. Should the authority determine that a qualified business has not fulfilled the terms of the contract used for certification or has not acted in good faith, the authority shall give written notice to the qualified business in question by certified mail. Within sixty (60) days of receipt of said notice, the qualified business may respond to the authority. The authority will render its decision within sixty (60) days of said response. [Annual Review. (1) An annual

report is to be prepared by the qualified business and submitted to the authority by February 15 each year wherein the qualified business certifies continued compliance with the requirements of the act and makes note of any and all changes in the make-up and structure of the qualified business as noted in the preliminary qualification report required by Section 1 of this regulation.]

[(2) A business which has become qualified under the act will remain qualified as long as the employees which cause said business to become qualified remain with the employer. In the event one (1) of these qualifying employees no longer is employed by said business that business must replace said employee with an individual with the same or similar employment background if necessary to retain qualifying status. The authority reserves the right to perform periodic audits, spot checks or other policing functions in order to assure compliance with the requirements under the act.]

[Section 3. Removal of Qualification. In its annual review of the qualified businesses designated, should the authority determine that a qualified business no longer meets the criteria for designation as set out in this act or by any regulation adopted by the authority, the authority shall give written notice to the qualified business in question by certified mail. Within sixty (60) days of receipt of said notice the qualified business shall be given the opportunity to respond to and/or refute the authority's conclusion. Upon receipt of said response and/or refutation by the authority, the authority may require the qualified business or representative thereof to appear before it and present their arguments for the continuance of said designation. After said presentation, the authority shall render its decision, from which there shall be no further appeal provided by this act.]

[Section 4. All time periods and requirements required by the act and regulations shall be from the date of zone designation.]

CARROLL KNICELY, Secretary
JAMES R. POSTON, Chairman
DAVID LOVELACE, Commissioner
APPROVED BY AGENCY: May 13, 1987
FILED WITH LRC: May 13, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing to receive comments on this proposed amendment will be conducted on June 23, 1987, at 10 a.m. (EDT) in the Commerce Cabinet Conference Room of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this public hearing shall contact, in writing at least five days prior to the hearing, Sara L. Bell, Enterprise Zone Coordinator, Commerce Cabinet, 2300 Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sara Bell
(1) Type and number of entities affected: Enterprise zone qualified businesses seeking to qualify for incentives.
(a) Direct and indirect costs or savings to those affected: Minimal cost, mailing, etc.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: (No more than once a year) Brief survey sent to Enterprise Zone Authority.
(2) Effects on the promulgating administrative body: Some costs involved in mailings and visits to affected businesses.
(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: 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

LOCAL MANDATE IMPACT STATEMENT

Regulation No.: 306 KAR 1:040
SUBJECT/TITLE: Enterprise Zone Act - monitoring and removal of qualification.
SPONSOR:
NOTE SUMMARY
LOCAL GOVERNMENT MANDATE: Yes
TYPE OF MANDATE: Permissive mandate, setting forth guidelines for local governments establishing an enterprise zone.
LEVEL(S) OF IMPACT: City, County, Urban County Government.
BUDGET UNIT(S) IMPACT: N/A
FISCAL SUMMARY: Due to the permissive nature of this program and the many variables involved, fiscal estimates are not available.
MEASURE'S PURPOSE: To make proposed amended regulations conform with statutory changes to Enterprise Zone Act (KRS 154.650-700).
PROVISION/MECHANICS: Conforming changes to reflect 1986 statute revisions of Enterprise Zone Act.
FISCAL EXPLANATION: N/A

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 May [April] 15, 1987 and hereinafter should be referred to as Corrections 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.

1.1 Legal Assistance for Corrections Staff
1.2 News Media
1.6 Extraordinary Occurrence Reports
1.9 Institutional Duty Officer
1.11 Population Counts and Reporting Procedures
1.12 Operation of Motor Vehicles by Corrections Cabinet Employees
2.1 Inmate Canteen
2.10 Surplus Property
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
7.2 Asbestos Abatement
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
9.11 Tool Control
9.15 Institutional Entry and Exit Policy and Procedures
9.18 Informants
9.19 Found Lost or Abandoned Property
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
13.5 Acquired Immune Deficiency Syndrome [(Added 4/15/87)]
14.2 Personal Hygiene Items
14.3 Marriage of Inmates
14.4 Legal Services Program
14.6 Inmate Grievance Procedures
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
16.4 Inmate Packages
17.1 Inmate Personal Property
17.2 Assessment Center Operations [(Amended 4/15/87)]
17.3 Controlled Intake of Inmates
18.4 Classification of the Inmate
18.5 Custody/Security Guidelines [(Amended 4/15/87)]
18.6 Classification Document [(Amended 4/15/87)]
18.7 Transfers [(Amended 4/15/87)]
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
18.15 Protective Custody
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
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
27.14 Interstate Compact
27.18 Absconder Procedures
27.19 Technical Violators (Amended 5/15/87)
27.20 Intensive Supervision (Amended 5/15/87)
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

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: May 15, 1987
FILED WITH LRC: May 15, 1987 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 9 a.m. on the 10th floor, Room 4471 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: 2086 employees of the Corrections Cabinet, 6436

inmates, 10,995 parolees and 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
(Proposed Amendment)

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 May [April] 15, 1987 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 01-00-19	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 (Deleted 5/15/87)]
[KSR 03-00-12	Employee Greivance Procedure (Deleted 5/15/87)]
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) (Deleted 5/15/87)]
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 07-00-04	Handling of PCB Articles and Containers
KSR 07-00-05	Proper Removal of Transformers (Added 5/15/87)
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08	Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery
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 09-00-26	Contraband Outside Institutional Perimeter
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 (Amended 5/15/87)
KSR 12-00-07	Regulations for Inmate Barbershop
KSR 13-00-01	Identification of Mentally Retarded Inmates
KSR 13-00-02	Hospital Operations, Rules and Regulations
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 14-00-06	Inmate Legal Aides (Added 5/15/87)
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 [(Amended 4/15/87)]
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 (Amended 5/15/87)
KSR 18-00-01	Special Management Inmates - Unit D Classification
KSR 18-00-04	Returns from Other Institutions [(Amended 4/15/87)]
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 [(Amended 4/15/87)]
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 (Amended 5/15/87)
KSR 21-00-02	Inmate Library Services (Amended 5/15/87)
KSR 21-00-03	Library Services for Unit D
KSR 22-00-03	Inmate Organizations (Amended 5/15/87)
KSR 22-00-07	Inmate News Magazine
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: May 15, 1987
FILED WITH LRC: May 15, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 9 a.m. on the 10th floor, Room 4471 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: 524 employees of the Kentucky State Reformatory, 1456 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
(Proposed Amendment)

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 May [April] 15, 1987 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.

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KSR 01-00-14	Extraordinary Occurrence Report
KSR 01-00-15	Cooperation and Coordination with Oldham County Court
KSR 01-00-19	Personal Service Contract Personnel
KSR 01-00-20	Consent Decree Notification to Inmates
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KSR 02-00-03	Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11	Inmate Personal Accounts
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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 (Deleted 5/15/87)]
[KSR 03-00-12	Employee Greivance Procedure (Deleted 5/15/87)]
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) (Deleted 5/15/87)]
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 07-00-04	Handling of PCB Articles and Containers
KSR 07-00-05	Proper Removal of Transformers (Added 5/15/87)
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08	Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery
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 09-00-26	Contraband Outside Institutional Perimeter
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 (Amended 5/15/87)

KSR 12-00-07	Regulations for Inmate Barbershop
KSR 13-00-01	Identification of Mentally Retarded Inmates
KSR 13-00-02	Hospital Operations, Rules and Regulations
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 14-00-06	Inmate Legal Aides (Added 5/15/87)
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 [(Amended 4/15/87)]
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 (Amended 5/15/87)
KSR 18-00-01	Special Management Inmates - Unit D Classification
KSR 18-00-04	Returns from Other Institutions [(Amended 4/15/87)]
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 [(Amended 4/15/87)]
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 (Amended 5/15/87)
KSR 21-00-02	Inmate Library Services (Amended 5/15/87)
KSR 21-00-03	Library Services for Unit D
KSR 22-00-03	Inmate Organizations (Amended 5/15/87)
KSR 22-00-07	Inmate News Magazine
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: May 15, 1987
FILED WITH LRC: May 15, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 9 a.m. on the 10th floor, Room 4471 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: 524 employees of the Kentucky State Reformatory, 1456 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
(Proposed Amendment)

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 May 15 [March 13], 1987 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 [(Amended 3/13/87)]
KSP 030000-06	Inmate Commissary Program [(Amended 3/13/87)]
KSP 040000-02	Inmate Records
KSP 040000-08	Inmate Equal Opportunity Policy
KSP 050000-14	Searches and Preservation of Evidence
KSP 060000-01	Special Security Unit [(Amended 3/13/87)]
KSP 060000-02	Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units [(Amended 3/13/87)]
KSP 060000-04	Protective Custody Unit [(Amended 3/13/87)]
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 (Amended 5/15/87) [(Amended 3/13/87)]
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	Inmate Mail and Packages (Amended 5/15/87)
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 Inmate Property [for Inmates] (Amended 5/15/87)
KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 100000-15	Uniform Cell Standards for Fire Safety, Sanitation and Security
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 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 [(Amended

	3/13/87)]
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 [(Amended 3/13/87)]

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: May 15, 1987
FILED WITH LRC: May 15, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 9 a.m. on the 10th floor, Room 4471 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, 779 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
(Proposed Amendment)

501 KAR 6:120. Blackburn 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 authorizes the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on May [April] 15, 1987 and hereinafter should be referred to as Blackburn Correctional Complex and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

BCC 01-07-01	Extraordinary Occurrence Reports
BCC 01-11-01	Roles of Consultants, Contract Employees, Volunteers and Employees of Other Agencies
BCC 01-13-01	Relationships with Public, Media, and Other Agencies
BCC 01-15-01	Internal Affairs Office
BCC 01-16-01	Tours of Blackburn Correctional Complex
BCC 01-19-01	Inmate Access to BCC Staff
BCC 02-01-01	Inmate Canteen
BCC 02-02-01	Fiscal Responsibility
BCC 02-02-02	Fiscal Management: Accounting Procedures
BCC 02-02-03	Fiscal Management: Checks
BCC 02-02-04	Fiscal Management: Budget
BCC 02-02-05	Fiscal Management: Insurance
BCC 02-02-06	Fiscal Management: Audits
BCC 02-04-01	Billing Method for Health Services Staff Paid by Personal Service Contract
BCC 02-05-01	Property Inventory
BCC 02-06-01	Purchasing
BCC 02-07-01	Inmate Personal Accounts
BCC 04-02-01	Firearms Training
BCC 05-01-01	Inmate Participation in Authorized Research
BCC 06-01-01	Storage of Expunged Records
BCC 06-02-01	Records - Release of Information
BCC 06-02-02	Offender Records [(Amended 4/15/87)]
BCC 06-03-01	Reporting Inmate Misconduct Following Favorable Recommendation by the Parole Board
BCC 08-01-01	Simplified Fire Safety System (SFSS)
BCC 08-02-01	Natural Disaster Plan (Tornado)
BCC 08-03-01	Emergency Preparedness Plan Manual
BCC 08-04-01	Fire Safety Plan, Drills and Related Staff Duties [(Added 4/15/87)]
BCC 08-07-01	Facility Furnishings: Exit and Emergency Lights and Non-Combustible Containers
BCC 09-02-01	Restricted Areas
BCC 09-02-02	Inmate Pass System to Restricted Areas
BCC 09-02-03	Regulation of Inmate Movement [(Added 4/15/87)]
BCC 09-03-01	Inmate Identification
BCC 09-04-02	Complex Entry & Exit
BCC 09-05-01	Key Control
BCC 09-06-02	Transportation to Courts
BCC 09-07-01	Drug Abuse and Intoxicants Testing
BCC 09-09-01	Population Counts
BCC 09-10-03	Development of Institutional Post Orders [(Added 4/15/87)]

BCC 09-10-04	Governmental Services, Study Release Officer Post Orders (Added 5/15/87)
BCC 09-12-01	Use of Physical Force; Prohibitation of Personal Abuse and Corporal Punishment
BCC 09-13-01	Perimeter Patrol
BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates
BCC 09-15-01	Search Policy/Disposition of Contraband (Added 5/15/87)
BCC 09-16-01	Security Activity Logs (Added 5/15/87)
BCC 09-18-01	Use of State Vehicles and Staff Owned Vehicles (Added 5/15/87)
BCC 09-19-01	Duties and Responsibilities of the Institutional Captain (Added 5/15/87)
BCC 09-19-02	Duties and Responsibilities of the Shift Supervisor (Added 5/15/87)
BCC 10-01-01	Special Management Inmates [(Added 4/15/87)]
BCC 11-01-01	Menu and Special Diets
BCC 11-02-01	Food Service: Inspection and Sanitation
BCC 11-03-01	Food Service: Meals
BCC 11-04-01	Dining Room Guidelines
BCC 11-05-01	Food Service Security: Knife & Other Sharp Instrument/Utensil Control
BCC 11-06-01	Purchasing, Storage and Farm Products (Added 5/15/87)
BCC 12-02-01	Personal Hygiene Items
BCC 12-02-02	Personal Hygiene for Inmates: Clothing and Linens
BCC 13-01-01	Sick Call and Pill Call
BCC 13-02-01	Administration and Authority for Health Services
BCC 13-03-01	Provisions of Health Care Delivery
BCC 13-04-01	Licensure and Training Standards
BCC 13-05-01	Medical Alert System
BCC 13-06-01	Health Care Practices
BCC 13-08-01	Inmate Health Screening and Evaluation
BCC 13-09-01	Prohibition on Medical Experimentation
BCC 14-01-01	Office of Public Advocacy Attorney Visits
BCC 14-02-01	Law Library
BCC 14-03-01	Inmate Grievance Procedure
BCC 14-04-01	Inmate Rights and Responsibilities
BCC 14-05-01	Inmate Claims
BCC 15-01-01	Authorized Inmate Personal Property
BCC 15-02-01	Meritorious Living Unit (B-1)
BCC 15-03-01	Rules and Regulation for Dormitories
BCC 15-04-01	Restoration of Forfeited Good Time
BCC 15-05-01	Extra Duty Assignments
BCC 15-06-01	Due Process/Disciplinary Procedures [(Added 4/15/87)]
BCC 16-01-01	Inmate Furloughs
BCC 16-02-01	Visiting
BCC 16-03-01	Mail Regulations - Packages
BCC 16-03-02	Outgoing Inmate Packages
BCC 20-01-01	Academic and Vocational School (Amended 5/15/87)
BCC 20-02-01	College Programs (Amended 5/15/87)
BCC 20-04-01	Educational Program Evaluation
BCC 20-05-01	Educational Program Planning [(Added 4/15/87)]
BCC 20-06-01	Academic and Vocational Curriculum [(Added 4/15/87)]
BCC 21-01-01	Library Services
BCC 22-01-01	Arts and Crafts/Production and Sale of Items
BCC 22-02-01	Privileged Trips
BCC 22-03-01	Recreational Employees [(Added 4/15/87)]
BCC 22-04-01	Recreation and Inmate Activities (Added 5/15/87)
BCC 22-04-02	Inmate Clubs and Organizations [(Added 4/15/87)]
BCC 24-03-01	Social Services
BCC 25-01-01	Inmate Check Out Procedure
BCC 25-02-02	Temporary Release/Community Center Release [(Added 4/15/87)]

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: May 15, 1987
FILED WITH LRC: May 15, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 9 a.m. on the 10th floor, Room 4471 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: 83 employees of the Blackburn Correctional Complex, 337 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.

TRANSPORTATION CABINET
Department of Highways
(Proposed Amendment)

603 KAR 2:015. Prequalification for construction; certificate of eligibility.

RELATES TO: KRS 176.130 to 176.220
PURSUANT TO: KRS 174.080, 176.140
NECESSITY AND FUNCTION: KRS 176.140 authorizes the Department of Highways to determine the eligibility of bidders for construction contracts with the department. This regulation is adopted to provide a method by which such determination may be made.

Section 1. Certificate of Eligibility. (1) All contractors bidding on construction and maintenance projects and accepting subcontracts on construction and maintenance projects of the Transportation Cabinet, Department of Highways ("department" hereinafter), must be prequalified and possess a certificate of eligibility issued by the department to bid on construction projects. The certificate shall state the maximum eligibility amount and types of work for which the contractor is qualified. The department reserves the right to waive this requirement on [certain] projects not specifically involving the construction or maintenance of public roads in connection with the letting of contracts where such requirement is not mandated by KRS 176.130 [the statutes]. Such waiver shall be contained in the notice to contractors and the bid proposal for such projects.

(2) The Commissioner of Highways shall appoint a construction prequalification committee composed of department employees to review each application and make a recommendation to the Commissioner of Highways concerning the eligibility of contractors to bid on department construction contracts.

Section 2. Application for Certificate of Eligibility. A contractor desiring to procure a certificate shall submit, on application and financial statement forms provided by the department, information relating to the following:

(1) Ability to perform the types of work for which eligibility is requested.

(2) Construction experience resumes of the principal officers and key personnel of the contractor.

(3) Description of plant and equipment.

(4) Balance sheet and financial statement prepared as of the close of the last fiscal year or to reflect the current financial status of a newly established contractor.

(a) The financial statement of applicants desiring eligibility in excess of $1,000,000 must be audited and attested by an independent public accountant or certified public accountant who holds a valid registration card from the Kentucky State Board of Accountancy or a registration card in the state in which the principal office of the contractor is located. The audit shall be made in accordance with the generally accepted auditing standards adopted by the membership of the American Institute of Certified Public Accountants. Standard audit forms and procedures shall conform with the institute's recommendations for the audit program of contractors. The accountant shall also comply with the specific instructions relative to the presentation of supporting detail requested by the department to determine the amount of net current assets available.

(b) The financial statement of applicants desiring eligibility of $1,000,000 or less shall be signed by the person preparing the statement and by a principal officer of the contractor.

(5) Other information deemed necessary by the department to indicate the applicant's capacity and ability to complete highway construction projects.

Section 3. Method of Computing Maximum Eligibility Amount. (1) The allowable net current assets as determined from the financial statement plus the cash surrender value, less loans, of life insurance on which the applicant is the beneficiary (exclude all policies with other beneficiaries) shall be multiplied by a factor of twelve (12) to establish the net current assets factor. The book value of owned equipment shall be multiplied by a factor of six (6) to establish the equipment factor. The equipment factor shall be added to the net current assets factor to determine the maximum capacity factor of the contractor.

(2) The contractor's percentage rating shall be established by the department by evaluating the contractor's organization and experience, plant and equipment and performance in accordance with the following maximum percentages:

(a) Organization and experience - twenty (20) percent;

(b) Plant and equipment - thirty (30) percent;

(c) Performance - fifty (50) percent.

(3) The maximum eligibility amount, which is the maximum amount of uncompleted prime contract work permitted at any one time, shall be determined by multiplying the contractor's percentage rating and the maximum capacity factor. A contractor's current eligibility amount shall be the net difference between the contractor's maximum eligibility amount as shown on the certificate of eligibility issued by the department and the total value of uncompleted prime contract work charged to the contractor regardless of its location and with whom it may be contracted.

Section 4. Issuance of Certificate of Eligibility. (1) The department shall review each application for a certificate of eligibility and make a determination of eligibility within thirty (30) days after receipt of the application unless such application is deferred as provided in Section 5(3) of this regulation. Upon receiving a separate written request from a contractor not prequalified with the department indicating its intent to bid on a specific federal-aid project which has been advertised within the thirty (30) day period, the department shall review the application and make a determination of eligibility within fifteen (15) calendar days.

(2) All certificates of eligibility shall terminate not later than 120 days after the end of the applicant's fiscal year unless suspended or revoked. Ninety (90) days of this period is to permit the applicant to file a new application in accordance with Section 2 of this regulation, thirty (30) days is for the department's review of the application and, if approved, the issuance of the new certificate of eligibility.

(3) The certificate of eligibility in effect as of the bid opening date shall constitute the basis for determining the eligibility of a bidder.

Section 5. Reconsideration of Decisions of Construction Prequalification Committee. (1) An applicant may request reconsideration of an

application when denied or when the maximum eligibility amount and/or the types of work set forth in its certificate of eligibility by notifying the department in writing within ten (10) days after receipt of its certificate of eligibility. A request for reconsideration shall clearly state the basis of the request and be supported by information and evidence which indicates the certificate of eligibility should be amended. The department shall review the request and notify the applicant of its determination within thirty (30) days after receipt of the request for reconsideration.

(2) An applicant denied a certificate of eligibility may submit a new application when factors constituting the basis for the issuance of a certificate of eligibility warrant reconsideration. The department shall consider the new application and notify the applicant of the action taken within thirty (30) days after receipt of the application.

(3) An application which is deferred by the department shall remain in the possession of the department until such time that the reason for deferral is resolved to the satisfaction of the department. The department shall then take action on the deferred application to issue or deny a certificate of eligibility. The applicant submitting an application, which is deferred, will be notified of the deferral within ten (10) days after action is taken by the department to defer the application.

(4) An interim application may be submitted when there has been a substantial increase in the net current assets of the applicant. Such interim application shall contain a financial statement certified in the same manner as statements prepared as of the close of the fiscal year. The department shall review the interim application and notify the applicant of its determination within thirty (30) days after receipt of the application.

(5) A certificate holder, upon receipt of a request from the department, shall submit an interim financial statement and/or current information relating to the applicant's organization, equipment and work status. The information requested must be submitted within thirty (30) days after receipt of the request. Failure to provide the information requested shall constitute a basis for the suspension or revocation of a certificate of eligibility.

Section 6. Revocation of Certificate of Eligibility or Reduction of Maximum Eligibility Amount. Upon receipt of information or evidence that a holder of a certificate of eligibility has failed to perform satisfactorily or adhere to the laws, [rules,] regulations and specifications applicable to a contract or subcontract, the department may suspend and revoke the certificate of eligibility or reduce the maximum eligibility amount. A notice to the certificate holder, setting forth the grounds on which the action is proposed, shall be sent by certified mail. The proposed action shall become final unless the certificate holder submits a written request for a hearing within ten (10) days after receipt of the notice. Within ten (10) days after receipt of a request for hearing, the department shall set a date for an informal hearing at which time the certificate holder may submit any pertinent information and evidence. The department shall advise the certificate holder of its determination within ten (10) days after the informal hearing.

Section 7. 603 KAR 1:010, Contract price retainage, methods of release, is hereby repealed. [Appeals from Construction Prequalification Committee Final Rulings. Any contractor aggrieved by the action taken by the construction prequalification committee in administering these rules and regulations may request a formal hearing before the commissioner of the department. The request for the formal hearing shall be filed in writing, shall set forth the nature of the complaint and the grounds for appeal and must be received by the Commissioner of Highways within thirty (30) days after receipt of notification of such action by the construction prequalification committee.]

C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: April 16, 1987
FILED WITH LRC: April 21, 1987 at 8 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on June 30, 1987 at 9:30 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by June 25, 1987 so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, Tenth Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: All contractors wishing to work on highway projects in Kentucky.
(a) Direct and indirect costs or savings to those affected: Amendment will require no change for contractors.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No change from existing requirements.
(2) Effects on the promulgating administrative body: No change from existing requirements.
(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: No change.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment is being promulgated to clarify existing procedure. Therefore, no alternatives were 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:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No change from existing requirements.
(2) Effects on the promulgating administrative body: No change from existing requirements.
(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: No change.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment is being promulgated to clarify existing procedure. Therefore, no alternatives were 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:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Department of Highways
(Proposed Amendment)

603 KAR 5:096. Highway classifications.

RELATES TO: KRS 189.222
PURSUANT TO: KRS 174.080, 189.222
NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable weight [and dimension] limits for vehicles on all highways included in the state-maintained system of roads [State Primary Road System]. This regulation is adopted to identify each road in the state-maintained [highway] system and to indicate the [their] classification of each. The classification of each road in conjunction with administrative regulation 603 KAR 5:066 establishes the weight limit for trucks using each road.

Section 1. The weight [and dimension] limits set forth in 603 KAR 5:066 [and 603 KAR 5:070] for truck[way] types and classifications shall apply on all highways listed in this administrative regulation [in the State Primary Road System as indicated herewithin], unless bridge postings prohibit such weights on any particular segment.

Section 2. As stated in 603 KAR 5:066 the maximum weight limits for the three (3) classifications of highways are as follows: "AAA" System, 80,000 pounds gross weight; "AA" System, 62,000 pounds gross weight; "A" System, 44,000 pounds gross weight. There shall be no tolerances allowed on gross weight, axle weight, or combinations of axle weights on highways which are a part of the Interstate System.

Section 3. The terms, words and abbreviations listed below shall have the following meanings when used in this administrative regulation:
(1) "Jct." means junction.
(2) "N" means north.
(3) "S" means south.
(4) "E" means east.
(5) "W" means west.
(6) "CO" means county.
(7) "US" designates a federal numbered highway.
(8) "KY" designates a state numbered highway.
(9) "CL" means corporate or city limits, whichever is applicable.
(10) "RR" means railroad.

Section 4. [3.] The classifications for each highway in the State Primary Road System are as follows:

*COMPILER'S NOTE: Only those particular highways affected by the proposed amendment are shown here. 603 KAR 5:096 is printed in full in Volume 4, "Kentucky Administrative Regulations Service."

KY 40
AAA - From jct. US 460 in Salyersville to jct. US 23, nw of Paintsville (Magoffin-Johnson Cos.); and from jct. KY 645, w of Inez, to jct. KY 3 in Inez (Martin Co.).
AA - From jct. US 23, nw of Paintsville to KY 645 w of Inez; and from KY 3 in Inez to east end of bridge at West Virginia state line (Johnson-Martin Cos.).

KY 121
AAA - From the Tennessee State line in Calloway Co. [jct. US 641 at Murray] to jct. US 51 at Wickliffe.
[AA - From Tennessee state line, to jct. US 641 at Murray.]

KY 144
AAA - From jct. US 31W at Radcliff to jct. KY 1500 in Vine Grove; and from jct. US 60, 1.4 miles s of Garrett in Meade Co. to jct. KY 448 near Buck Grove.
AA - From jct. US 60 near Owensboro to jct. KY 951 at Knottsville; and from jct. KY 376 at Payneville in Meade Co. to jct. KY 79, 3.1 miles sw of Brandenburg; and from jct. KY 710, 1.0 mile w of Ekron in Meade Co. to jct. KY 448 near Buck Grove.
A - From jct. KY 951 at Knottsville in Daviess Co. [US 60, nw of Owensboro] to jct. US 60, w of Cloverport in Breckinridge Co.; from jct. US 60 e of Cloverport via Stephensport, Union Star, Rhodelia, and Andyville to jct. KY 376 at Payneville; from jct. KY 79 sw of Brandenburg to jct. KY 710, 1.0 mile w of Ekron; and from jct. US 60, 1.4 miles s of Garrett to jct. KY 1500 in Vine Grove.

KY 163
AAA - From the Tennessee State line [jct. KY 100 in Tompkinsville] to jct. US 68 in Edmonton.
[A - From the Tennessee state line to jct. KY 100 in Tompkinsville.]

KY 259
AAA - From the Western Kentucky Parkway to the jct. with US 62 in Leitchfield (Grayson Co.).
AA - From jct. US 68 at Hays in Warren Co. to the Western Kentucky Parkway, s of Leitchfield; and from jct. US 62 in

Leitchfield to jct. US 60 at Harned in Breckinridge Co.
A - From jct. US 60 in Hardinsburg to jct. KY 144, 1.7 miles nw of Rhodelia in Meade Co.

KY 303
AA - From jct. KY 94, 3.6 miles w of Lynnville, via Cuba to jct. KY 121 at Mayfield (Graves Co.).
A - From the Tennessee state line in Graves Co. to jct. KY 94 [121 in Mayfield].

KY 425
AAA - From jct. US 60 near the SWCL of Henderson to the jct. with the Pennyrile Parkway, south of Henderson.

KY 434
AAA - From jct. US 31W, 4.0 miles s of Radcliff, to Vulcan Materials Quarry entrance, a distance of 1.7 miles (Hardin Co.).
AA - From Vulcan Materials Quarry entrance [jct. US 31W, 4.0 miles s of Radcliff] to jct. KY 61 at ECL of Lebanon Junction.

KY 494
AAA [A] - From jct. KY 132, 2.0 miles sw of Sebree (Webster Co.) to jct. US 41, 1.9 miles s of Sebree.

KY 620
AAA - From jct. US 25, 4.1 miles n of Georgetown, via Delaplain to the Barkley Pike [I-75, 0.5 mile w of Delaplain in] (Scott Co.) [to jct. US 25, 4.3 miles n of Georgetown].
A - From another jct. with US 25, 3.9 [4.0] miles n of Georgetown, via Biddle, Double Culvert, Turkey Foot, and Rogers Gap to jct. US 25, 1.4 miles w of Rogers Gap; and from Barkley Pike [jct. I-75, 0.5 mile w of Delaplain] to jct. US 62 at Oxford.

KY 1526
AAA - From jct. KY 1020 at Brooks to jct. KY 1450, near e side of I-65; and from jct. KY 61, 2.6 miles n[e] of Shepherdsville to 0.25 mile e of beginning at stone quarry (Bullitt Co.).
A - From jct. KY 44, 0.9 mile e of Cupio to jct. KY 1020 [61]; and from 0.25 mile e of stone quarry entrance to jct. KY 44, 4.1 miles ne of Shepherdsville (Bullitt Co.).

KY 2906
AAA [A] - From jct. US 460 at se ramp for I-75 extending n to jct. US 62, ne of Georgetown [Old Oxford Road] (Scott Co.).

C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: April 27, 1987
FILED WITH LRC: April 28, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on June 30, 1987 at 10 a.m., local prevailing time, in the Fourth Floor Hearing Room of the State Office Building, corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must, in writing, no later than June 25, 1987, so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, Tenth Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: All motor carriers operating in Kentucky.
(a) Direct and indirect costs or savings to those affected: More highways rated to allow vehicles with a gross weight of 80,000 pounds allow truckers greater ease in establishing transportation routes. On occasion a more direct route with the resultant savings in time and fuel can be established.
1. First year: Minimal
2. Continuing costs or savings: Minimal
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The only alternative, the do-nothing, was rejected because when highways are strengthened the public should be permitted to operate heavier vehicles over them.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Department of Highways
(Proposed Amendment)

603 KAR 5:230. Bridge weight limits on the extended weight coal haul road system.

RELATES TO: KRS 177.9771, 189.230
PURSUANT TO: KRS 177.9771
NECESSITY AND FUNCTION: KRS 189.230 provides that the Department of Highways may prescribe gross vehicle weight limits for bridges lower than the limits prescribed in KRS 177.9771 on any bridge which may be damaged or destroyed to the point of catastrophic failure if gross vehicle weights exceed certain limits. This regulation identifies the bridges on the extended weight coal haul road system which the Department of Highways has judged may be so damaged and prescribes the maximum weight limit for each such bridge.

Section 1. Definitions. The following terms when used in this administrative regulation shall have the following meanings:
(1) "TY I" means a single unit truck consisting of two (2) single axles.
(2) "TY II" means a single unit truck consisting of one (1) steering axle and two (2)

axles in tandem arrangement.
(3) "TY III" means a single unit truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.
(4) "TY IV" means a tractor-semitrailer combination with five (5) or more axles.
(5) "KY" means a state numbered highway maintained by the Kentucky Department of Highways.
(6) "US" means a United States numbered highway maintained by the Kentucky Department of Highways.
(7) "I" means an interstate and defense highway maintained by the Kentucky Department of Highways.
(8) "CR" means a public highway, road, or street not maintained by the Kentucky Department of Highways.
(9) "MP" means milepoint.
(10) "FROM" means the beginning milepoint and terminus of a road segment on the extended weight coal haul road system.
(11) "TO" means the ending milepoint and terminus of a road segment on the extended weight coal haul road system.
(12) "Catastrophic failure" means a failure that is marked by sudden or unpredictable damage ranging from extreme misfortune to utter ruin.
(13) "AASHTO" means the American Association of State Highway and Transportation Officials.
(14) "CO" means county.
(15) "LN" means line.
(16) "Mpt." means milepoint.
(17) "PKWY" means parkway.

Section 2. (1) The Department of Highways shall determine the bridges on the extended weight coal road system which may be damaged or destroyed to the point of catastrophic failure by motor vehicles operating at the weights authorized by KRS 177.9771. This determination shall be based upon an analysis of the bridges in accordance with the guidelines and ratings set forth in the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. The load factor method of analysis may be used only when a bridge is known to have been designed by that method. When the allowable stress method of analysis is used the maximum allowable stress in steel members shall not exceed sixty-nine (69) percent of the yield strength of the steel.
(2) When the analysis specified in subsection (1) of this section cannot be applied to a bridge, the Department of Highways shall determine if any such bridge may be damaged or destroyed to the point of catastrophic failure in accordance with the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. Before making such a determination the Department of Highways shall conduct an onsite inspection to determine whether the bridge shows appreciable signs of deterioration or distress or otherwise poses a significant hazard to the traveling public.

Section 3. When the Department of Highways determines that a bridge on the extended weight coal haul road system may be damaged or destroyed to the point of catastrophic failure, the department may adopt a weight limit for the bridge in accordance with the guidelines set forth in the AASHTO Manual for Maintenance Inspection Bridges, 1983 edition and 1984 and 1985 Interim Revisions.

Section 4. The Department of Highways has determined that the following bridges on the extended weight coal haul road system may be damaged or destroyed to the point of catastrophic failure as provided in Section 2 of this administrative regulation and has established a weight limit for each as set forth in Section 3 of this administrative regulation:

BATH COUNTY

	ROAD	FROM	TO
*	KY 11	0.0 Montgomery CO LN	12.8 Fleming CO LN

Weight Limit - Bridge over Hinkston Creek @ milepoint 0.01
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons

BELL COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Virginia State LN	19.5 Knox CO LN

Weight Limit - Bridge over Little Yellow Creek @ milepoint 2.17
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons
Weight Limit - Bridge over L & N R.R. @ milepoint 7.52
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons
Weight Limit - Bridge over Greasy Creek @ milepoint 18.14
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 48 tons

*	US 119	0.0 US 25E	15.8 Harlan CO LN

Weight Limit - Bridge over Cumberland River @ milepoint 0.02
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 39 tons

*	KY 66	0.0 US 25E	8.4 Little Creek RD

Weight Limit - Bridge over Cumberland River @ milepoint 0.33
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 50 tons
Weight Limit - Bridge over Left Fork Straight Creek @ milepoint 3.95
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons
Weight Limit - Bridge over Sims Fork @ milepoint 7.16
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

		9.8 Titan Tipple	18.7 Clay CO LN
*	KY 72	0.0 US 119	3.4 Harlan CO LN

Weight Limit - Bridge over Hinkston Creek @ milepoint 0.06
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons

*	KY 74	0.0	Tennessee State LN	0.9	KY 535
		9.4	Rockhouse BR RD	14.0	Stony Fork RD
	Weight Limit - Bridge over L & N R.R. @ milepoint 11.56				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Stoney Fork @ milepoint 13.07				
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons				
		16.1	KY 2079	16.8	US 25E
	Weight Limit - Bridge over Little Yellow Creek @ milepoint 16.66				
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 37 tons				
*	KY 92	0.0	Whitley CO LN	10.8	US 25E
*	KY 186	2.0	Appolo Tipple	2.3	Stony Fork RD
*	KY 188	2.8	KY 988	4.1	Cranes Creek RD
	Weight Limit - Bridge over Clear Creek @ milepoint 2.80				
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons				
*	KY 217	0.0	KY 988	8.8	KY 987
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 0.20				
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons				
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 1.22				
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 38 tons				
	Weight Limit - Bridge over Brownies Creek @ milepoint 8.77				
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons				
*	KY 221	0.0	KY 66	12.6	Harlan CO LN
	Weight Limit - Bridge over Right Fork Straight Creek @ milepoint 4.16				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Stoney Fork Creek @ milepoint 9.23				
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons				
*	KY 535	0.0	KY 74	0.6	Clear Fork RD
*	KY 987	4.8	Hen Wilder RD	8.7	KY 217
	Weight Limit - Bridge over Brownies Creek @ milepoint 8.19				
	TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons				
*	KY 988	3.8	KY 217	4.3	KY 188
	Weight Limit - Bridge over Clear Fork @ Jct. KY 217				
	TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons				
*	KY 1344	0.0	KY 217	2.1	Wolfpen Branch RD
*	KY 2011	7.7	Mine Access	9.0	KY 66
	Weight Limit - Bridge over Red Bird Creek @ milepoint 7.91				
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons				
*	KY 2012	0.0	Balkan RD (Private)	0.1	Hen Wilder RD
*	KY 2079	2.1	KY 74	2.6	Charter Tipple
	Weight Limit - Bridge over Yellow Creek @ milepoint 2.23				
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons				
*	Hen Wilder RD				
	CR 5001	0.0	KY 987	2.0	KY 2012
*	Cow Fork Road				
	CR 5032	0.0	KY 2011	2.6	Mine
*	Straight Creek Road				
	CR 5040	0.0	KY 66	0.2	Turkey Pen Gap RD
*	Turkey Pen Gap Road				
	CR 5053	0.0	Straight Creek RD	0.5	Knox CO LN
*	Cranes Creek Road				
	CR 5160	0.0	KY 188	0.2	Mountain Drive Tipple
	Weight Limit - Bridge over Yellow Branch				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
*	Stony Fork Road				
	CR 5213	0.0	KY 186	0.4	KY 74
*	Hignite Creek Road				
	CR 5219	0.0	KY 74	2.3	End of Road
	Weight Limit - Bridge over Hignite Creek				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
*	Rockhouse Branch Road				
	CR 5222	0.0	KY 74	0.5	Mine
*	Clear Fork Road				
	CR 5227	0.0	KY 535	0.6	End of Road
*	Little Creek Road				
	CR 5358	0.0	KY 66	0.2	Little Creek Tipple
	Weight Limit - Bridge over Straight Creek				
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons				

BOURBON COUNTY

	ROAD	FROM		TO	
*	US 27	8.3	US 460	15.4	Harrison CO LN
	Weight Limit - Bridge over Cooper Creek @ milepoint 13.22				
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons				

Weight Limit - Bridge over Townsend Creek @ milepoint 15.4
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 59 tons

*	US 68	2.4 US 68X		10.8 Nicholas CO LN

Weight Limit - Bridge over Hinkston Creek @ milepoint 9.41
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 48 tons

*	US 68X	1.4 KY 627		2.8 US 68 (East)

Weight Limit - Bridge over Stoner Creek @ milepoint 2.0
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 47 tons

*	KY 627	0.0 Clark CO LN		9.5 US 68X

Weight Limit - Bridge over Strodes Creek Mill Race @ milepoint 0.75
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Strodes Creek @ milepoint 0.91
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Green Creek @ milepoint 4.12
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Kennedy's Creek @ milepoint 6.06
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 57 tons

BOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Lawrence CO LN	21.1 Greenup CO LN

Weight Limit - Bridge over I-64 @ milepoint 10.56
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over C & O R.R. @ milepoint 19.31
TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 39
Weight Limit - Bridge over C & O R.R. & Armco Rd. @ milepoint 19.34
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 52 tons

*	US 23S	0.0 US 60	0.5 Ohio State LN

Weight Limit - Northbound Bridge over Ohio River @ milepoint 0.03
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Southbound Bridge over Ohio River @ milepoint 0.05
TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 36 tons

*	US 23X	1.4 KY 2148	1.5 US 23S
		1.6 US 60	1.8 US 23
*	US 60	0.0 Carter CO LN	12.4 US 23

Weight Limit - Bridge over C & O R.R. at Princess @ milepoint 2.69
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons

*	KY 5	0.0 US 60	1.5 Straight Creek RD

Weight Limit - Bridge over Williams Creek @ milepoint 0.92
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons

*	KY 180	0.7 Big Run RD	2.5 US 60
*	KY 757	6.2 US 23	10.2 US 23
*	KY 2148	0.0 US 23	0.1 US 23X
*	Big Run Road		
	CR 5263	0.0 KY 180	1.5 Mine
*	Straight Creek Road		
	CR 5288	0.0 KY 5	0.6 Buena Vista RD

Weight Limit - Bridge over Straight Creek
TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons

*	County Line Tipple Road		
	CR 5300	0.0 US 23	0.3 County Line Tipple
*	Cobb Road		
	CR 5490	0.0 Straight Creek RD	1.2 Mine
*	Buena Vista Road		
	CR 5493	0.0 Straight Creek RD	0.7 Mine Access RD
*	15th Street (Ashland)		
		0.0 US 23	0.2 Mansbach Dock
*	53rd Street (Ashland)		
		0.0 US 23	0.1 53rd ST Dock

BOYLE COUNTY

	ROAD	FROM	TO
*	US 127	7.5 US 127 Bypass	9.7 Mercer CO LN

Weight Limit - Bridge over Mocks Branch @ milepoint 9.74
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	US 127B	0.0 US 127	5.3 US 127

Weight Limit - Bridge over Southern RR @ milepoint 0.93
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons

*	US 150	16.8 US 150 Bypass	18.9 Lincoln CO LN
*	US 150B	0.0 US 127	2.3 US 150

BRACKEN COUNTY

	ROAD	FROM		TO	
*	KY 8	0.0	Pendleton CO LN	19.0	Mason CO LN

Weight Limit - Bridge over Holts Creek at Foster @ milepoint 1.20
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 39 tons
Weight Limit - Bridge over Snag Creek @ milepoint 4.18
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 40 tons
Weight Limit - Bridge over Locust Creek @ milepoint 7.04
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons
Weight Limit - Bridge over Big Bracken Creek @ milepoint 13.93
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 51 tons

BREATHITT COUNTY

	ROAD	FROM		TO	
*	KY 15	0.0	Perry CO LN	27.5	Wolfe CO LN

Weight Limit - Bridge over Lost Creek @ milepoint 0.48
TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons
Weight Limit - Bridge over Lost Creek @ milepoint 3.07
TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons
Weight Limit - Bridge over Lost Creek @ Milepoint 3.80
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 51 tons
Weight Limit - Bridge over Lost Creek @ milepoint 6.48
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 49 tons
Weight Limit - Bridge over Lost Creek @ milepoint 6.69
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons
Weight Limit - Bridge over Troublesome Creek @ Milepoint 7.64
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons
Weight Limit - Bridge over Quicksand Creek @ milepoint 14.73
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 47 tons
Weight Limit - Bridge over Frozen Creek @ milepoint 23.27
TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 57 tons

*	KY 28	5.7	Perry CO LN	7.4	Perry CO LN
*	KY 30	14.1	Elkatawa Tipple	14.8	KY 15
		30.0	Mine Access	37.5	Magoffin CO LN
*	KY 476	5.8	Falcon Haul RD	11.4	KY 15

Weight Limit - Bridge over Troublesome Creek @ milepoint 7.02
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 50 tons

*	KY 542	10.0	Mine Access	18.6	Magoffin CO LN
*	KY 1098	0.0	KY 15	14.8	Mine Access

Weight Limit - Bridge over South Fork Quicksand Creek @ milepoint 5.27
TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 49 tons

*	KY 1110	15.2	Haddix Tipple	15.7	KY 15

Weight Limit - Bridge over North Fork Kentucky River @ milepoint 15.55
TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 51 tons

*	KY 1111	1.6	Mine Access	2.2	Big Lovely RD
*	KY 3193	0.0	Wolverine RD	0.1	Wolverine RD

Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.01
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	Big Lovely Road				
	CR 5030	0.0	KY 1111	1.4	KY 542
*	Springsfork Road				
	CR 5032	2.2	KY 542	3.6	Mine Access
*	Slusher Road				
	CR 5067	0.0	KY 542	2.5	Mine
*	Wolverine Road				
	CR 5318	5.1	Mine	5.3	KY 3193
		5.3	KY 3193	5.7	KY 15

BUTLER COUNTY

	ROAD	FROM		TO	
*	Green River Parkway				
		18.2	Warren CO LN	35.1	Ohio CO LN

Weight Limit - Bridge over Green River @ milepoint 32.64
TY I = 20 tons, TY II = 42 tons, TY III = 46 tons, TY IV = 54 tons

*	US 231	8.4	Alley-Cassetty Tipple	18.9	Ohio CO LN

Weight Limit - Bridge over Embrys Ditch @ milepoint 9.92
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Green River @ milepoint 12.26
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons
Weight Limit - Bridge over Indian Camp Creek @ milepoint 16.32
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons
Weight Limit - Bridge over West Fork Indian Camp Creek @ milepoint 17.1
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons

*	KY 70	0.0	Muhlenberg CO LN	14.4	US 231
	Weight Limit - Bridge over Panther Creek @ milepoint 4.19				
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons				
		14.4	US 231	25.3	KY 411
	Weight Limit - Bridge over Welch Creek @ milepoint 20.37				
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons				
*	KY 79	13.4	KY 70	15.2	Possum Hollow SCH RD
*	KY 269	4.2	Johnson RD	6.0	Ohio CO LN
*	KY 411	0.0	KY 70	2.2	Mine
*	KY 1328	10.0	Mine	10.6	Old Greenwich SCH RD
		11.5	Mine	11.7	KY 70
*	KY 1468	0.0	KY 70	1.1	US 231
*	Old Greenwich School Road				
	CR 5015	0.0	KY 1328	0.7	KY 70
*	Jolertown Ridge Road				
	CR 5027	0.0	Peyton Cemetery RD	1.4	KY 70
*	Peyton Cemetery Road				
	CR 5028	0.6	Mine	0.9	Jolertown Ridge RD
*	New Cut Road (South)				
	CR 5243	0.0	KY 70	0.4	Mine
*	Hickory Camp Creek Road				
	CR 5246	0.0	KY 70	1.4	G Southerland RD
*	Elzie Penally Road				
	CR 5247	0.0	KY 70	0.4	Mine
*	Possum Hollow School Road				
	CR 5355	0.0	KY 70	0.7	Mine
	[Weight Limit - Bridge over East Prong of Indian Camp Creek				
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons]				
*	Johnson Road				
	CR 5394	0.0	Mine	0.1	KY 269
*	G Southerland Road				
	CR 5406	2.0	Mine	3.0	Hickory Camp Creek RD

CALDWELL COUNTY

	ROAD		FROM		TO
	Western Kentucky Parkway				
		5.6	Lyon CO LN	21.8	Hopkins CO LN
	Weight Limit - Bridge over I. C. R.R. @ milepoint 11.36				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 57 tons				
	Weight Limit - Bridge over Tradewater River @ milepoint 21.75				
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 58 tons				

CAMPBELL COUNTY

	ROAD		FROM		TO
	US 27	0.0	Pendleton CO LN	16.6	I-471

CARTER COUNTY

	ROAD		FROM		TO
*	US 60	24.1	KY 1	35.0	Boyd CO LN
	Weight Limit - Bridge over Upper Stinson Creek @ milepoint 26.30				
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons				
*	KY 1	10.6	US 60 & KY 7	11.5	I-64
	Weight Limit - Bridge over I-64 @ milepoint 11.50				
	TY I = 20 tons, TY II = 26 tons, TY III = 30 tons, TY IV = 51 tons				
*	KY 7	0.0	Elliott CO LN	10.9	KY 1
	Weight Limit - Bridge over Clifty Creek near Sophie @ milepoint 1.64				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Little Sandy River @ milepoint 10.12				
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons				

CHRISTIAN COUNTY

	ROAD		FROM		TO
*	US 41	28.5	KY 1296	31.6	Hopkins CO LN
	Weight Limit - Bridge over Campbells Creek @ milepoint 29.51				
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons				
	Weight Limit - Bridge over L & N RR @ milepoint 30.88				
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 50 tons				
*	KY 1296	2.7	Campbell Cemetery RD	5.2	US 41
*	Campbell Cemetery Road				
	CR 5418	0.0	KY 1296	1.6	Mine

CLARK COUNTY

	ROAD	FROM	TO
*	Mountain Parkway		
		0.0 I-64	11.9 Powell CO LN
	Weight Limit - Bridge over I-64 @ milepoint 0.13		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 47 tons		
	Weight Limit - Bridge over C & O RR @ milepoint 3.65		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 55 tons		
*	KY 418	5.7 KY 1924	5.8 KY 627
*	KY 627	0.1 KY 418	6.4 KY 1958
		9.3 I-64	14.8 Bourbon CO LN
	Weight Limit - Bridge over Woodruff Creek @ milepoint 13.20		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons		
*	KY 1924	0.0 Dale Power Plant	1.8 KY 418
*	KY 1958	0.0 KY 627	2.8 I-64

CLAY COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway		
		10.6 Laurel CO LN	35.9 Leslie CO LN
	Weight Limit - Bridge over Little Goose Creek Rd. @ milepoint 10.81		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Urban Road @ milepoint 13.90		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Hooker Road @ milepoint 16.14		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Ham Branch Rd. & Goose Creek @ milepoint 21.67		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Red Bird River @ milepoint 33.58		
	TY I = 20 tons, TY II = 42 tons, TY III = 42 tons, TY IV = 56 tons		
*	US 421	2.6 KY 66	28.5 KY 1350
	Weight Limit - Bridge over Horse Creek @ milepoint 16.58		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Goose Creek @ milepoint 18.59		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Island Creek @ milepoint 20.49		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Branch of Island Creek @ milepoint 21.20		
	TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Laurel Creek @ milepoint 23.97		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Sexton Creek @ milepoint 28.41		
	TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 52 tons		
*	KY 11	0.0 Knox CO LN	8.9 US 421 (South)
	Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 2.91		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 5.38		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
		8.9 US 421 (North)	26.6 Owsley CO LN
	Weight Limit - Bridge over Wildcat Creek @ milepoint 15.57		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
*	KY 66	0.0 Bell CO LN	6.9 Leslie CO LN
	Weight Limit - Bridge over Phillips Fork Creek @ milepoint 4.95		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 48 tons		
		6.9 Leslie CO LN	18.5 US 421
		19.1 Daniel Boone Parkway	32.5 KY 1482
		32.8 KY 3014	33.2 KY 11
*	KY 80	7.0 Big Creek Tipple	7.5 US 421
*	KY 577	4.2 Buncomb RD	5.4 KY 1350 (South)
	Weight Limit - Bridge over Little Sexton Creek @ milepoint 5.26		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	KY 638	11.9 Mine Access	13.4 US 421
*	KY 1350	0.0 US 421	4.1 KY 577 (West)
*	KY 1482	9.4 Mine Access	10.2 KY 66
*	KY 1524	0.0 US 421	6.9 Big John Branch RD
	Weight Limit - Bridge over Mud Lick Creek @ milepoint 4.06		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
*	KY 2000	0.0 KY 1524	3.5 Mine
*	KY 2432	0.0 Sester Road	0.7 Littleton Road
*	KY 2438	0.0 US 421	0.1 KY 2432
	Weight Limit - Bridge over Goose Creek & L & N RR @ milepoint 0.01		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 50 tons		
*	KY 3014	0.0 KY 66	0.2 Oneida Bottom RD

* Oneida Bottom Road
CR 5050 0.0 KY 3014 1.0 Mine
Weight Limit - Bridge over Goose Creek
TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons
* Littleton Road
CR 5103 0.0 KY 2432 0.9 Panama School RD
Weight Limit - Bridge over Coal Hollow
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
* Saplings Fork Road
CR 5169 0.0 KY 1524 3.5 Buzzard Creek RD
Weight Limit - Bridge over Goose Creek
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
* Swafford Branch Road
CR 5171 0.0 Buzzard Creek RD 1.7 Mine
* Sevier Road
CR 5180 0.0 US 421 0.2 Bridge
Weight Limit - Bridge over Goose Creek
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 60 tons
* Sester Road (Manchester)
CR 5227AA 0.0 KY 2432 0.2 Tipple Acess
* Buzzard Creek Road
CR 5238 1.7 Swafford Branch RD 2.7 Saplings Fork RD
* Panama School Road
CR 5341 0.0 Littleton Road 0.8 Steele RD
* Steele Road
CR 5342 0.0 Panama School RD 0.9 End of Road
* Buncomb Road
CR 5376 0.0 KY 577 0.4 Mine
* Sourwood Road
CR 5377 0.0 Buncomb RD 0.1 Mine

DAVIESS COUNTY

ROAD	FROM	TO
* Green River Parkway	59.5 Ohio CO LN	70.2 US 60 Bypass

Weight Limit - Bridge over Owensboro Beltline @ milepoint 70.18
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons

* US 60	10.1 US 60 Bypass	27.9 Hancock CO LN

Weight Limit - Bridge over L & N Railroad @ milepoint 11.78 [11.66]
TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 44 tons
Weight Limit - Westbound Bridge over L & N RR @ milepoint 16.66 [16.54]
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
Weight Limit - Eastbound Bridge over Power Plant Entrance @ milepoint 16.66 [16.54]
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons
Weight Limit - Bridge over Pup Creek @ milepoint 20.31 [20.19]
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 45 tons

* US 60B	0.0 US 60	10.2 US 60

Weight Limit - Bridge over US 431 @ milepoint 4.22
TY I = 20 tons, TY II = 42 tons, TY III = 42 tons, TY IV = 48 tons
Weight Limit - Bridge over L & N Railroad @ milepoint 4.84
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 49 tons
Weight Limit - Bridge over Sutherland Road @ milepoint 5.08
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
Weight Limit - Bridge over Horse Fork Creek @ milepoint 5.65
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over I C RR @ milepoint 7.71
TY I = 20 tons, TY II = 37 tons, TY III = 37 tons, TY IV = 48 tons
Weight Limit - Bridge over L&N RR & KY 2710 @ milepoint 9.77
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 43 tons

* US 231	0.0 Ohio CO LN	11.3 US 60 Bypass

Weight Limit - Bridge over Panther Creek @ milepoint 3.91
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Panther Creek @ milepoint 8.84
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over overflow @ milepoint 8.94
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over overflow @ milepoint 9.22
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Owensboro Beltline @ milepoint 11.29
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons

* KY 54	2.5 US 60 Bypass	15.2 KY 764 (South)

Weight Limit - Bridge over Barnett Creek @ milepoint 5.7
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons

Weight Limit - Bridge over Caney Creek @ milepoint 7.8
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over Panther Creek Overflow @ milepoint 10.3
TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons
Weight Limit - Bridge over Panther Creek @ milepoint 10.5
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons

*	KY 81	0.0	McLean CO LN	11.9	US 60 Bypass

Weight Limit - Bridge over Panther Creek @ milepoint 6.50
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 43 tons

*	KY 140	9.3	Mine	9.8	US 231
*	KY 144	0.0	US 60	11.9	Floral RD

Weight Limit - Bridge over L & N RR @ milepoint 0.16
TY I = 20 tons, TY II = 43 tons, TY III = 46 tons, TY IV = 50 tons

*	KY 331	0.0	US 60	1.8	Owensboro Riverport
*	KY 554	1.9	Mine	4.8	KY 81
*	KY 764	1.7	Deserter Creek RD	3.9	KY 54

Weight Limit - Bridge over Unnamed Stream @ milepoint 2.07
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 951	0.0	KY 144	1.6	Mine
*	Floral Road				
	CR 5035	0.0	KY 144	1.4	Mine
*	St Lawrence Road				
	CR 5036	0.0	KY 144	0.2	Mine
*	Iceland Road				
	CR 5076	0.0	US 60	0.2	Nerco River Terminal
*	Deserter Creek Road				
	CR 5151	3.3	Mine	3.7	KY 764

ELLIOTT COUNTY

	ROAD	FROM		TO	
*	KY 7	0.0	Morgan CO LN	19.3	Carter CO LN

Weight Limit - Bridge over Doctors Branch @ milepoint 4.15
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Sandy River @ milepoint 7.15
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons
Weight Limit - Bridge over Little Sandy River @ milepoint 10.32
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 55 tons
Weight Limit - Bridge over Little Sandy River @ milepoint 13.61
TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons
Weight Limit - Bridge over Little Sandy River @ milepoint 19.27
TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons

*	KY 32	8.6	KY 7	16.6	Mason Branch RD

Weight Limit - Bridge over Middle Fork @ milepoint 11.30
TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 48 tons
Weight Limit - Bridge over Newcombe Creek @ milepoint 14.06
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons

*	KY 486	0.0	KY 32	2.4	P Skaggs RD
*	KY 650	0.0	Morgan CO LN	4.5	KY 7

Weight Limit - Bridge over Little Sandy River @ milepoint 4.36
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 56 tons

*	KY 719	0.0	Begin State Maintenance	4.7	KY 32
*	Dickerson				
	CR 5025	0.0	KY 7	0.3	Mine
*	P Skaggs Road				
	CR 5121	0.0	KY 486	0.2	Mine
*	Lick Ford Road				
	CR 5123	0.0	KY 32	0.7	Mine

Weight Limit - Bridge over Lick Fork of Newcombe Creek
TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons
Weight Limit - Bridge over Lick Fork of Newcombe Creek
TY I = 7 tons, TY II = 7 tons, TY III = 7 tons, TY IV = 7 tons

*	Right Fork Road				
	CR 5269	0.0	KY 719	1.8	Morgan CO LN

ESTILL COUNTY

	ROAD	FROM		TO	
*	KY 52	0.0	Madison CO LN	7.6	KY 89

Weight Limit - Bridge over Drowning Creek @ milepoint 0.01
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over KY River @ milepoint 7.37
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 37 tons

*	KY 89	11.4	KY 52	13.4	KY 1840

Weight Limit - Bridge over Sweet Lick Creek @ milepoint 12.14
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons

*	KY 1840	0.0 Stump RD	0.4 KY 89	
*	Stump Road			
	CR 5356	0.0 KY 1840	0.8 Southeast Prep Plant	

FAYETTE COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Jessamine CO LN	2.4 KY 4
	Weight Limit - Bridge over New Circle Road @ milepoint 2.41		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 60	10.2 KY 4	12.1 I-75
	Weight Limit - Bridge over New Circle Road @ milepoint 10.19		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons		
*	US 68	0.0 Jessamine CO LN	3.1 KY 4
	Weight Limit - Bridge over South Elkhorn Creek @ milepoint 0.74		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 4	2.2 US 68	9.3 KY 922
	Weight Limit - Bridge over Parkers Mill Road @ milepoint 3.86		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over US 60, Versailles Road @ milepoint 4.61		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Viley Pike @ milepoint 5.48		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Southern RR @ milepoint 6.01		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 6.76		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Leestown Pike @ milepoint 7.24		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Southern RR @ milepoint 8.03		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		12.7 US 60	19.3 US 27
	Weight Limit - Bridge over Richmond Road @ milepoint 14.84		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Green Tree-Chinoe Road @ milepoint 17.05		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Tates Creek Pike @ milepoint 17.75		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Lansdowne Drive @ milepoint 18.81		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 922	1.0 KY 4	2.9 I-75
*	Man-O-War Boulevard (Lexington)		
		0.0 US 68	3.3 US 27

FLEMING COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Robertson CO LN	5.4 Mason CO LN
*	KY 11	0.0 Bath CO LN	17.2 Mason CO LN
	Weight Limit - Bridge over Fleming Creek @ milepoint 7.80		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons		
	Weight Limit - Bridge over Cassidy Creek @ milepoint 8.77		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		

FLOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Pike CO LN	24.1 Johnson CO LN
	Weight Limit - Bridge over Levisa Fork Big Sandy River @ milepoint 10.76		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons		
	Weight Limit - Bridge over C&O RR @ milepoint 10.95		
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons		
*	KY 3	0.0 US 23 & KY 80	2.3 Blackhawk Tipple
*	KY 7	0.0 Knott CO LN	8.0 KY 550
	Weight Limit - Bridge over Right Fork Beaver Creek @ milepoint 8.01		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 38 tons		
*	KY 80	0.0 Knott CO LN	14.4 US 23 & KY 3
*	KY 114	9.5 KY 404	11.4 US 23
	Weight Limit - Bridge over C&O RR @ milepoint 10.41		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 56 tons		
	Weight Limit - Bridge over Middle Creek @ milepoint 10.60		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons		
*	KY 122	8.5 KY 80	31.6 KY 466
	Weight Limit - Bridge over Left Beaver Creek north of Price		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 53 tons		

Weight Limit - Bridge over unnamed stream @ Pilgrim Church
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
Weight Limit - Bridge over Abner Fork @ Melvin
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
* KY 194 0.0 KY 1428 5.6 Buffalo CR RD
Weight Limit - Bridge over Cow Creek @ milepoint 1.27
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over Cow Creek @ milepoint 2.03
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
7.4 Copperas RD 12.2 Pike CO LN
Weight Limit - Bridge over Brushy Creek @ milepoint 12.15
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
* KY 404 0.0 Magoffin CO LN 8.1 KY 114
Weight Limit - Bridge over Middle Creek @ milepoint 8.07
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
* KY 466 2.1 Mine 4.1 KY 122
Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 2.58
TY I = 20 tons, TY II = 18 [21] tons, TY III = 21 tons, TY IV = 37 tons
Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 2.90
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
* KY 550 0.0 Knott CO LN 0.2 KY 7
Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.06
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons
0.2 KY 7 4.6 KY 80
Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 1.58
TY I = 20 tons, TY II = 28 tons, TY III = 27 tons, TY IV = 31 tons
Weight Limit - Bridge over Brush Creek @ milepoint 2.02
TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 52 tons
* KY 680 0.0 KY 122 5.4 KY 979
* KY 777 5.9 Mine 9.0 KY 80
Weight Limit - Bridge over Turkey Creek @ milepoint 8.63
TY I = 20 tons, TY II = 43 tons, TY III = 48 tons, TY IV = 57 tons
* KY 850 0.0 KY 550 7.5 KY 404
* KY 979 0.0 KY 122 19.3 US 23
Weight Limit - Bridge over Toler Creek @ milepoint 17.43
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* KY 1101 0.9 Stonecoal BR RD 1.0 KY 122
Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 0.90
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 59 tons
* KY 1210 0.0 KY 80 7.8 KY 404
Weight Limit - Bridge over Middle Creek @ milepoint 7.76
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons
* KY 1426 2.5 Mine 6.6 KY 979
6.6 KY 979 9.0 Mine
* KY 1428 5.7 Colliver RD 6.2 US 23
Weight Limit - Bridge over Levisa Fork @ milepoint 5.9
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
6.2 US 23 8.8 KY 194
Weight Limit - Bridge over Cow Creek @ milepoint 8.75
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons
14.1 Mine 15.6 US 23
Weight Limit - Bridge over Little Paint Creek @ milepoint 14.85
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons
* KY 1498 0.0 Knott CO LN 4.6 KY 122
Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 4.59
TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 60 tons
* KY 1929 0.0 Ned FK RD 2.5 KY 680
* KY 2030 0.0 KY 122 7.8 KY 1426
Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 0.10
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons
* KY 2557 0.0 Betsy Layne BR RD 0.3 US 23
* KY 3188 0.8 Mine 1.3 KY 80
* Powell Branch Road
CR 5022 0.0 Justell Bridge RD 0.3 Camp BR Branch RD
* Justell Bridge Road
CR 5024F 0.0 US 23 0.1 Powell Branch RD
* Clark Branch Road
CR 5040 0.0 Buffalo Creek RD 1.4 Mine
* Buffalo Creek Road
CR 5043 0.0 KY 194 4.0 Clark Branch RD
Weight Limit - Bridge over Buffalo Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Copperas Creek Road
CR 5045 0.0 KY 194 2.1 Mine

*	Bull Creek Road			
	CR 5055	0.0 KY 3	0.5	Cabin Coal Tipple
*	Colliver Road			
	CR 5074	0.0 KY 1428	1.6	Mine
*	Camp Branch Road			
	CR 5078	0.0 Powell Branch RD	0.9	Right FK/Camp BR RD
*	Right Fork/Camp Branch Road			
	CR 5078A	0.0 Camp Branch RD	0.2	Mine
*	Transcontinental Road (Excluding Bridge)			
	CR 5083	0.0 Transcontinental Tip	0.8	US 23
*	Big Branch/Little Mud Creek Road			
	CR 5108	0.0 KY 2030	3.3	Mine
*	Frog Branch Road			
	CR 5110	0.0 KY 2030	1.0	Mine
*	Betsy Layne Branch Road			
	CR 5111	0.0 KY 2557	0.9	Mine
*	Cedar Hill Road			
	CR 5118	0.0 KY 1426	0.6	Bebe Tipple
*	Mink Branch Road			
	CR 5138	0.0 KY 979	1.5	Mine
	Weight Limit - Bridge over Big Mud Creek			
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons			
*	Ned Fork Road			
	CR 5140	0.0 KY 1929	1.1	Premium Elkhorn Shannon Mine
*	Branham Creek Road			
	CR 5142	0.0 KY 979	3.1	Mine
		7.7 Left FK/Tinker FK RD	8.3	Pike CO LN
*	Left Fork/Tinker Fork Road			
	CR 5147	0.0 Branham Creek RD	0.2	Wellmore Kodiak Mine
*	Andy Branch Road			
	CR 5148	0.0 Tinker Fork RD	0.5	Ensol Mine
*	Tinker Fork Road			
	CR 5152	0.0 KY 979	0.6	Andy Branch RD
*	Red Morg Branch Road			
	CR 5153	0.0 KY 979	0.7	End of Road
*	Buzzard Rock Road			
	CR 5157	0.2 Mine	0.5	Pike CO LN
*	Buckhorn Hollow Road			
	CR 5159	0.0 KY 979	0.4	Wheelwright Douglas #2 Mine
*	Spewing Camp Branch			
	CR 5190	0.0 KY 122	2.4	Mine
	Weight Limit - Bridge over Left Fork of Beaver Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Little Muddy Creek Road			
	CR 5197	0.0 KY 2030	3.0	Mine
*	Stonecoal Branch Road			
	CR 5234	0.0 KY 1101	2.0	Mine
*	Goose Creek Road			
	CR 5273	0.0 Gosling Branch RD	0.6	Transcontinental T&H Mine
*	Gosling Branch Road			
	CR 5274	0.0 KY 80	0.1	Goose Creek RD
*	Vine Street (Eastern)			
	CR 5283C	0.0 KY 80	0.1	May I Tipple
	Weight Limit - Bridge over Right Fork of Beaver Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Prater Fork Road			
	CR 5285	0.0 KY 850	1.1	Left FK/Prater CK RD
*	Left Fork/Prater Creek Road			
	CR 5285A	0.0 Prater Fork RD	0.4	Mine
*	Johnson Fork-Conley Fork Road			
	CR 5409	0.0 KY 1210	0.2	Amber Prep Plant

GARRARD COUNTY

	ROAD	FROM	TO	
*	US 27	10.3 KY 34	16.5	Jessamine CO LN
	Weight Limit - Bridge over the Kentucky River @ milepoint 16.28			
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 45 tons			
*	KY 34	0.0 Boyle CO LN	2.7	US 27

GREENUP COUNTY

	ROAD	FROM	TO	
*	US 23	0.0 Boyd CO LN	11.8	KY 2541
	Weight Limit - Bridge over Little Sandy River @ milepoint 11.4			
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 57 tons			

*	KY 1	11.4	KY 207	17.3	US 23
*	KY 207	0.4	Logtown RD	9.2	KY 1
	Weight Limit - Bridge over Sandslick Creek @ milepoint 6.64				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons				
*	KY 2541	1.3	Pilgrim Dock	1.6	US 23
*	Logtown Hollow Road				
	CR 5168	0.0	KY 207	0.5	Mine

HANCOCK COUNTY

	ROAD	FROM		TO	
*	US 60	0.0	Daviess CO LN	5.5	Mine

HARLAN COUNTY

	ROAD	FROM		TO	
*	US 119	0.0	Bell CO LN	18.7	Rhea Tipple
		26.4	Totz Prep Plant	28.2	Belt Line
		34.3	Mine	39.7	Letcher CO LN
	Weight Limit - Bridge over Poor Fork @ milepoint 35.56				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Poor Fork @ milepoint 38.91				
	TY I = 20 tons, TY II = 27 tons, TY III = 27 tons, TY IV = 36 tons				
	Weight Limit - Bridge over Poor Fork @ milepoint 39.61				
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons				
*	US 421	0.0	Virginia State LN	17.6	US 119 (West)
	Weight Limit - Bridge over Cranks Creek @ milepoint 2.70				
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons				
	Weight Limit - Bridge over Fork of Crummies Creek @ milepoint 7.36				
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 40 tons				
	Weight Limit - Bridge over KY 840, L&N RR, Clover Fork @ milepoint 17.51				
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 49 tons				
		17.6	US 119 (West)	27.4	Leslie CO LN
*	KY 38	0.0	US 421	13.3	Shields School RD
	Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 8.21				
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons				
	Weight Limit - Bridge over Yocum Creek @ milepoint 8.60				
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons				
	Weight Limit - Bridge over Clover Fork @ milepoint 12.90				
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons				
		16.7	Belt Line	17.0	KY 179
		28.1	Jericol Tipple	29.5	Virginia State LN
*	KY 72	0.0	Bell CO LN	4.9	Rockhouse Creek RD
	Weight Limit - Bridge over Puckett Creek @ milepoint 4.73				
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Puckett Creek @ milepoint 4.84				
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons				
		9.0	KY 2425	11.3	US 421
*	KY 160	8.8	Benham Tipple	14.6	Letcher CO LN
	Weight Limit - Bridge over L&N RR & Looney Creek @ milepoint 9.05				
	TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 50 tons				
	Weight Limit - Bridge over L&N RR & Looney Creek @ milepoint 10.34				
	TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 44 tons				
	Weight Limit - Bridge over Looney Creek @ milepoint 11.29				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 57 tons				
	Weight Limit - Bridge over Poor Creek @ milepoint 11.82				
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons				
*	KY 179	0.0	KY 38	0.6	Mines
	Weight Limit - Bridge over Fugitt Creek @ milepoint 0.08				
	TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons				
*	KY 215	0.0	KY 38	1.1	Mine
	Weight Limit - Bridge over Yocum Creek @ milepoint 1.06				
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons				
*	KY 219	2.3	Mine	5.1	US 119
	Weight Limit - Bridge over Wallins Creek @ milepoint 2.48				
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 58 tons				
	Weight Limit - Bridge over Tributary of Wallins Creek @ milepoint 2.79				
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons				
	Weight Limit - Bridge over Wallins Creek @ milepoint 2.88				
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons				
*	KY 221	0.0	Bell CO LN	8.9	US 421 (South)
		8.9	US 421 (North)	26.8	Perry CO LN
*	KY 987	10.4	Wilder Branch RD	18.5	US 421
	Weight Limit - Bridge over Martins Fork Lake @ milepoint 12.72				
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons				

Weight Limit - Bridge over Martins Fork @ milepoint 15.07
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Crummies Creek @ milepoint 18.52
TY I = 20 tons, TY II = 29 tons, TY III = 34 tons, TY IV = 41 tons

*	KY 990	0.0	US 421	1.3 Coalgood Tipple
*	KY 1137	0.0	US 421	2.0 Crummies Creek RD
*	KY 2006	0.7	Mine	4.6 Arch of KY Tipple
*	KY 2007	0.0	US 119	0.5 Layman-Coldiron RD

Weight Limit - Bridge over Cumberland River @ milepoint 0.43
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons

*	KY 2008	0.0	Leslie CO LN	1.4 KY 221
*	KY 2009	0.0	KY 221	2.7 Leslie CO LN

Weight Limit - Bridge over Fork of Laurel Fork Creek @ milepoint 1.51
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons
Weight Limit - Bridge over Laurel Fork Creek @ milepoint 2.72
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons

*	Totz Road			
	CR 5007B	0.0	Haul RD	0.1 Totz Washer
*	Crummies Creek Road			
	CR 5137	0.0	KY 1137	1.5 N to End
*	Slack Cemetery Road			
	CR 5140	0.0	US 421 (North)	0.3 Mine
*	Barn Branch Road			
	CR 5142	0.0	US 421	0.4 End
*	Old US 421 Road			
	CR 5147	0.0	Daniel Carredd RD	0.4 US 421
*	Daniel Carredd Road			
	CR 5148	0.0	Old US 421 RD	0.7 End
*	Grays Branch Road			
	CR 5206K	0.0	US 421 @ Grays Knob	0.4 End

Weight Limit - Bridge over Martins Fork
TY I = 20 tons, TY II = 20 tons, TY III = 20 tons, TY IV = 20 tons

*	Mill Branch Hollow			
	CR 5219	0.0	KY 72	0.3 Mine
*	Frye Street			
	CR 5232A	0.0	KY 72	0.2 Elcomb DR

Weight Limit - Bridge over Catron Creek
TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 40 tons

*	Elcomb Drive			
	CR 5232C	0.0	Frye ST	0.4 Mine Access
*	Layman-Coldiron Road			
	CR 5236H	0.0	KY 2007	0.9 Forester Creek RD

Weight Limit - Bridge over Jesses Creek
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons

*	Rockhouse Creek Road			
	CR 5256	0.0	KY 72	0.2 R B Tipple
*	Ages Creek Road			
	CR 5326M	0.0	KY 38	0.5 Mine

Weight Limit - Bridge over Ages Branch
TY I = 20 tons, TY II = 27 tons, TY III = 33 tons, TY IV = 53 tons

*	Abner Fork Road			
	CR 5338	0.0	KY 221	3.9 Leslie CO LN
*	Big Run Hollow Road			
	CR 5344	1.4	Mine RD	1.7 Bell CO LN

HARRISON COUNTY

	ROAD	FROM		TO
*	US 27	0.0	Bourbon CO LN	19.5 Pendleton CO LN

Weight Limit - Bridge over South Fork Licking River @ milepoint 5.65
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 57 tons
Weight Limit - Bridge over L&N RR @ milepoint 6.28
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 45 tons
Weight Limit - Bridge over Indian Creek @ milepoint 7.09
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 58 tons
Weight Limit - Bridge over Sycamore Creek @ milepoint 9.09
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over Two Lick Creek @ milepoint 10.40
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 57 tons
Weight Limit - Bridge over Curry Creek @ milepoint 13.27
TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 50 tons
Weight Limit - Bridge over Richland Creek @ milepoint 19.18
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons

HENDERSON COUNTY

	ROAD	FROM	TO
*	US 41	0.0 Webster CO LN	13.0 KY 812
	Weight Limit - Bridge over King Creek @ milepoint 0.65		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over East Fork of Cane Creek @ milepoint 6.20		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Dredged Ditch @ milepoint 6.32		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
*	KY 812	5.6 Mine	7.4 US 41
*	KY 2097	0.0 US 41	0.9 Bill Givens RD
*	Bill Givens Road		
	CR 5142	0.0 Webster CO LN	0.2 KY 2097

HOPKINS COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		21.8 Caldwell CO LN	43.4 Muhlenberg CO LN
	Weight Limit - Bridge over Tradewater River Overflow @ milepoint 22.00		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over I.C. RR @ milepoint 24.89		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 112 & Copperas Creek @ milepoint 28.35		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons		
	Weight Limit - Bridge over Oak Hill Rd. & I.C. RR @ milepoint 33.87		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Pennyrile Parkway @ milepoint 38.31		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 56 tons		
*	Pennyrile Parkway (Non-Toll Segment)		
		29.6 US 41	45.2 Begin Toll Segment
	Weight Limit - Bridge on exit ramp to U.S. 41 @ milepoint 45.2		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Pennyrile Parkway (Toll Segment)		
		45.2 Non-Toll Segment	55.0 Webster CO LN
	Weight Limit - Bridge over KY 138 @ milepoint 54.07		
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 56 tons		
*	US 41	0.0 Christian CO LN	2.3 Pennyrile Parkway
	Weight Limit - Bridge over Drakes Creek @ milepoint 0.49		
	TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 53 tons		
	Weight Limit - Bridge on entrance ramp to Pennyrile Parkway @ milepoint 2.3		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		3.0 KY 1751	11.8 Webster CO LN
	Weight Limit - Bridge over Otter Creek @ milepoint 6.13		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	US 41A	3.7 US 62	29.4 Webster CO LN
	Weight Limit - Bridge over L&N RR @ milepoint 6.59		
	TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 34 tons		
	Weight Limit - Bridge over Pond Creek @ milepoint 22.86		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Weirs Creek @ milepoint 28.01		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 43 tons		
*	US 62	1.7 KY 109	21.3 Mine
	Weight Limit - Bridge over Copperas Creek @ milepoint 5.70		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Cane Run Creek @ milepoint 7.94		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Pleasant Run @ milepoint 12.51		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over L&N RR, Fork Pleasant Run @ milepoint 14.89		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 58 tons		
	Weight Limit - Bridge over US 41 @ milepoint 15.64		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Pleasant Run Creek @ milepoint 16.39		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Drakes Creek @ milepoint 16.72		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons		
*	KY 70	7.1 KY 109	18.7 US 41A
	Weight Limit - Bridge over Richland Creek @ milepoint 11.77		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over ICG RR NE of Richland @ milepoint 13.09		
	TY I = 20 tons, TY II = 27 tons, TY III = 27 tons, TY IV = 34 tons		
	Weight Limit - Bridge over Sugar Creek @ milepoint 13.45		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		

	Weight Limit - Bridge over L&N RR @ milepoint 18.1			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 40 tons			
	KY 80	18.1 Pennyrile Parkway	20.1 KY 70	
	KY 80	20.1 KY 70	22.1 KY 181	
	Weight Limit - Bridge over Pond River @ milepoint 1.8			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 58 tons			
	Weight Limit - Bridge over L&N RR @ milepoint 3.40			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons			
	Weight Limit - Bridge over PC RR @ milepoint 6.49			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons			
	Weight Limit - Bridge over Lick Creek @ milepoint 7.24			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
*	KY 112	2.8 Mine		5.0 Copper Creek RD
		5.4 Edro Washer		9.8 US 41A
	Weight Limit - Bridge over Finley Ditch @ milepoint 5.85			
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons			
	Weight Limit - Bridge over Unnamed Stream @ milepoint 8.06			
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons			
	Weight Limit - Bridge over Unnamed Stream @ milepoint 8.26			
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons			
*	KY 262	0.0 KY 630		0.3 Mine
*	KY 281	0.0 US 41A		0.7 Pennyrile Parkway
	Weight Limit - Bridge over L&N RR @ milepoint 0.25			
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons			
*	KY 336	0.0 US 41A		2.3 McLeod RD
*	KY 630	0.0 KY 262		2.0 US 41A
*	KY 813	2.6 Farmer Crossing RD		2.8 US 62
		4.3 Mine		5.0 Private Haul RD
		10.2 Mortons Gap-WH CTY RD		12.3 US 41A
*	KY 814	0.0 KY 109		1.4 Webster CO LN
*	KY 1302	1.9 Bean Cemetery RD		2.7 Poole RD
*	KY 1687	3.9 Mine		4.6 US 62
*	KY 1751	0.0 US 41A		1.4 US 41
	Weight Limit - Bridge over L&N RR @ milepoint 1.14			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons			
*	KY 2083	0.9 US 62		1.1 South Hopkins Tipple
*	KY 2086	0.0 Walnut Grove RD		1.2 KY 109
*	McLeod Road			
	CR 5140	0.0 KY 336		0.5 Mine
*	Mortons Gap-White City Road			
	CR 5153	0.0 KY 813		1.9 Mine
*	Farmers Crossing Road			
	CR 5161	0.0 KY 813		3.0 Ogelsby RD
	Weight Limit - Bridge over Unnamed Tributary of Pond River			
	TY I = 20 tons, TY II = 36 tons, TY III = 46 tons, TY IV = 50 tons			
*	Ogelsby Road			
	CR 5163	0.9 Mine		1.4 Farmer Crossing RD
*	Goat Lane			
	CR 5179	0.0 US 62		0.4 Drakes Creek RD
*	Drakes Creek Road			
	CR 5180	1.4 KY 813		1.5 Farmers Crossing RD
*	Copper Creek Road			
	CR 5257	0.0 KY 112		1.0 Clyde Lee RD
	Weight Limit - Bridge over Copper Creek			
	TY I = 20 tons, TY II = 36 tons, TY III = 46 tons, TY IV = 50 tons			
*	Clyde Lee Road			
	CR 5258	0.0 Copper Creek RD		0.4 Mine
*	Leonard Jackson Road			
	CR 5262	0.0 Dawson Daylight RD		1.0 Private Haul RD
*	Walnut Grove Road			
	CR 5301	0.0 Mine		0.6 KY 2086
*	Dawson Daylight Road			
	CR 5305	0.0 KY 109		2.4 Leonard Jackson RD
*	Ferguson Town Spur			
	CR 5311	0.0 Ferguson Town RD		0.1 Roberts Bros Tipple
*	Ferguson Town Road			
	CR 5325	3.0 Ferguson Town Spur		3.2 KY 109
*	Poole Road			
	CR 5390	0.2 KY 70		0.4 KY 1302
*	Bean Cemetery Road			
	CR 5396	0.0 KY 1302		0.4 Mine

JACKSON COUNTY

	ROAD	FROM	TO
*	US 421	3.8 KY 30	10.8 KY 587
	Weight Limit - Bridge over Fork Lick Creek @ milepoint 6.26		
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over McCammon Creek @ milepoint 8.82		
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons		
*	KY 30	0.0 Laurel CO LN	12.5 US 421
	Weight Limit - Bridge over Moores Creek @ milepoint 0.59		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Pond Creek @ milepoint 2.64		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons		
*	KY 587	0.0 US 421	5.5 Brushy Ridge RD
*	Brushy Ridge RD		
	CR 5041	0.0 KY 587	1.1 Mine
*	Old Island City Road		
	CR 5165	0.0 Clay CO LN	1.1 Mine
*	Mildred Road		
	CR 5184	0.0 US 421	1.6 Laurel Fork RD
	Weight Limit - Bridge over Laurel Fork		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Laurel Fork Road		
	CR 5248	0.0 Mildred RD	0.3 Mine

JEFFERSON COUNTY

	ROAD	FROM	TO
*	US 31W	3.2 Kosmos Cement CO	14.8 I-264
*	KY 1934	6.8 I-264	7.0 Ralph Avenue
*	Ralph Avenue (Louisville)		
		0.9 KY 1934	1.8 Dupont Plant

JESSAMINE COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Garrard CO LN	14.1 Fayette CO LN
	Weight Limit - Bridge over Town Fork @ milepoint 5.59		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		

JOHNSON COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Floyd CO LN	18.4 Lawrence CO LN
	Weight Limit - Bridge over C&O RR & Levisa Fork @ milepoint 3.53		
	TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Paint Creek @ milepoint 8.68		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons		
*	US 460	0.0 Magoffin CO LN	8.3 US 23
*	KY 3	0.1 KY 302	4.7 Martin CO LN
*	KY 40	0.0 Magoffin CO LN	8.7 US 460
	Weight Limit - Bridge over Little Paint Creek @ milepoint 0.53		
	TY I = 20 tons, TY II = 25 tons, TY III = 26 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Little Paint Creek @ milepoint 1.50		
	TY I = 20 tons, TY II = 23 [26] tons, TY III = 27 tons, TY IV = 44 tons		
	Weight Limit - Bridge over Road Fork Creek @ milepoint 4.60		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 41 tons		
	Weight Limit - Bridge over Road Fork Creek @ milepoint 4.92		
	TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 41 tons		
	Weight Limit - Bridge over Barnetts Creek @ milepoint 6.31		
	TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 41 tons		
	Weight Limit - Bridge over Big Paint Creek @ milepoint 6.46		
	TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons		
*	KY 172	2.5 Mine Access	12.4 KY 40
	Weight Limit - Bridge over Mudlick Creek @ milepoint 11.91		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		
*	KY 302	4.1 KY 2381	6.5 KY 3
*	KY 469	3.0 KY 1614	6.2 Lawrence CO LN
*	KY 993	0.0 KY 581	2.8 US 23
*	KY 1614	0.0 Morgan CO LN	1.2 KY 469
*	KY 2381	0.0 US 23	2.2 KY 302

KNOTT COUNTY

	ROAD	FROM	TO
*	KY 7	0.0 Letcher CO LN	16.0 Floyd CO LN
	Reduced Weight Limit - Bridge over Beaver Fork @ milepoint 6.10		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		

*	KY 15	0.0 Letcher CO LN	9.4 Perry CO LN
	Reduced Weight Limit - Bridge over Carr Fork Reservoir @ milepoint 2.82		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 55 tons		
	Reduced Weight Limit - Bridge over Carr Fork Lake @ milepoint 5.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 80	0.0 Perry CO LN	20.1 Floyd CO LN
*	KY 160	0.0 KY 15	4.2 Runnells Branch RD
	Reduced Weight Limit - Bridge over Carr Fork Lake @ milepoint 1.74		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 56 tons		
		8.2 KY 1393	12.5 KY 80
*	KY 550	20.6 Mine	26.6 Floyd CO LN
	Reduced Weight Limit - Bridge over Jones Fork @ milepoint 20.63		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 51 tons		
	Reduced Weight Limit - Bridge over Jones Fork @ milepoint 21.51		
	TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 39 tons		
	Reduced Weight Limit - Bridge over Jones Fork @ milepoint 25.30		
	TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 48 tons		
*	KY 899	0.0 KY 1393	4.9 Mine
		7.7 Mine	12.2 KY 7
	Reduced Weight Limit - Bridge over Caney Creek @ milepoint 8.74		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons		
	Reduced Weight Limit - Bridge over Caney Creek @ milepoint 11.82		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 1087	1.4 KY 3209	3.4 Mine
		12.0 Sandlick Branch RD	14.1 KY 80
		19.9 Bruce Branch RD	20.6 KY 550
*	KY 1088	3.9 Youngs Fork RD	9.4 KY 15
	Reduced Weight Limit - Bridge over Yellow Creek @ milepoint 9.12		
	TY I = 20 tons, TY II - 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Reduced Weight Limit - Bridge over Carr Creek @ milepoint 9.36		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 56 tons		
*	KY 1231	0.0 KY 15	1.2 Irishman Creek RD
		4.8 Mine	5.8 Mine
*	KY 1393	2.8 KY 899	4.9 KY 160
*	KY 1410	0.0 KY 160	4.7 Letcher CO LN
	Reduced Weight Limit - Bridge over Carr Fork @ milepoint 0.01		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons		
*	KY 1498	0.0 KY 7	1.5 Floyd CO LN
*	KY 3209	0.0 KY 80	0.4 KY 1087
	Reduced Weight Limit - Bridge over Ball Fork @ milepoint 0.05		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	Patten Branch of Beaver Creek Road		
	CR 5009	0.0 KY 7	0.4 G.S. & M. Mine
*	Bruce Branch Road		
	CR 5026	0.0 KY 1087	0.7 Patsy Jane Mine
*	Big Springs Branch Road		
	CR 5032	0.0 KY 550	0.9 Mine
	Reduced Weight Limit - Bridge over Jones Fork		
	TY I = 19 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 39 tons		
*	Rock Fork (Bolyn) Road		
	CR 5037	0.0 KY 80	0.8 Mine
*	Bates Branch Road		
	CR 5117	0.0 KY 7	1.4 Mine
*	Perkins Branch-Lick Branch Road		
	CR 5145	0.0 KY 15	0.4 Mine
*	Runnells Branch Road		
	CR 5156	0.0 KY 160	0.5 Left FK Runnells BR RD
*	Left Fork of Runnells Branch Road		
	CR 5156A	0.0 Runnells Branch RD	0.3 Mine
*	Irishman Creek Road		
	CR 5203	0.0 KY 1231	2.5 Mine
*	Flaxpatch Branch Road		
	CR 5208	0.0 KY 1231	0.6 Mine
*	Defeated Creek Road		
	CR 5212	0.0 KY 15	3.2 Mine
*	Youngs Fork Road		
	CR 5226	0.0 KY 1088	1.3 Mine

KNOX COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Bell CO LN	26.6 Laurel CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 0.85		
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 44 tons		

Weight Limit - Bridge over L&N RR @ milepoint 1.54
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 51 tons
Weight Limit - Bridge over Stinking Creek @ milepoint 3.70
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons
Weight Limit - Bridge over Turkey Creek @ milepoint 4.81
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 51 tons

*	KY 6	0.0 Whitley CO LN	14.7	KY 11

Weight Limit - Bridge over Lynn Camp Creek @ milepoint 0.23
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons
Weight Limit - Bridge over Stewards Creek @ milepoint 0.83
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over Indian Creek @ milepoint 6.15
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
Weight Limit - Bridge over Tributary of Indian Creek @ milepoint 6.85
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
Weight Limit - Bridge over Indian Creek @ milepoint 8.37
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

*	KY 11	0.0 Whitley CO LN	10.1	US 25E

Weight Limit - Bridge over Little Poplar Creek @ milepoint 2.17
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons

		10.1 US 25E	22.7	Clay CO LN

Weight Limit - Bridge over Little Richland Creek @ milepoint 13.00
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Richland Creek @ milepoint 13.39
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Richland Creek @ milepoint 13.57
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons

*	KY 223	0.0 US 25E	3.9	KY 718

Weight Limit - Bridge over Roads Fork Stinking Creek @ milepoint 3.91
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons

*	KY 225	5.9 Mine	15.0	US 25E
*	KY 233	4.6 Lynn Camp Branch RD	6.2	US 25E
*	KY 718	0.0 KY 223	9.2	Alex Creek RD
*	KY 1418	0.0 Whitley CO LN	0.6	Hubbs Hollow RD
*	KY 1809	0.0 Whitley CO LN	6.3	KY 11
*	KY 2421	0.0 KY 225	0.9	KY 11
*	Alex Creek Road			
	CR 5031	0.0 KY 718	0.8	Mine

Weight Limit - Bridge over Pigeon Fork
TY I = 20 tons, TY II = 26 tons, TY III = 31 tons, TY IV = 51 tons

*	Little Brush Creek Road			
	CR 5166	0.0 KY 225	1.6	Lay Branch RD

Weight Limit - Bridge over Brush Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Lay Branch Road			
	CR 5169	0.0 Little Brush CK RD	0.2	Mines
*	Stoney Fork Road			
	CR 5210	0.0 KY 1809	1.8	Swanpond Road
*	Hubbs Road			
	CR 5214	0.0 KY 1809	1.5	Mine

Weight Limit - Bridge over Hubbs Creek east of Bryant's Store
TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons
Weight Limit - Bridge over Hubbs Creek @ Bain Branch
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons

*	Sugartree Road			
	CR 5216	0.0 Hubbs RD	0.5	Mine

Weight Limit - Bridge over Hubbs Creek
TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons

*	Old US 25E Loop #6 Road			
	CR 5304	0.6 Bailey Branch RD	1.0	US 25E

Weight Limit - Branch over Bailey Creek
TY I = 9 tons, TY II = 9 tons, TY III = 9 tons, TY IV = 9 tons

*	Bailey Branch Road			
	CR 5305	0.0 Old US 25E Loop #6 RD	0.5	Bailey Switch Tipple

Weight Limit - Branch over Baily Branch (Richland Creek)
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons

*	Richland Creek Road			
	CR 5311	0.8 Harris RD	0.9	Higgins RD
*	Higgins Road			
	CR 5323	0.0 US 25E	0.8	Richland Creek RD
*	Harris Road			
	CR 5327	0.7 Mine	0.2	Richland Creek RD
*	Lynn Camp Branch Road			
	CR 5369	0.0 KY 233	1.0	Mine

LAUREL COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway	0.0 US 25 & KY 80	10.6 Clay CO LN
	Weight Limit - Bridge over L&N RR @ milepoint 0.85		
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Little Laurel River @ milepoint 3.40		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Sallys Branch Rd. @ milepoint 4.18		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 1305 @ milepoint 6.42		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Lick Creek Road @ milepoint 7.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons		
	Weight Limit - Bridge over KY 488 @ milepoint 8.57		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons		
*	US 25	0.0 US 25E & US 25W	16.3 KY 490
	Weight Limit - Bridge over Robinson Creek @ milepoint 3.28		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Laurel River at Lily @ milepoint 4.14		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 7.19		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Little Laurel River @ milepoint 8.44		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
*	US 25E	0.0 Knox CO LN	2.0 I-75
*	US 25W	0.0 Whitley CO LN	1.0 US 25 & US 25E
*	KY 30	1.4 KY 490	9.8 Jackson CO LN
	Weight Limit - Bridge over Rockcastle River @ milepoint 9.08		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 59 tons		
*	KY 80	0.0 Pulaski CO LN	11.1 US 25 & D Boone PKWY
	Weight Limit - Bridge over I-75 @ milepoint 10.59		
	TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 43 tons		
		11.1 US 25	11.8 KY 638
*	KY 192	18.2 I-75	22.0 D Boone PKWY
	Weight Limit - Bridge over I-75 @ milepoint 18.24		
	TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 42 tons		
*	KY 490	0.0 US 25	0.9 KY 30
	Weight Limit - Bridge over L&N RR @ milepoint 0.10		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 44 tons		
		0.9 KY 30	5.7 Victory-Greenmount RD
*	KY 1006	0.3 J & B Tipple	0.5 US 25
*	Railroad Street (London)		
	CR 5091N	0.0 KY 80 (4th Street)	0.5 Balmont Tipple
*	Carmichael Road		
	CR 5475	0.0 KY 80	4.1 Mine

LAWRENCE COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Johnson CO LN	30.2 Boyd CO LN
*	KY 3	0.0 Martin CO LN	15.5 US 23
	Weight limit - Bridge over Levisa & Tug Forks @ milepoint 14.87		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Two Mile Branch @ milepoint 15.52		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons		
*	KY 3S	0.0 KY 3	0.1 West Virginia State LN
*	KY 32	5.9 KY 469	28.9 US 23
	Weight Limit - Bridge over Cains Creek @ milepoint 9.53		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Blaine Creek @ milepoint 10.10		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 54 tons		
	Weight Limit - Bridge over Hood Creek @ milepoint 10.85		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Brushy Creek @ milepoint 16.05		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Rich Creek @ milepoint, 18.39		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Blaine Creek @ milepoint 22.55		
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Russey Branch @ milepoint 23.46		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons		
*	KY 469	0.0 Johnson CO LN	2.0 KY 32
	Weight Limit - Bridge over Left Fork of Blaine Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons		

*	KY 645	0.0	Martin CO LN	5.2 US 23
*	KY 1760	0.0	US 23	2.8 Georges Creek RD
*	Donithon Branch Road			
	CR 5118	0.0	KY 3	1.6 Lockworth Mine
*	Yellow Creek-Tug Fork Road			
	CR 5122	0.0	KY 3	0.8 Mine
*	Laurel Creek Road			
	CR 5124	0.0	KY 3	1.7 Lockworth Mine
	Weight Limit - Bridge over Laurel Creek			
	TY I = 6 tons, TY II = 6 tons, TY III = 6 tons, TY IV = 6 tons			
*	Georges Creek Road			
	CR 5156	0.0	KY 1760	1.5 Tebco #22 Mine

LESLIE COUNTY

	ROAD	FROM		TO
*	Daniel Boone			
	Parkway	35.9	Clay CO LN	51.0 Perry CO LN
*	US 421	0.0	Harlan CO LN	22.6 KY 118
	Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 11.55			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 46 tons			
*	KY 66	0.0	Clay CO LN	2.8 Clay CO LN
	Weight Limit - Bridge over Red Bird River @ milepoint 2.71			
	TY I = 20 tons, TY II = 33 tons, TY III = 33 tons, TY IV = 44 tons			
*	KY 80	0.0	US 421	9.7 Perry CO LN
	[Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 0.01			
	TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 31 tons]			
	Weight Limit - Bridge over Cutshin Creek @ milepoint 5.15			
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons			
	Weight Limit - Bridge over Wooten Creek @ milepoint 6.12			
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons			
	Weight Limit - Bridge over MacIntosh Creek @ milepoint 8.84			
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons			
*	KY 118	0.0	US 421	3.5 D Boone PKWY
*	KY 221	0.0	Perry CO LN	1.9 KY 699
*	KY 257	0.0	US 421	2.4 Asher Branch RD
*	KY 699	0.0	KY 80	16.0 Perry CO LN
	Weight Limit - Bridge over Cutshin Creek @ milepoint 1.96			
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons			
	Weight Limit - Bridge over Maggard Creek @ milepoint 8.14			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
*	KY 1807	0.0	KY 80	3.6 End State MAINT
*	KY 2008	0.0	KY 2009	0.6 White Oak RD
		1.5	Begin State MAINT	3.8 Harlan CO LN
*	KY 2009	0.0	Harlan CO LN	5.4 Bledsoe Tipple
	Weight Limit - Bridge over Greasy Creek @ milepoint 3.58			
	TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons			
*	KY 2057	0.0	KY 699	0.9 Mine
*	KY 2431	0.0	US 421	0.1 High School
	Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 0.01			
	TY I = 20 tons, TY II = 26 tons, TY III = 28 tons, TY IV = 32 tons			
*	KY 6272	0.0	Mine	0.5 KY 6274
*	KY 6273	1.0	KY 6275	1.2 KY 118
*	KY 6274	0.0	KY 6272	0.3 KY 6275
*	KY 6275	0.0	KY 6274	0.3 KY 6273
*	Wendover Road			
	CR 5001	0.0	KY 2431	1.6 Hurricane Creek RD
*	Hurricane Creek Road			
	CR 5002	0.7	Big BR H'Cane CR RD	3.3 Wendover RD
*	Camp Creek Long Fork Road			
	CR 5005	0.0	Hurricane Creek RD	0.7 Mine Access
*	Big Branch Hurricane Creek Road			
	CR 5006	0.0	Hurricane Creek RD	1.6 Leeco Prep Plant
	Weight Limit - Bridge over Raccoon Creek			
	TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons			
*	Bailey Branch Road			
	CR 5027	0.0	KY 1807	0.6 Mine
*	Long Branch Road			
	CR 5118	0.0	KY 699	0.2 Mine
*	Lewis Creek-Napier Road			
	CR 5132	0.0	KY 2008	2.0 Mine
*	Abner Branch Road			
	CR 5133	0.0	Harlan CO LN	1.3 Lewis Creek-Napier RD
*	White Oak Road			
	CR 5135	0.0	KY 2008	0.8 Mine

	ROAD	FROM	TO
*	Lewis Creek Road		
	CR 5137	0.0 KY 2009	1.7 Mine
*	Phillips Fork Road		
	CR 5225	5.0 Mine RD	5.2 Mine RD

LETCHER COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Virginia State LN	7.1 Pike CO LN
	Weight Limit - Bridge over Elkhorn Creek @ milepoint 5.83		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	US 119	0.0 Harlan CO LN	10.3 KY 932
		17.6 KY 15	27.7 US 23
	Weight Limit - Bridge over North Fork Ky. River, L&N RR @ milepoint 17.7		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 55 tons		
*	KY 7	0.3 KY 1103	27.6 Knott CO LN
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 2.61		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Elk Creek @ milepoint 5.28		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Gaudill Branch @ milepoint 8.04		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Rockhouse Creek @ milepoint 22.31		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Rockhouse Creek @ milepoint 24.78		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 48 tons		
*	KY 15	0.0 US 119	9.2 KY 7
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.10		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 45 tons		
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.41		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 54 tons		
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.70		
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Business Ramp @ milepoint 1.33		
	TY I = 20 tons, TY II = 42 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 1.48		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons		
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 1.67		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		9.2 KY 7	10.7 Knott CO LN
*	KY 113	0.0 KY 805	4.5 End State MAINT
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.53		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 1.49		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
	Weight Limit - Bridge over Left Fork Milestone Creek @ milepoint 1.80		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Milestone Creek @ milepoint 2.48		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 160	0.0 Harlan CO LN	1.9 KY 463
	Weight Limit - Bridge over Line Fork @ milepoint 1.83		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
		13.4 Lucky Branch RD	21.8 KY 15
	Weight Limit - Bridge over Kings Creek @ milepoint 14.73		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 51 tons		
*	KY 317	0.0 KY 805	8.9 KY 7
*	KY 463	0.0 KY 160	3.3 Perry CO LN
*	KY 588	3.7 Tolson Loading	5.0 KY 160
		5.0 KY 160	6.2 Kingdom Come Creek RD
*	KY 805	0.0 US 119	9.2 US 23
	Weight Limit - Bridge over Potters Fork @ milepoint 6.98		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Potters Fork @ milepoint 8.18		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Potters Fork @ milepoint 8.92		
	TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge in Haymond @ milepoint 9.24		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons		
*	KY 931	11.5 Mine	13.5 Mine
		15.2 KY 1148	18.4 KY 7
*	KY 932	0.0 US 119	2.4 Meadow Branch RD
*	KY 1103	3.3 Defeated Creek	8.2 Tolby Branch RD
		11.8 Mine	14.3 KY 7
*	KY 1148	0.0 KY 15	4.1 KY 931
*	KY 1410	0.0 Knott CO LN	1.6 KY 7

*	KY 1862	0.3 Mayking-Cram CR RD	0.4	US 119
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.31			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
*	Millstone-Democrat Road			
	CR 5020	1.7 Mine	2.7	KY 113
*	Beaverdam Branch Road			
	CR 5047	0.0 KY 7	2.0	Mine
*	Loves Branch Road			
	CR 5048	0.0 KY 7	1.5	Mine
*	Mayking-Cram Creek Road			
	CR 5153	0.0 KY 1862	1.5	Cram Creek RD
*	Cram Creek Road			
	CR 5169	0.0 Mayking-Cram CR RD	0.5	Mine
*	Meadow Branch Road			
	CR 5187	0.0 KY 932	2.1	Mine
*	Kingdom Come Creek Road			
	CR 5229	0.0 Ky 588	1.2	Mine
	Weight Limit - Bridge over Cowan Creek			
	TY I = 20 tons, TY II = 30 tons, TY III = 34 tons, TY IV = 53 tons			
	Weight Limit - Bridge over Kingdom Come Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Big Branch-Tolson Branch Road			
	CR 5258	0.0 KY 588	4.5	Mine
*	Whitaker Branch Road			
	CR 5259	0.0 KY 1103	2.5	Big BR-Tolson BR RD
*	Defeated Creek Road			
	CR 5265	5.1 Mine	5.6	KY 1103
	Weight Limit - Bridge over Line Fork Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Lucky Branch Road			
	CR 5272	0.0 KY 160	0.4	Mine
*	Johnson Branch Road			
	CR 5309	0.0 KY 160	0.3	Mine
*	Hollybush Branch Road			
	CR 5312	0.0 KY 160	0.4	Mine
*	Loggy Hollow Road			
	CR 5314	0.0 KY 15	1.1	Mine
*	Hicks Branch Road			
	CR 5338	0.0 KY 7	0.1	Isom #2 Tipple
	Weight Limit - Bridge over Rockhouse Creek			
	TY I = 9 tons, TY II = 9 tons, TY III = 9 tons, TY IV = 9 tons			
*	Caudill Creek Road			
	CR 5354	0.0 KY 7	2.3	Mine
*	Lowgap Branch/Elk Creek Road			
	CR 5361	0.0 KY 7	1.2	Elk Creek RD
	Weight Limit - Bridge over Elk Creek			
	TY I = 20 tons, TY II = 36 tons, TY III = 42 tons, TY IV = 60 tons			
*	Elk Creek Road			
	CR 5362	0.0 Lowgap BR/Elk CK RD	0.5	Mine

LINCOLN COUNTY

	ROAD	FROM	TO	
*	US 27	17.2 US 150	18.0	US 150 Bypass
*	US 150	0.0 Boyle CO LN	4.3	US 150 Bypass
	Weight Limit - Bridge over Hanging Fork Creek @ milepoint 1.81			
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons			
		6.4 US 27	19.7	Rockcastle CO LN
	Weight Limit - Bridge over Logans Creek @ milepoint 7.04			
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons			
	[Weight Limit - Bridge over Cedar Creek @ milepoint 13.30			
	TY I = 20 tons, TY II = 25 tons, TY III = 27 tons, TY IV = 35 tons]			
	Weight Limit - Bridge over L&N RR @ milepoint 18.62			
	TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Turkey Creek @ milepoint 19.35			
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons			
*	US 150B	0.0 US 150	1.1	US 27

LIVINGSTON COUNTY

	ROAD	FROM	TO	
*	US 62	1.2 KY 453	2.9	Lyon CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 2.78			
	TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons			

	ROAD	FROM	TO
*	KY 453	0.5 B R T Dock	2.8 US 62
	Weight Limit - Bridge over IC RR @ milepoint 1.92		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		

LYON COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		3.7 US 62	5.6 Caldwell CO LN
*	US 62	0.0 Livingston CO LN	12.2 Western Kentucky Parkway

McCREARY COUNTY

	ROAD	FROM	TO
*	US 27	4.6 KY 90	22.7 Pulaski CO LN
*	KY 90	0.0 US 27	4.9 Eagle Creek RD
*	KY 92	17.3 Railroad DR	28.4 Whitley CO LN
	Weight Limit - Bridge over Marsh Creek @ milepoint 25.42		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
*	KY 1673	0.0 Whitley CO LN	0.6 Whitley CO LN
*	KY 90 - Sawyer Road (Eagle Creek Road)		
	CR 5023	0.0 KY 90	1.4 Big Swag Ridge RD
*	Big Swag Ridge Road		
	CR 5055	0.0 Eagle Creek RD	1.3 Mine
*	Railroad Drive		
	CR 5203	0.0 KY 92	0.3 Revelo Prep Plant

McLEAN COUNTY

	ROAD	FROM	TO
*	US 431	0.0 Muhlenberg CO LN	9.3 Barrett Hill RD
	Weight Limit - Bridge over Drain to Cypress Creek @ milepoint 0.80		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Unnamed Stream to Green River @ milepoint 4.63		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Green River & Rough River @ milepoint 5.10		
	TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 46 tons		
	Weight Limit - Bridge over Buck Creek @ milepoint 9.13		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
*	KY 81	0.0 Muhlenberg CO LN	6.2 Mine
	Weight Limit - Bridge over Unnamed Stream @ milepoint 0.08		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Unnamed Stream @ milepoint 5.26		
	TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons		
	Weight Limit - Bridge over Slough @ milepoint 5.74		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 43 tons		
		11.9 KY 256	18.3 Daviess CO LN
*	KY 136	11.1 KY 1792	12.9 KY 81
	Weight Limit - Bridge over Long Falls Creek @ milepoint 11.26		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		
*	KY 140	0.0 KY 256	0.1 KY 1792
*	KY 256	5.6 Mine	10.4 KY 81
	Weight Limit - Bridge over Porters Ditch @ milepoint 6.72		
	TY I = 19 tons, TY II = 19 tons, TY III = 20 tons, TY IV = 35 tons		
	Weight Limit - Bridge over Branch of Porters Ditch @ milepoint 7.34		
	TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons		
	Weight Limit - Bridge over Long Falls Creek @ milepoint 9.86		
	TY I = 20 tons, TY II = 24 tons, TY III = 25 tons, TY IV = 31 tons		
*	KY 1792	0.0 KY 140	2.6 KY 136
	Weight Limit - Bridge over Porters Drainage Ditch @ milepoint 0.92		
	TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons		
*	Barrett Hill Road		
	CR 5014	0.0 US 431	2.4 Brierfield Schoolhouse RD
	Weight Limit - Bridge over Buck Creek		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	Brierfield Schoolhouse Road		
	CR 5015	0.0 Barrett Hill RD	0.7 Mine

MADISON COUNTY

	ROAD	FROM	TO
*	US 25	0.0 Rockcastle CO LN	3.8 KY 21
	Weight Limit - Bridge over L & N Railroad @ milepoint 3.20		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 21	8.6 I-75	9.1 US 25
	Weight Limit - Bridge over I-75 @ milepoint 8.62		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 52 tons		

*	KY 52	13.0 KY 876	22.9	Estill CO LN
*	KY 876	8.6 Kit Carson DR	10.8	KY 52

MAGOFFIN COUNTY

	ROAD	FROM	TO
*	Mountain Parkway		
		63.1 Morgan CO LN	75.6 US 460
	Weight Limit - Bridge over Licking River @ milepoint 74.51		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons		
*	US 460	0.0 Morgan CO LN	20.4 Johnson CO LN
	Weight Limit - Bridge over Licking River @ milepoint 1.75		
	TY I = 20 tons, TY II = 37 [28] tons, TY III = 38 [28] tons, TY IV = 42 [40] tons		
	Weight Limit - Bridge over State Road on Fork Creek @ milepoint 11.35		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons		
*	KY 7	4.8 Brushy Creek RD	23.9 Mountain Parkway
	Weight Limit - Bridge over Licking River @ milepoint 5.79		
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons		
*	KY 30	0.0 Breathitt CO LN	8.9 Mountain Parkway
	Weight Limit - Bridge over Middle Fork @ milepoint 7.55		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	KY 40	4.6 KY 1081	6.9 Johnson CO LN
	Weight Limit - Bridge over Little Paint Creek @ milepoint 6.48		
	TY I = 20 tons, TY II = 22 [27] tons, TY III = 23 [28] tons, TY IV = 39 [47] tons		
*	KY 364	0.0 KY 1081	1.3 Mine
*	KY 404	0.0 KY 7	2.7 Floyd CO LN
*	KY 542	0.0 Breathitt CO LN	5.8 KY 7
*	KY 867	4.7 KY 1635	5.7 KY 7
		5.7 KY 7	7.4 Hickory Tipple
*	KY 1081	8.3 KY 364	16.9 KY 40
*	KY 1090	0.0 KY 30	1.5 Mine
	Weight Limit - Bridge over Middle Fork Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 52 tons		
*	KY 1397	2.5 Crane Nest Branch RD	3.0 KY 30
*	KY 1471	0.0 Big Half Mountain RD	4.3 KY 7
	Weight Limit - Bridge over Licking River @ milepoint 3.96		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 1502	1.3 Mine	3.3 KY 542
*	KY 1635	0.0 Tiptop-Bettsmann RD	5.7 KY 867
*	KY 1734	0.0 KY 7	1.3 Salt Lick RD
*	Salt Lick Road		
	CR 5126	0.0 KY 1734	0.3 Mine
*	Brushy Fork Road		
	CR 5132	0.0 KY 7	1.0 Mine
*	Beetree Branch Road		
	CR 5145	0.0 KY 7	0.7 Mine
*	Big Half Mountain Road		
	CR 5148	0.0 Mine	0.5 KY 1471
	Weight Limit - Bridge over Big Half Mountain Creek		
	TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons		
*	Tiptop-Bettsmann Branch Road		
	CR 5225B	0.0 Breathitt CO LN	0.7 KY 1635
*	Crane Nest Branch Road		
	CR 5229	0.0 KY 1397	0.3 Mine

MARTIN COUNTY

	ROAD	FROM	TO
*	KY 3	0.0 Johnson CO LN	13.3 KY 40
	Weight Limit - Branch Coldwater Fork Rockcastle Creek @ milepoint 13.09		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 52 tons		
		21.8 Laurel Creek RD	23.2 Lawrence CO LN
*	KY 40	5.3 KY 3	10.2 KY 3
	Weight Limit - Bridge over Rockcastle Fork @ milepoint 6.95		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Rockcastle Creek @ milepoint 10.14		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
		10.2 KY 3	20.2 KY 292
*	KY 292	0.0 Pike CO LN	13.2 KY 40
	Weight Limit - Bridge over Wolfe Creek @ milepoint 11.99		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons		
*	KY 645	0.0 KY 40	4.7 Lawrence CO LN
*	KY 908	1.7 Mine	6.7 KY 40
*	KY 1224	0.5 Mine	4.4 KY 40
	Weight Limit - Bridge over Rockcastle Fork @ milepoint 4.32		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 55 tons		

*	KY 1439	0.0	Meathouse Road	6.4	KY 1714
	Weight Limit - Bridge over Wolfe Creek @ milepoint 1.83				
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 45 tons				
*	KY 1714	1.7	Mine	9.2	KY 292
*	KY 2032	0.0	KY 1439	4.0	KY 40
*	Big Branch Road				
	CR 5102	0.0	KY 1714	0.7	Mine
*	Emily Branch Road				
	CR 5105	0.0	KY 1714	1.0	Mine
	Weight Limit - Bridge over Holty Branch				
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons				
*	Meathouse Road				
	CR 5116	0.0	KY 1439	2.6	Lowgap RD
*	Lowgap Road				
	CR 5117	0.0	Pike CO LN	2.0	Meathouse RD
*	Middle Fork of Wolf Creek Road				
	CR 5205	0.0	Mid FK Rockcastle RD	4.0	Private Haul Road
*	Middle Fork of Rockcastle Creek Road				
	CR 5206	0.0	KY 3	0.2	Mid FK Wolf CK RD
*	Venters Branch Road				
	CR 5212	0.0	KY 3	1.0	Mine
*	Little Laurel Creek Road				
	CR 5313	0.0	KY 3	0.6	Mine
	Weight Limit - Bridge over Rockcastle Creek				
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons				

MASON COUNTY

	ROAD	FROM		TO	
*	US 62	12.7	US 68	17.4	KY 10 (West) 4.7
*	US 68	0.0	Fleming CO LN	11.9	US 62
*	KY 8	0.0	Bracken CO LN	11.0	KY 10
	Weight Limit - Bridge over Phillips Creek @ milepoint 7.11				
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 39 tons				
*	KY 10	9.7	US 68	15.9	Spring Creek RD
	Weight Limit - Bridge over L&N RR @ milepoint 9.79				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Bull Fork @ milepoint 13.30				
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons				
*	KY 11	0.0	Fleming CO LN	11.3	US 62
	Weight Limit - Bridge over Mill Creek @ milepoint 0.16				
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons				
*	Spring Creek Road				
	CR 5012	0.0	KY 10	1.8	Cabin Creek PK
	Weight Limit - Bridge over Spring Creek				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Spring Creek				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
*	Cabin Creek Pike				
	CR 5013	0.0	Spring Creek RD	0.7	Dravo Lime CO

MERCER COUNTY

	ROAD	FROM		TO	
*	US 127	0.0	Boyle CO LN	4.4	US 68

MONTGOMERY COUNTY

	ROAD	FROM		TO	
*	US 460	7.3	KY 11	8.3	KY 686
*	KY 11	0.0	Powell CO LN	9.2	KY 686
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 3.92				
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons TY IV = 58 tons				
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 5.38				
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons				
		10.0	US 460	15.4	Bath CO LN
*	KY 686	0.0	KY 11	2.7	US 460

MORGAN COUNTY

	ROAD	FROM		TO	
*	Mountain Parkway				
		57.7	Wolfe CO LN	63.1	Magoffin CO LN
	Weight Limit - Bridge over Red River & KY 134 @ milepoint 60.40				
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Johnson Creek & KY 134 @ milepoint 62.12				
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons				

	ROAD	FROM	TO
*	US 460	13.1 KY 205	17.7 KY 7
	[Weight Limit - Bridge over Licking River @ milepoint 17.21		
	TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 57 tons]		
		23.9 Malone-Jones RD	28.8 Magoffin CO LN
	Weight Limit - Bridge over White Oak Creek @ milepoint 25.94		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	KY 7	0.0 US 460	11.7 Elliott CO LN
	Weight Limit - Bridge over Elk Fork Creek @ milepoint 2.56		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over North Fork of Licking River @ milepoint 8.37		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Road Fork @ milepoint 8.60		
	TY I = 20 tons, TY II = 31 tons, TY III = 34 tons, TY IV = 48 tons		
*	KY 172	11.8 Laurel Fork RD	12.3 Old House Branch RD
		18.7 Cinda Branch RD	22.3 KY 1614
*	KY 205	0.0 Wolfe CO LN	6.8 US 460
*	KY 650	2.9 Mine	4.0 Elliott CO LN
*	KY 1614	0.0 KY 172	0.2 Johnson CO LN
*	Old House Branch Road		
	CR 5035	0.0 KY 172	0.6 Mine
*	Cinda Branch Road		
	CR 5043	0.0 KY 172	0.3 Mine
*	Laurel Fork Road		
	CR 5064	0.0 KY 172	2.2 Elliott CO LN
*	Jones Creek Road		
	CR 5103	0.0 Malone-Jones RD	0.4 Mine
*	Malone-Jones Creek Road		
	CR 5175	0.0 KY 7	1.3 Jones Creek RD

MUHLENBERG COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		43.4 Hopkins CO LN	65.7 Ohio CO LN
	Weight Limit - Bridge over Pond River Relief @ milepoint 43.60		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 175-IC RR - Unnamed Creek @ milepoint 48.05		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 181 @ milepoint 52.52		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons		
	Weight Limit - Bridge over IC RR @ milepoint 55.51		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 59 tons		
	Weight Limit - Bridge over L&N RR, Branch Little Cypress Creek @ milepoint 57.58		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Green River Parkway @ milepoint 65.38		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 57 tons		
*	US 62	8.8 KY 189	10.5 KY 176
		19.8 Cleaton-Green River RD	26.0 Ohio CO LN
	Weight Limit - Bridge over I.C. RR @ milepoint 24.71		
	TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 36 tons		
*	US 431	9.8 KY 70	27.7 McLean CO LN
	Weight limit - Bridge over Pond Creek @ milepoint 12.45		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Western KY Parkway @ milepoint 17.48		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Overflow Structure @ milepoint 27.71		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
*	KY 70	15.4 US 431	23.8 Butler CO LN
	Weight Limit - Bridge over Mud River @ milepoint 23.75		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 46 tons		
*	KY 81	0.0 US 431	7.4 McLean CO LN
	Weight Limit - Bridge over Cypress Creek @ milepoint 1.07		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Branch of Muddy Fork @ milepoint 2.71		
	TY I = 20 tons, TY II = 24 tons, TY III = 27 tons, TY IV = 46 tons		
	Weight Limit - Bridge over Muddy Fork @ milepoint 2.86		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 43 tons		
*	KY 176	0.0 US 62	12.5 T V A Paradise Plant
	Weight Limit - Bridge over Pond Creek @ milepoint 4.29		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 189	6.0 Mine Access	8.8 US 62
*	Cleaton-Green River Road		
	CR 5022	0.0 US 62	2.4 Gibraltar Haul RD
*	Gibraltar Haul Road		
	CR 5040	0.0 Cleaton-Green River RD	0.2 Mine

	ROAD	FROM	TO
*	Green River Power Plant Road		
	CR 5045	0.0 US 431	0.7 KY Utilities Plant

NICHOLAS COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Bourbon CO LN	12.2 Robertson CO LN
	Weight Limit - Bridge over Stony Creek @ milepoint 9.72		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		

OHIO COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		65.7 Muhlenberg CO LN	76.8 Green River PKWY
	Weight Limit - Bridge over Lewis Creek @ milepoint 69.75		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 369 @ milepoint 72.43		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 49 tons		
	Weight Limit - Bridge over US 231 @ milepoint 74.56		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
*	Green River Parkway		
		35.1 Butler CO LN	59.5 Daviess CO LN
	Weight Limit - Bridge over Rough River @ milepoint 49.34		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 54 tons		
*	US 62	0.0 Muhlenberg CO LN	19.8 KY 505 (South)
	Weight Limit - Bridge over Green River @ milepoint 0.01		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 41 tons		
	Weight Limit - Bridge over Lewis Creek @ milepoint 1.45		
	TY I = 20 tons, TY II = 32 tons, TY III = 32 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Branch of Three Lick Fork @ milepoint 11.91		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Three Lick Fork @ milepoint 12.03		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Muddy Creek @ milepoint 12.30		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Elmlick Creek @ milepoint 14.95		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		
*	US 231	0.0 Butler CO LN	10.0 US 62 (South)
		10.0 US 62 (North)	24.3 Daviess CO LN
	Weight Limit - Bridge over North Fork Muddy Creek @ milepoint 12.30		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Barnett Creek @ milepoint 20.30		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
*	KY 69	6.9 Mine	7.6 KY 85 (South)
*	KY 85	7.3 KY 69 (East)	11.4 US 62
	Weight Limit - Bridge over Branch West Fork Lewis Creek @ milepoint 9.62 [9.69]		
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 56 tons		
*	KY 269	0.0 Butler CO LN	5.6 US 231
*	KY 1245	4.6 Pyramid Washer	5.2 James RD
*	KY 1903	0.0 US 62	0.9 Lewis Creek Dock
*	Horton-Mount Pleasant Road		
	CR 5124	0.0 US 62	0.1 Southwind Tipple
	Weight Limit - Bridge over Pigeon Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Daniels Mine Road (West)		
	CR 5206A	0.0 US 62	1.6 Mine
*	Schultztown-Cool Springs Road		
	CR 5267	2.5 Mine	3.6 KY 269
*	James Road		
	CR 5322	0.0 US 62	0.4 KY 1245
	Weight Limit - Bridge over Railroad Ditch		
	TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons		
	Weight Limit - Bridge over Render Creek		
	TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons		

OWSLEY COUNTY

	ROAD	FROM	TO
*	KY 11	0.0 Clay CO LN	10.8 KY 1938
	Weight Limit - Bridge over Sexton Creek @ milepoint 1.80		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Island Creek @ milepoint 4.02		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons		
	Weight Limit - Bridge over White Oak Creek @ milepoint 6.18		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons		
*	KY 1938	1.6 Minnow Branch RD	2.5 KY 11

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*  Minnow Branch Road
   CR 5304          0.0 KY 1938                                        0.3 Mine

PENDLETON COUNTY
    ROAD                        FROM                                                TO
*  US 27            0.0 Harrison CO LN                                19.4 Campbell CO LN
   Weight Limit - Bridge over Blanket Creek near Four Oak @ milepoint 4.41
   TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 60 tons
   Weight Limit - Bridge over L&N RR @ milepoint 7.57
   TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 54 tons
   Weight Limit - Bridge over South Fork of Licking River @ milepoint 8.18
   TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
   Weight Limit - Bridge over L&N RR-CR 5011-Kennedy Br. @ milepoint 15.78
   TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 60 tons
*  KY 8             2.2 Black River Lime                               4.3 Bracken CO LN

PERRY COUNTY
    ROAD                        FROM                                                TO
*  Daniel Boone Parkway
                   51.0 Leslie CO LN                                  59.1 KY 15
*  KY 7             0.0 KY 15                                         11.4 KY 699
   Weight Limit - Bridge over Maces @ milepoint 2.44
   TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons
*  KY 15            0.0 Knott CO LN                                   25.2 Breathitt CO LN
   Weight Limit - Bridge over Main Street, Carr Fork, & L&N RR @ milepoint 0.20
   TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 55 tons
   Weight Limit - Bridge over Carr Fork & L&N RR @ milepoint 3.37
   TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons
   Weight Limit - Bridge over L&N RR @ milepoint 13.17
   TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 55 tons
   Weight Limit - Bridge over KY 80, N Fork KY River @ milepoint 13.57
   TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 49 tons
   Weight Limit - Bridge over First Creek & L&N RR @ milepoint 15.95
   TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons
*  KY 28            3.5 Buckhorn-Breathitt RD                          6.0 Breathitt CO LN
                    6.0 Breathitt CO LN                               18.1 KY 15
   Weight Limit - Bridge over Grapevine Creek @ milepoint 15.02
   TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
*  KY 80            0.0 Leslie CO LN                                   4.6 KY 451
   Weight Limit - Bridge over Right Fork of Big Creek @ milepoint 1.57
   TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons
                    7.9 D Boone Parkway & KY 15                       15.9 Knott CO LN
*  KY 221           0.0 Harlan CO LN                                   0.5 Leslie CO LN
*  KY 451           7.2 Mine                                           7.7 Daniel Boone PKWY
                    7.7 Daniel Boone PKWY                              7.8 KY 80
                    7.8 KY 80                                         10.9 KY 2021
*  KY 463           0.0 Letcher CO LN                                  6.5 KY 699
   Weight Limit - Bridge over Leatherwood Creek @ milepoint 6.34
   TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
*  KY 476           2.0 KY 550                                         2.4 Darfork Tipple
   Weight Limit - Bridge over Lott's Creek @ milepoint 2.07
   TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons
   Weight Limit - Bridge over Lott's Creek @ milepoint 2.22
   TY I = 20 tons, TY II = 21 [28] tons, TY III = 22 [31] tons, TY IV = 29 [40] tons
                    3.9 KY 1146                                       18.1 Mine
   Weight Limit - Bridge over Troublesome Creek @ milepoint 8.72
   TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 38 tons
   Weight Limit - Bridge over Ball Fork @ milepoint 12.36
   TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 54 tons
*  KY 550           0.0 KY 15 & KY 80                                  2.5 KY 476
   Weight Limit - Bridge over Lott's Creek @ milepoint 2.45
   TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 48 tons
*  KY 699           0.0 Leslie CO LN                                  12.5 KY 7
   Weight Limit - Bridge over Leatherwood Creek @ milepoint 4.75
   TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons
   Weight Limit - Bridge over Leatherwood Creek @ milepoint 8.01
   TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons
   Weight Limit - Bridge over Big Leather Creek @ milepoint 10.77
   TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons
*  KY 1087          0.0 KY 476                                         0.7 Lick Branch RD
*  KY 1095          0.4 Kelly Fork RD                                  2.9 KY 15
   Weight Limit - Bridge over Carr Fork @ milepoint 2.55
   TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 31 tons
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* KY 1096	0.0 KY 80		4.0 Whitaker Tipple
Weight Limit - Bridge over Big Creek @ milepoint 0.02			
TY I = 20 tons, TY II = 40 tons, TY III = 38 tons, TY IV = 46 tons			
Weight Limit - Bridge over Big Creek @ milepoint 3.55			
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
* KY 1146	2.2 Jakes Fork Tipple		2.7 KY 476
Weight Limit - Bridge over Trace Fork @ milepoint 2.69			
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons			
	2.7 KY 476		4.0 KY 80
	4.0 KY 80		4.6 Buckhorn Prep Plant
* KY 2021	2.3 Hurricane Branch RD		3.4 KY 451
* KY 3196	0.0 Beech Fork RD		0.1 KY 699
Weight Limit - Bridge over Leatherwood Creek @ milepoint 0.01			
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons			
* Wayne Davidson Road			
CR 5005	0.3 Cumberland Elk Tipple		0.5 KY 15
* Coates Branch Road			
CR 5044	0.0 Ky 476		0.5 Mine
* Lick Branch Road			
CR 5045	0.0 KY 1087		0.6 Mine
* Jeff-Knott County Line Road			
CR 5100	0.0 Old KY 15 Loop #1 RD		2.4 Mine
* Old KY 15 Loop #1 Road			
CR 5102	0.0 KY 15		0.5 Jeff-Knott CO LN RD
Weight Limit - Bridge over North Fork of Kentucky River			
TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons			
* Oakwood Avenue-Stacy Branch Road			
CR 5117	0.0 Main ST (Vicco)		1.3 Chester Tipple
* Main Street (Vicco)			
CR 5118B	0.0 KY 1095		0.6 Knott CO LN
* Kelly Fork Road			
CR 5119	0.0 KY 1095		0.4 Emmons Tipple
* Little Leatherwood Creek Road			
CR 5139	0.0 KY 699		5.7 Mine
Weight Limit - Bridge over Straight Fork			
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
Weight Limit - Bridge over Little Leatherwood Creek			
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
Weight Limit - Bridge over Little Leatherwood Creek			
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
* Beech Fork Road			
CR 5146	0.0 KY 3196		3.0 Mine
* Jackson Fork Road			
CR 5152	0.0 KY 463		0.4 Mine
* Coal Waste Road			
CR 5237	0.0 Leatherwood Tipple		0.8 Leatherwood Lookout TWR RD
* Leatherwood Lookout Tower Road			
CR 5238	0.0 Coal Waste RD		2.2 Leslie CO LN
* Hurricane Branch Road			
CR 5301	0.0 KY 2021		1.0 Mine
* Sam Campbell Branch Road (Old Pigeon Roose-Hull School RD)			
CR 5319	0.0 KY 15		4.8 River Processing Tipple
* Trace Branch-Tenmile Creek Road			
CR 5326	0.0 KY 15		1.1 Mine
Weight Limit - Bridge over Ten Mile Creek			
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
* Spencer Creek-Napfor Branch Road			
CR 5333	0.0 KY 28		1.9 Mine
* Buckhorn-Breathitt County Line Road			
CR 5349	0.0 KY 28		1.2 Mine

PIKE COUNTY

ROAD	FROM	TO
* US 23	0.0 Letcher CO LN	39.6 Floyd CO LN
Weight Limit - Bridge over Shelby Creek @ milepoint 21.36		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Little Creek @ milepoint 22.25		
TY I = 20 tons, TY II = 34 tons, TY III = 33 [36] tons, TY IV = 60 tons		
Weight Limit - Bridge over Shelby Creek @ milepoint 23.90		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over C&O RR & Levisa Fork @ milepoint 26.14		
TY I = 20 tons, TY II = 30 [38] tons, TY III = 31 [40] tons, TY IV = 47 [60] tons		
* US 23X	2.1 KY 1384	2.3 US 23

* US 119 0.0 US 23 29.7 W. Va. State LN
Weight Limit - Bridge over Raccoon Creek @ milepoint 5.8
TY I = 18 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons
Weight Limit - Bridge over John's Creek @ milepoint 7.1
TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 37 tons
Weight Limit - Bridge over Bent Branch @ milepoint 9.2
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Bent Branch @ milepoint 9.4
TY I = 13 [15] tons, TY II = 13 [15] tons, TY III = 13 [15] tons, TY IV = 13 [15] tons
Weight Limit - Bridge over Bent Branch @ milepoint 10.1
TY I = 12 [15] tons, TY II = 12 [15] tons, TY III = 12 [15] tons, TY IV = 12 [15] tons
Weight Limit - Bridge over Bent Branch @ milepoint 10.4
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 60 tons
Weight Limit - Bridge over Bent Branch @ milepoint 10.6
TY I = 20 tons, TY II = 20 [23] tons, TY III = 23 [24] tons, TY IV = 40 tons
Weight Limit - Bridge over Bent Branch @ milepoint 10.8
TY I = 11 [14] tons, TY II = 11 [14] tons, TY III = 11 [14] tons, TY IV = 11 [14] tons
Weight Limit - Bridge over Fork of Big Creek @ milepoint 15.6
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 60 tons
Weight Limit - Bridge over Big Creek @ milepoint 16.3
TY I = 20 [15] tons, TY II = 22 [15] tons, TY III = 23 [15] tons, TY IV = 26 [15] tons
Weight Limit - Bridge over Reed Fork @ milepoint 17.7
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Big Creek @ milepoint 19.4
TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons
Weight Limit - Bridge over Tug River @ West Virginia State Line @ milepoint 29.7
TY I = 20 tons, TY II = 45 tons, TY III = 45 tons, TY IV = 52 tons

* Old US 119
0.0 US 23 2.8 US 119

* US 460 0.0 US 23 24.0 Virginia State LN
Weight Limit - Bridge over Levisa Fork @ milepoint 4.26
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 46 tons

* KY 80 0.0 US 460 6.9 Virginia State LN
Weight Limit - Bridge over Russell Fork of Big Sandy @ milepoint 3.07
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 57 tons
Weight Limit - Bridge over Russell Fork & Clinchfield @ milepoint 3.60
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons

* KY 122 3.6 Mine 5.2 KY 610
6.8 Robinson Creek RD 10.4 US 23
Weight Limit - Bridge over Bear Fork north of Jones Chapel
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons

* KY 194 0.0 Floyd CO LN 16.8 US 119
16.8 US 119 27.8 Mine
Weight Limit - Bridge over John's Creek @ milepiont 25.62
TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons
31.0 Mine 40.0 KY 1499
47.2 Mine 55.7 KY 632
Weight Limit - Bridge over Peter Creek @ milepoint 51.37
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
66.5 Lynntrough Branch RD 67.7 KY 2062
69.6 KY 2059 73.2 Virginia State LN

* KY 195 0.0 KY 197 11.6 US 460
Weight Limit - Bridge over Russell Fork @ milepoint 11.44
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

* KY 197 0.0 US 23 16.6 KY 80
Weight Limit - Bridge over Sycamore Creek @ milepoint 6.70
TY I = 20 tons, TY II = 32 tons, TY III = 38 tons, TY IV = 46 tons
Weight Limit - Bridge over Elkhorn Creek @ milepoint 13.91
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 56 tons

* KY 199 8.2 KY 1056 11.6 US 119
Weight Limit - Bridge over Pond Creek @ milepoint 8129
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 58 tons
Weight Limit - Bridge over Pond Creek @ milepoint 8.72
TY I = 20 tons, TY II = 34 tons, TY IV = 35 tons, TY IV = 44 tons
Weight Limit - Bridge over Pond Creek @ milepoint 11.34
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons

* KY 292 0.0 Goody-AFLX-BURNWL RD 4.8 US 119
4.8 US 119 12.7 Martin CO LN

* KY 319 3.8 KY 1056 (East) 5.8 Hatfield Branch RD
Weight Limit - Bridge over Blackberry Creek @ milepoint 4.40
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons
8.9 Mine 12.3 US 119
Weight Limit - Bridge over Blackberry Fork @ milepoint 10.33
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons

*	KY 468	0.0 US 119	13.6	KY 292
*	KY 610	0.0 US 23	2.7	Burk Branch RD
	Weight Limit - Bridge over Beefhide Creek @ Myra			
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 60 tons			
		8.0 Virgie Tipple	8.9	KY 122
*	KY 611	0.0 KY 195	6.0	US 23
*	KY 612	0.0 Turkey CK-Long FK RD	1.6	Sukey Fork RD
*	KY 632	0.0 KY 194 @ Kimper	15.0	KY 194 @ Phelps
	Weight Limit - Bridge over Johns Creek @ milepoint 1.19			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Peter Creek @ milepoint 14.96			
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons			
*	KY 1056	0.0 KY 199	4.5	Left FK/Blackberry RD
		5.2 Blue Springs BR RD	7.7	KY 319 (North)
	[Weight Limit - Bridge over Blackberry Creek @ milepoint 6.32			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons]			
	Weight Limit - Bridge over Blackberry Creek @ milepoint 6.52			
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons			
		7.7 KY 319 (South)	10.1	West Virginia State LN
*	KY 1384	0.0 US 23	7.7	US 23X
*	KY 1426	0.0 US 23	3.5	Hoopwood Branch RD
*	KY 1441	4.4 Mine	10.1	US 119
	[Weight Limit - Bridge over Raccoon Creek @ milepoint 4.79			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Raccoon Creek @ milepoint 6.04			
	TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 51 tons]			
	Weight Limit - Bridge over Raccoon Creek @ milepoint 7.96			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Raccoon Creek @ milepoint 8.55			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 40 tons			
*	KY 1469	6.0 Mine	11.4	KY 610
		11.4 KY 610	12.2	KY Elkhorn Tipple
*	KY 1499	0.0 US 460	6.1	KY 194
	Weight Limit - Bridge over Levisa Fork @ milepoint 6.03			
	TY I = 15 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 41 tons			
*	KY 1758	6.8 Daugherty Tipple	7.8	KY 632
	[Weight Limit - Bridge over Johns Creek @ milepoint 7.79			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons]			
*	KY 1789	0.0 US 460	0.4	Clark Elkhorn #1 Tipple
*	KY 2059	0.0 KY 194	0.3	Private Haul Road
		1.6 Private Haul Road	2.3	Lower Elk Creek RD
*	KY 2061	0.0 US 23	3.4	Mine
	Weight Limit - Bridge over Cowpen Creek @ milepoint 0.81			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
*	KY 2062	0.0 KY 194	3.1	KY 194
*	KY 2552	0.0 US 23	0.3	Shelbiana RD
	Weight Limit - Bridge over Shelby Creek @ milepoint 0.01			
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 39 tons			
*	KY 3154	0.2 Meathouse Branch RD	0.5	US 119
*	KY 3227	0.0 US 23	1.0	Coal Run Tipple
*	Raccoon Creek Road			
	CR 5001	0.0 KY 1441	0.2	Mine
*	Grassy Branch Road			
	CR 5005	0.0 KY 1441	0.5	Mine
*	Winn Branch Road			
	CR 5011	0.0 US 119	1.3	Mine
	Weight Limit - Bridge over Little Ratliff Creek			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
*	Varney Branch Road			
	CR 5021	0.0 KY 194	0.4	Utility Tipple
*	Meathouse Fork Road			
	CR 5022	0.0 KY 194	1.3	Rockhouse FK-Pigeon RD
*	Rockhouse Fork-Pigeon Creek Road			
	CR 5024	0.0 Meathouse FK RD	1.9	Mine
*	Meathouse Branch Road			
	CR 5025	0.0 KY 3154	3.2	Mine
*	Dix Fork Road			
	CR 5032	0.0 US 119	0.1	Mine
	Weight Limit - Bridge over Big Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Peg Branch Road			
	CR 5043	0.0 US 119	0.6	Mine Entrance
*	Goody-Aflex-Burnwell Road			
	CR 5050	0.0 KY 292	0.5	Belfry #1 Prep Plant

* Turkey Creek-Long Fork Road
CR 5062 0.0 KY 468 3.1 KY 612
* Sukey Fork Road
CR 5063 0.0 KY 612 0.5 Mine Entrance
* Bent Branch Road
CR 5074 0.0 KY 468 1.1 Gex Tipple
Weight Limit - Bridge over Big Creek
TY I = 17 tons, TY II = 18 tons, TY III = 20 tons, TY IV = 32 tons
* Swinge Camp Branch Road
CR 5075 0.0 KY 468 0.4 Mine Entrance
Weight Limit - Bridge over Big Creek
TY I = 3 ton, TY II = 3 ton, TY III = 3 ton, TY IV = 3 ton
* Halfway Branch Road
CR 5077 0.0 KY 468 0.5 Mine Entrance
* Rockhouse Fork Road
CR 5078 0.0 KY 468 0.3 Case Prep Plant
Weight Limit - Bridge over Big Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Big Branch/Meathouse Creek Road
CR 5111 0.0 Martin CO LN 2.7 Mine Entrance
* Miller Creek Road
CR 5123 3.6 Miller Creek Tipple 5.1 KY 194
Weight Limit - Bridge over Johns Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Joes Creek Road
CR 5127 0.0 KY 194 0.4 Mine Entrance
Weight Limit - Bridge over Johns Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Lick Branch Road
CR 5141 0.0 KY 468 0.8 Mine Entrance
* Dicks Fork Road
CR 5163 0.0 KY 194 0.6 Big Fist #4 Mine
* Lane Branch Road
CR 5168 0.0 KY 632 1.2 Mine Entrance
* Mullen Fork Road
CR 5191 0.0 KY 199 2.1 Mine Entrance
Weight Limit - Bridge over Pond Creek
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons
* Hatfield Branch Road
CR 5210 0.0 KY 319 0.8 Mine Entrance
* Left Fork/Blackberry Road
CR 5213 0.0 KY 1056 1.5 Mine Entrance
Weight Limit - Bridge over Right Fork Blackberry Creek
TY I = 20 tons, TY II = 37 tons, TY III = 48 tons, TY IV = 60 tons
* Blue Springs Branch Road
CR 5218 0.0 KY 1056 0.1 Mine Entrance
Weight Limit - Bridge over Blackberry Creek
TY I = 16 tons, TY II = 16 tons, TY III = 16 tons, TY IV = 16 tons
* Lynntrough Branch Road
CR 5233 0.0 KY 194 0.2 Majestic Tipple
* Lower Elk Creek Road
CR 5241 0.0 KY 2059 0.6 Mine Entrance
* Prater Branch Road
CR 5253 0.0 KY 194 0.8 Mine Entrance
* Calloway Branch Road
CR 5260 0.0 KY 632 1.1 KY Carbon Scales
* Little Hackney Creek Road
CR 5281 0.0 US 460 1.5 Mine Entrance
* Card Creek-Card Knob Road
CR 5285 1.6 Mine Entrance 4.6 US 460
* Island Creek Road
CR 5287 0.0 Bane Tipple 0.6 CR 5288
* Island Creek-Grapevine Road
CR 5288 0.0 CR 5287 0.5 CR 5289
* Left Fork/Island Creek Road
CR 5289 0.0 CR 5288 0.2 Mine Entrance
* Daniel Branch Road
CR 5326 0.0 US 460 0.4 Mine Entrance
* Harless Creek Road
CR 5330 0.0 US 460 1.5 Mine Entrance
* Dog Branch Road
CR 5332 0.0 KY 195 0.4 Mine Entrance

* Ratliff Hollow Road
CR 5339 0.0 KY 195 0.2 Wolfpit Tip @ Ratliff
Weight Limit - Bridge over Marrowbone Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Shortridge Fork Road
CR 5355 0.0 CR 5285 0.9 Mine
* Abes Fork Road
CR 5356 0.0 Virginia State LN 0.4 Potter Prep Plant
* Ohio Street (Elkhorn City)
CR 5361T 0.0 KY 80 0.5 Potter Processing
* Old Bridge Street (Elkhorn City)
CR 5361Z 0.0 KY 80 0.1 Private Access Road
* Brushy Branch Road
CR 5379 0.0 KY 195 0.8 Mine
* Marrowbone Creek Road
CR 5381 0.0 KY 195 1.2 Mine
Weight Limit - Bridge over Marrowbone Creek
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons
* Bowling Fork Road
CR 5384 0.0 KY 195 1.9 Mine
* Fleming Branch Road
CR 5410 0.0 KY 610 0.8 Mine
Weight Limit - Bridge over Shelby Creek
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons
* Little Fork/Left Fork Road
CR 5416 0.0 KY 611 0.2 Mine
* Rockhouse Creek/Greasy Road
CR 5422 0.0 KY 195 0.3 Bad Fork RD
Weight Limit - Bridge over Marrowbone Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Wolfpen Branch Road
CR 5444 0.0 KY 80 0.8 Mine
* Red Creek Road
CR 5463 0.0 US 460 0.8 Right FK/Red CK RD
* Right Fork/Red Creek Road
CR 5465 0.0 Red Creek Road 0.8 Mine
* Shelbiana Road
CR 5473 0.0 KY 2553 0.2 Dry BR/Dry CK RD
* Marion Branch Road
CR 5478 0.0 KY 1426 1.6 Chapperal Tipple
[Weight Limit - Bridge over Island Creek
TY I = 20 tons, TY II = 21 tons, TY III = 21 tons, TY IV = 21 tons]
* Tollage Creek Road
CR 5496 0.0 US 23 1.0 Mine
* Dog Fork/Hurricane Creek Road
CR 5522 0.0 KY 1384 1.3 Peter Fork Joline Mine
* Coal Run Road
CR 5524 0.0 US 23 0.2 Lackens Branch RD
* Lackens Branch Road
CR 5525 0.0 Coal Run RD 0.7 Mine
* Cedar Creek/Island Creek Road
CR 5528 0.0 KY 1384 1.1 KY 1426
* Hoopwood Branch Road
CR 5529 0.0 KY 1426 0.5 Mine
* Raccoon Branch Road
CR 5531 0.0 KY 1426 1.3 Mine
* Billy Compton Road
CR 5534 0.0 Island Creek RD 0.2 Road BR/Sookeys CR RD
* Island Creek Road
CR 5535 0.0 KY 1426 4.0 Mine
* Road Branch/Sookey's Creek Road
CR 5539 0.0 RT FK Sookeys CK RD 1.9 Billy Compton RD
* Right Fork Sookeys Creek Road
CR 5540 0.0 Road BR/Sookeys CK RD 0.5 Mine
* Bear Fork - Tinker Fork Road
CR 5547 0.0 Bear Fork RD 1.1 Floyd CO LN
* L Robinson - Floyd County Road
CR 5550 0.0 Robinson Creek RD 0.6 Floyd CO LN
* Little Fork/Robinson Road
CR 5553 0.0 Robinson Creek RD 1.6 Mine
* Robinson Creek Road
CR 5554 0.0 KY 122 4.1 Mine
Weight Limit - Bridge over Robinson Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

Weight Limit - Bridge over Robinson Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

* Burk Branch Road
CR 5578 0.0 KY 610 0.9 Mine

* Lizzie Fork Road
CR 5590 0.0 US 23 1.4 Mine
Weight Limit - Bridge over Caney Creek
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

* Rob Fork Road
CR 5593 0.0 US 23 0.5 Damron Fork Tipple

* Dry Branch/Dry Creek Road
CR 5605 0.0 Shelbiana RD 2.3 Dry BR/Dry CK Spur RD

* Esco Road
CR 5609 0.0 US 23 0.6 Landmark Tipple

* Sugar Camp Branch Road
CR 5611 0.0 KY 122 1.5 Mine

* Bear Fork Branch Road
CR 5616 0.0 KY 122 1.5 Bear FK-Tinker FK RD

* Dry Branch/Dry Creek Spur
CR 5618 0.0 Dry BR/Dry CK RD 0.3 Mine

POWELL COUNTY

	ROAD	FROM	TO
*	Mountain Parkway	11.9 Clark CO LN	36.0 Wolfe CO LN

Weight Limit - Bridge over Lulbegrud Creek @ milepoint 11.90
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 45 tons
Weight Limit - Bridge over Red River @ milepoint 18.22
TY I = 20 tons, TY II = 37 tons, TY III = 37 tons, TY IV = 45 tons
Weight Limit - Bridge over Red River @ milepoint 24.83
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons
Weight Limit - Bridge over Cane Creek @ milepoint 26.12
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over KY 613 @ milepoint 27.38
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over North Fork Red River @ milepoint 27.94
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons
Weight Limit - Bridge over Middle Fork Red River @ milepoint 31.96
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 46 tons
Weight Limit - Bridge over KY 11 & 15 @ milepoint 32.08
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 54 tons

*	KY 11	21.0 KY 15	25.0 Montgomery CO LN
*	KY 15	3.5 KY 11	4.1 Mountain Parkway

Weight Limit - Bridge over Mountain Parkway @ milepoint 4.08
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons

PULASKI COUNTY

	ROAD	FROM	TO
*	US 27	0.0 McCreary CO LN	16.9 KY 80 Bypass

Weight Limit - Bridge over Cumberland River @ milepoint 9.19
TY I = 20 tons, TY II = 27 tons, TY III = 35 tons, TY IV = 40 tons
Weight Limit - Bridge over Pitman Creek @ milepoint 10.06
TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 59 tons

*	KY 80	19.1 US 27	40.4 Laurel CO LN

Weight Limit - Bridge over Southern RR @ milepoint 19.24
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons
Weight Limit - Bridge over Buck Creek @ milepoint 31.55
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons

*	KY 80B	0.0 US 27	2.3 KY 80
*	KY 90	2.0 KY 790	4.2 US 27

Weight Limit - Bridge over Cumberland River @ milepoint 3.07
TY I = 20 tons, TY II = 22 tons, TY III = 35 tons, TY IV = 40 tons

*	KY 192	0.0 KY 80	15.0 Old Whitley Road

Weight Limit - Bridge over Pitman Creek @ milepoint 4.13
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 58 tons
Weight Limit - Bridge over Buck Creek @ milepoint 10.57
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons

*	KY 790	0.0 Wayne CO LN	5.7 KY 90
*	KY 1247	0.0 US 27	8.3 KY 80 Bypass

Weight Limit - Bridge over Southern RR @ milepoint 0.08
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 52 tons
Weight Limit - Bridge over Pitman Creek @ milepoint 3.40
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 52 tons

*	KY 1580	0.0 Ferguson Tipple	0.5 KY 1247

*	KY 1675	5.7	Acorn-Lick Creek RD	10.5	KY 80
	Weight Limit - Bridge over Branch of Short Creek @ milepoint 9.48				
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons				
*	KY 1956	0.0	KY 80	0.8	Line Creek RD
*	Acorn-Lick Creek Road				
	CR 5016	0.0	KY 1675	1.7	Ano RD
*	Bolthouse Ridge Road				
	CR 5017	0.0	Ano RD	0.9	Mine
*	Ano Road				
	CR 5018	0.0	Acorn-Lick Creek RD	1.4	Bolthouse Ridge RD
*	Line Creek Road				
	CR 5027	0.0	KY 1956	0.8	Buffalo Branch RD
*	Buffalo Branch Road				
	CR 5028	0.0	Line Creek RD	0.4	Rockcastle CO LN
	[Weight Limit - Bridge over Line Creek				
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons]				
*	Old Whitley Road				
	CR 5216	0.0	KY 192	3.9	Cumberland River RD
*	Cumberland River Road				
	CR 5225	0.0	Old Whitley RD	1.1	Mine
*	Cooper Power Plant Road				
	CR 5349	0.0	KY 1247	0.6	E KY Power Plant

ROBERTSON COUNTY

	ROAD	FROM		TO	
*	US 68	0.0	Nicholas CO LN	1.4	Fleming CO LN

ROCKCASTLE COUNTY

	ROAD	FROM		TO	
*	US 25	11.8	I-75	13.9	US 150
		24.9	R B S Tipple	27.0	Madison CO LN
*	US 150	0.0	Lincoln CO LN	10.5	US 25
	[Weight Limit - Bridge over Negro Creek @ milepoint 4.78				
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons]				
*	KY 1249	3.0	Buffalo Branch RD	3.5	Dyer Branch RD
*	Buffalo Branch Road				
	CR 5180	0.0	KY 1249	2.3	Pulaski CO LN
*	Dyer Branch Road				
	CR 5229	0.0	KY 1249	0.4	Mine Access

SIMPSON COUNTY

	ROAD	FROM		TO	
*	US 31W	0.0	Tennessee State LN	14.0	Warren CO LN

UNION COUNTY

	ROAD	FROM		TO	
*	US 60	1.4	KY 109	5.7	KY 109
	Weight Limit - Bridge over Branch of Cypress Creek @ milepoint 3.66				
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons				
*	KY 109	0.0	Webster CO LN	1.5	US 60
		1.5	US 60	3.2	KY 1508
*	KY 1508	0.0	KY 109	2.7	Pyro Dock

WARREN COUNTY

	ROAD	FROM		TO	
*	Green River Parkway				
		0.0	I-65	18.2	Butler CO LN
	Weight Limit - Bridge over I-65 @ milepoint 0.01				
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons				
	Weight Limit - Bridge over US 31-W @ milepoint 3.57				
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 59 tons				
*	US 31W	0.0	Simpson CO LN	9.0	Green River Parkway
	Weight Limit - Bridge over L&N RR @ milepoint 7.99				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons				

WAYNE COUNTY

	ROAD	FROM		TO	
*	KY 776	9.2	Denny Creek RD	9.8	Brammer Hill Ridge RD
*	KY 790	5.0	Brammer Hill-Delta RD	10.5	Pulaski CO LN
*	Brammer Hill Ridge Road				
	CR 5023	0.0	KY 776	4.2	Mine
*	Denny Creek Road				
	CR 5024	0.0	KY 776	0.4	Sizemore RD

	ROAD		FROM		TO
*	Brammer Hill-Delta Road				
	CR 5030	0.0	KY 790	2.4	Brammer Hill Ridge RD
*	Sizemore Road				
	CR 5155	0.0	Denny Creek RD	1.7	Mine

WEBSTER COUNTY

	ROAD		FROM		TO
*	Pennyrile PKWY	55.0	Hopkins CO LN	62.6	KY 56
*	US 41	0.0	Hopkins CO LN	12.1	Henderson CO LN
*	US 41A	0.0	Hopkins CO LN	19.5	KY 56
*	KY 56	5.3	US 41A	12.5	US 41
	Weight Limit - Bridge over Branch @ milepoint 12.42				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons				
		12.5	US 41	14.4	Old Eastwood Ferry RD
*	KY 109	2.9	KY 670	14.7	Union CO LN
	Weight Limit - Bridge over Crab Orchard Creek @ milepoint 7.33				
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons				
	Weight Limit - Bridge over Caney Fork @ milepoint 10.72				
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons				
*	KY 120	3.6	Mine	6.7	US 41A
*	KY 132	23.6	Mine	28.5	KY 56
*	KY 270	8.6	Mine	13.2	US 41A
*	KY 670	0.0	KY 109	2.7	US 41A
*	KY 814	0.0	Hopkins CO LN	0.6	US 41A
*	Old Eastwood Ferry Road				
	CR 5034	0.0	KY 56	0.1	Sebree Dock
*	Quinns Landing Road				
	CR 5036	0.0	Henderson CO LN	0.2	Big Rivers Plant

WHITLEY COUNTY

	ROAD		FROM		TO
*	US 25T	0.0	US 25W	0.7	US 25W
*	US 25W	0.0	Tennessee State LN	14.1	KY 26
	Weight Limit - Bridge over Elk Fork Creek @ milepoint 0.53				
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Clear Creek @ milepoint 5.04				
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons				
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 6.23				
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons				
	Weight Limit - Bridge over L&N RR @ milepoint 11.02				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons				
		29.6	I-75	32.8	US 25T
		33.5	KY 312 (East)	33.7	Laurel CO LN
	Weight Limit - Bridge over Lynn Camp Creek @ milepoint 33.73				
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 45 tons				
*	KY 6	0.0	KY 26	1.6	Knox CO LN
	Weight Limit - Bridge over Unnamed Stream @ milepoint 0.47				
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Corn Creek @ milepoint 1.64				
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons				
*	KY 11	0.0	KY 92	2.6	Knox CO LN
*	KY 26	0.0	US 25W	14.3	US 25W
*	KY 92	0.0	McCreary CO LN	11.3	US 25W (South)
	Weight Limit - Bridge over Pleasant Run @ milepoint 0.23				
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Pleasant Run @ milepoint 1.51				
	TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 46 tons				
	Weight Limit - Bridge over Jellico Creek @ milepoint 2.99				
	TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Briar Creek @ milepoint 8.39				
	TY I = 17 tons, TY II = 19 tons, TY III = 19 tons, TY IV = 34 tons				
	Weight Limit - Bridge over I-75 @ milepoint 11.00				
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 51 tons				
		11.3	US 25W (North)	33.4	Bell CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 22.02				
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons				
	Weight Limit - Bridge over Golden Fork @ milepoint 26.66				
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 50 tons				
	Weight Limit - Bridge over Harpes Creek @ milepoint 27.89				
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons				
*	KY 628	1.9	Jordan Hollow RD	5.2	US 25W
	Weight Limit - Bridge over Possum Creek @ milepoint 3.91				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons				

Weight Limit - Bridge over I-75 @ milepoint 4.91
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons
* KY 779 6.3 KY 1064 (South) 7.0 KY 1064 (North)
8.0 KY 1418 12.7 KY 11
Weight Limit - Bridge over Cumberland River @ milepoint 11.83
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
* KY 904 0.0 KY 92 13.5 KY 92
Weight Limit - Bridge over Cumberland River @ milepoint 0.09
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
Weight Limit - Bridge over Popular Creek @ milepoint 13.44
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
* KY 1064 0.0 KY 92 4.2 KY 779 (West)
Weight Limit - Bridge over Unnamed Stream @ milepoint 0.79
TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons
4.2 KY 779 (East) 12.0 KY 6
* KY 1418 0.0 KY 779 1.5 Knox CO LN
* KY 1595 3.1 Mine 4.6 KY 92
Weight Limit - Bridge over Poplar Creek @ milepoint 4.49
TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 52 tons
* KY 1673 0.0 KY 92 0.4 McCreary CO LN
0.4 McCreary CO LN 1.4 Mine
* KY 1809 0.0 KY 92 1.4 Knox CO LN
Weight Limit - Bridge over Golden Creek @ milepoint 0.21
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 53 tons
* KY 1898 1.8 Mine 2.8 KY 92
Weight Limit - Bridge over Jellico Creek @ milepoint 2.20
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 38 tons
* KY 2995 0.0 KY 2996 0.8 Dean Chambers Tipple
* KY 2996 0.0 US 25W 0.7 KY 2995
* McNeil Hollow-Corn Creek Road
CR 5045 0.0 KY 26 2.4 Mine
* Morgan Road
CR 5048 0.0 KY 1064 0.7 Mine
* Bunch Creek Road
CR 5154 0.0 KY 92 0.5 Mine
* Carpenter-Lick Fork Road
CR 5172 0.0 KY 92 0.8 Mine
Weight Limit - Bridge over Popular Creek
TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons
* Doc Siler Road
CR 5223 0.0 Skaggs RD 0.1 Tennessee ST LN
* Skaggs Branch Road
CR 5224 0.0 Doc Siler RD 0.7 Mine
* Keswick-Gatliff Road
CR 5227 2.0 Mine 8.0 KY 904
Weight Limit - Bridge over Patterson Creek
TY I = 18 tons, TY II = 20 tons, TY III = 24 tons, TY IV = 40 tons
Weight Limit - Bridge over Bennetts Branch
TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 56 tons
* Upper Cane Creek Road
CR 5230 0.0 Keswick-Gatliff RD 0.5 Mine
* Bethel Church Road
CR 5268 0.0 KY 904 0.2 Mine
* Cotton Creek - Dal Road
CR 5272 5.0 Mine 5.7 KY 904
* Paint Creek - Wolf Creek Road
CR 5320 0.0 KY 92 1.1 Mine
* Jordan Hollow Road
CR 5321 0.0 KY 628 0.3 Mine
* Kensee Hollow Road
CR 5326 0.0 US 25W 0.8 Mine

WOLFE COUNTY

	ROAD	FROM	TO
*	Mountain PKWY	36.0 Powell CO LN	53.3 KY 1010

Weight Limit - Bridge over Swiftcamp Creek @ milepoint 43.77
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 47 tons
Weight Limit - Bridge over KY 191 @ milepoint 46.22
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 59 tons
Weight Limit - Bridge over KY 1512 @ milepoint 49.67
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 53 tons
57.2 KY 205 57.7 Morgan CO LN
Weight Limit - Bridge over Helechawa-Lee City Road @ milepoint 57.19
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons

*	KY 15	0.0 Breathitt CO LN	14.0	KY 715
	Weight Limit - Bridge over Holly Creek @ milepoint 1.79			
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Mountain Parkway @ milepoint 12.87			
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 52 tons			
*	KY 15S	0.0 KY 15	1.1	Mountain PKWY
	Weight Limit - Bridge over Mountain Parkway @ milepoint 1.05			
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 58 tons			
*	KY 191	14.3 KY 205	15.9	KY 205
*	KY 205	4.3 KY 1094	6.4	KY 191
	Weight Limit - Bridge over State Road Fork @ milepoint 6.32			
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 53 tons			
		6.4 KY 191	6.9	Morgan CO LN
*	KY 651	0.0 Sandy Ridge RD	2.1	KY 15
*	KY 715	2.6 KY 2016	5.8	KY 15
*	KY 1010	1.6 Mine	3.7	Mountain PKWY
	Weight Limit - Bridge over Mountain Parkway @ milepoint 3.65			
	TY I = 20 tons, TY II = 22 tons, TY III = 23 tons, TY IV = 31 tons			
*	KY 1094	2.7 Mine	7.5	KY 205
*	KY 2016	0.2 Mine	4.5	KY 715
*	KY 3040	0.0 KY 15	0.4	J & A Tipple
*	Sandy Ridge Road			
	CR 5220	0.0 KY 651	2.7	Mine

Section 5. No person shall operate, or knowingly cause to be operated, on any bridge listed in Section 4 of this administrative regulation any vehicle whose gross vehicle weight exceeds the weight limits specified for that bridge.

Section 6. In accordance with KRS 189.230(3) the Department of Highways shall post the gross vehicle weight limits for each bridge listed in Section 4 of this administrative regulation.

Section 7. No person shall operate, or knowingly cause to be operated, on any bridge on the extended weight coal haul road system any vehicle whose gross vehicle weight exceeds the limits specified by a notice posted pursuant to KRS 189.230(3).

Section 8. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions is hereby incorporated by reference as part of this administrative regulation. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be viewed at the Transportation Cabinet, Department of Highways, Division of Maintenance, Frankfort, Kentucky. Copies of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

[Section 9. The effective date of this administrative regulation is April 1, 1987.]

C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: May 4, 1987
FILED WITH LRC: May 5, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed administrative regulation on June 30, 1987 at 1 p.m. local prevailing time in the Fourth Floor Hearing Room of the State Office Building located on the corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must, in writing, by June 25, 1987, so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: All coal mining companies. All coal trucking companies. All coal truck drivers. County governments - 67. City governments - undetermined number.
(a) Direct and indirect costs or savings to those affected:
1. First year: Coal mining companies - none. Coal trucking companies - none. Coal truck drivers - none. County governmnents - none. City governments - none.
2. Continuing costs or savings: Same as first year.
3. Additional factors increasing or decreasing costs (note any effects upon competition): Gross vehicle weights for those coal haul routes which must cross the bridges listed in the administrative regulation will be less than for those haul routes which do not cross any of the bridges listed.
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: Reduced potential for bridge damage.
(a) Direct and indirect costs or savings:
1. First year: Increased costs for erection of bridge posting signs.
2. Continuing costs or savings: Increased costs for maintenance of bridge posting signs.
3. Additional factors increasing or decreasing costs: Increased frequency of bridge inspection.
(b) Reporting and paperwork requirements: Continuous maintenance and revision of this administrative regulation.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Federal regulations require that all analysis and rating of bridges be in accordance with the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. In performing a bridge analysis the manual provides for allowable stresses in steel members to be in the range of 55% to 75% of the

yield strength of the steel. However, repetitive loading in excess of 69% of the yield strength can result in fatigue cracking and concealed structural damage resulting in a section with a lower, but unknown, yield strength. When stresses are limited to 69% of yield strength unlimited repetitions of loads can be accommodated without damaging the bridge and compromising public safety.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes.

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

603 KAR 7:010. Loans.

RELATES TO: KRS Chapter 96A

PURSUANT TO: KRS 67.080, 67.083, 96A.095(3), 96A.120(1)(a)

NECESSITY AND FUNCTION: The purpose of this regulation is to establish guidelines for administering the Mass Transportation Operating Loan Fund.

Section 1. "Mass Transportation Operating Loan Fund" means a procedure enabling the Transportation Cabinet to make loans to public transportation agencies to assist those agencies in the operation of their transportation systems. Funding for such loans is provided from the General Assembly appropriation for public transportation assistance [is an appropriation to the Transportation Cabinet for the purpose of making loans to mass transportation authorities through public bodies to assist the mass transportation authorities in financing the operation of mass transportation systems].

[Section 2. "Public body" means as defined in KRS 96A.010(6).]

Section 2. [3.] The Transportation Cabinet shall make loans from the mass transportation operating loan fund to public [mass] transportation agencies [authorities through public bodies] based upon an [the hereinafter set forth] application submitted [being made] to the Secretary of the Transportation Cabinet.

Section 3. [4.] The following information shall be included in the application:

(1) Name and address of the applicant;

(2) Amount of loan funds requested;

(3) Purpose for which the loan is to be utilized;

(4) A financial plan documenting the request;

(5) Provisions for loan security and repayment schedule.

Section 4. [5.] The rate of interest to be charged on a mass transportation operating fund loan shall be fixed by the Secretary of the Transportation Cabinet.

Section 5. [6.] (1) An agreement shall be entered into between the Transportation Cabinet [, the mass transportation authority] and the public transportation agency [body or bodies] which shall set forth and contain the following terms and conditions:

(a) The amount of the loan;

(b) Provisions for repayment of the principal of the loan and interest thereon to the Transportation Cabinet;

(c) Provisions for loan security;

(d) Provisions that the loan shall be used by the [mass transportation authority and the] public transportation agency [body or public bodies].

C. LESLIE DAWSON, Secretary/Commissioner

APPROVED BY AGENCY: May 4, 1987

FILED WITH LRC: May 5, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed administrative regulation on June 30, 1987 at 3 p.m. local prevailing time in the Fourth Floor Hearing Room of the State Office Building located on the corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must, in writing, by June 25, 1987, so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: 24 public transportation operators.

(a) Direct and indirect costs or savings to those affected: Savings depend on the rate of interest fixed by the transportation secretary versus the rate of interest charged by banks and other loan institutions. Urbanized and nonurbanized agencies will see cost savings if the cabinet offers a lower interest. Net operating expenses range from over 15 million a year for the largest urbanized agency to 2,000 dollars a month for a smaller nonurbanized area agency.

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: Loan applications, loan agreements, loan payments, and cost effective reports.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Administrative costs covered by federal funds.

2. Continuing costs or savings: Save on federal funds amount would depend on rate of interest and size of loan.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Payment receipts, loan agreements, etc.

(3) Assessment of anticipated effect on state and local revenues: No significant impact on state revenues. Local matching requirements do require the commitment of local funds. Interest received from loans might be utilized to help fund additional operating loans.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not to make operating loans available, which eliminates any cost savings for public transportation agencies; or to make them available with little or no interest charged which would not be cost effective use of state funds.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: A stable, dependable source of funds would save these transportation agencies from dealing with the fluctuating money market and thus avoid possible reduction in public transportation services.
TIERING: Was tiering applied? No. The operating loan application process should be equal for all applicants.

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

603 KAR 7:020. Nonurbanized public transportation program.

RELATES TO: KRS 96A.010 through 96A.370, 96A.090, 96A.095
PURSUANT TO: KRS 174.080
NECESSITY AND FUNCTION: The Nonurbanized Public Transportation Program is authorized and governed by Section 18 of the Urban Mass Transportation Act of 1964, as amended; 49 USC 1601 et seq. and 49 CFR 825. The Transportation Cabinet is authorized by KRS 96A.095 to accept funds from the Commonwealth and any of its agencies and from federal agencies appropriations and grants to accomplish the promotion and development of mass transit services in Kentucky. The function of this regulation is to implement the procedures required to administer the Nonurbanized Public Transportation Program in accordance with applicable state and federal laws and regulations.

Section 1. In order to facilitate the administration of the Nonurbanized Public Transportation Program as authorized by Section 18 of the Urban Mass Transportation Act and KRS Chapter 96A, the following are adopted by reference:
(1) The "Section 18 Nonurbanized Area Public Transportation Program Application Guidelines" issued March, 1982 and last revised March, 1986, by the Transportation Cabinet. <u>These guidelines inform all prospective and continuing grantees for public transportation assistance in nonurbanized areas of the federal and state requirements for such a grant. They also include a complete application format.</u>
[(2) The Section 18 Continuing Application Guidelines issued May, 1982 and last revised and incorporated into the "Section 18 Nonurbanized Area Public Transportation Application Guidelines" March, 1986, by the Transportation Cabinet.]

<u>(2)</u> [(3)] The "State Management Plan" for the Section 18 Program issued April, 1981 and last revised <u>June, 1986</u> [May, 1984], by the Transportation Cabinet. <u>This management plan is a document designed to facilitate both the Transportation Cabinet and the Urban Mass Transportation Administration (UMTA). It outlines the cabinet's procedures and policies for administering the Section 18 program.</u>

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

C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: May 4, 1987
FILED WITH LRC: May 5, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed administrative regulation on June 30, 1987 at 3 p.m. local prevailing time in the Fourth Floor Hearing Room of the State Office Building located on the corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must, in writing, by June 25, 1987, so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: 23 public transportation operators.
(a) Direct and indirect costs or savings to those affected:
1. First year: Up to 1.8 million savings to nonurbanized operators.
2. Continuing costs or savings: Depending on federal funds authorized.
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: Project applications, payment requests, monthly reports, and audits.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Administrative costs are approximately $100,000 a year and are covered with federal funds.
2. Continuing costs or savings: Administrative costs average $100,000 on an ongoing basis.
3. Additional factors increasing or decreasing costs: Special studies or activities contracted to consultants may cause small fluctuations.
(b) Reporting and paperwork requirements: Status reports, letter of credit submittals, program of projects, audits.
(3) Assessment of anticipated effect on state and local revenues: The state is required to match 10 percent for capital purchases. Matching requirements of local funds are at a rate of 10% for capital purchases, 50% for operating costs, and 20% for administrative costs.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not to accept federal funds; rejected due to negative impact.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in

conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. Equal application process for all agencies.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Local Services
(Proposed Amendment)

702 KAR 5:030. Superintendents' responsibilities.

RELATES TO: KRS 156.160, 189.540
PURSUANT TO: KRS 156.070, 156.160
NECESSITY AND FUNCTION: KRS 156.160 and 189.540 require the State Board of Education to promulgate regulations relating to the safety of public school children, the transportation of such children to and from school, and the operation of school buses. This regulation provides the district superintendent with the regulations necessary to assist him in administering the district's pupil transportation programs and to provide the maximum consistency throughout the state.

Section 1. Each school district superintendent shall be responsible for the general supervision of the district's pupil transportation program. The superintendent may designate another employee or other employees of the board to assist in carrying out this responsibility. For the purpose of these regulations, the word "superintendent" shall mean the superintendent or his designate.

Section 2. The superintendent shall require that a safety inspection be made on each school bus owned and operated by the board or contracted to the board at least once each month that the district's schools are in session. This inspection shall be made by a competent person. If, upon inspection, a school bus is found to be in unsafe operating condition, the superintendent shall withhold the bus from operation until the required repairs are made. The superintendent shall be responsible for keeping the records of the bus safety inspections on file, and shall be responsible for certifying to the Division of Pupil Transportation at least once each month that each school bus used during that month has received the proper safety inspection.

Section 3. The superintendent shall be responsible for preparing the school bus route maps, school bus inventories, and other reports required by the Division of Pupil Transportation for the purpose of making the pupil transportation cost calculation for the Minimum Foundation Program.

Section 4. The superintendent shall be responsible for making reports on a monthly basis to the Division of Pupil Transportation on all school bus accidents that happened to the district's buses during the month.

Section 5. The superintendent shall be responsible for providing the necessary and required school bus driver training before a school bus driver shall enter into the duties of transporting pupils to and from school or events related to such schools. This training shall at least include the school bus driver course prescribed by the State Board of Education, in accordance with 702 KAR 5:080, Sections 8 and 9, and shall be conducted by a certified instructor. Evidence that the driver has received this training shall be submitted to the Division of Pupil Transportation and a copy shall be kept on file in the office of the superintendent.

Section 6. The superintendent shall be responsible for providing the required in-service school bus driver training which each school bus driver must complete annually for certification renewal, in accordance with 702 KAR 5:080, Section 10. The in-service training shall include at least eight (8) hours of appropriate instruction conducted by a certified instructor. Evidence that each driver has received this training shall be submitted to the Division of Pupil Transportation and a copy shall be kept on file in the office of the superintendent.

Section 7. The superintendent may issue a temporary school bus driver's permit [if it is necessary to employ an applicant on an emergency basis as a replacement or additional driver;] provided the applicant meets the qualifications set forth in 702 KAR 5:080, Sections 1 through 7, and a certified instructor judges the applicant competent to safely drive a school bus and safeguard the welfare of students. The temporary school bus driver's permit shall be valid for a period of twenty (20) consecutive school days and shall be non-renewable.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: May 6, 1987
FILED WITH LRC: May 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, June 23, 1987, at 10 a.m., EST, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulation adopted by the State Board of Education at its May meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 18, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Wendell D. Bruce
(1) Type and number of entities affected: School districts operating school buses.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. To better interpret the original intent of the law, and clearly define viable options needed to adequately operate a school district's transportation system.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Local Services
(Proposed Amendment)

702 KAR 5:080. Bus drivers' qualifications; responsibilities.

RELATES TO: KRS 156.160, 189.540
PURSUANT TO: KRS 156.070, 156.160, 189.540
NECESSITY AND FUNCTION: KRS 156.160 requires the State Board of Education to adopt regulations relating to the transportation of children to and from school and to medical inspections and other matters deemed relevant to the protection of the physical welfare and safety of public school children; and KRS 189.540 requires the State Board to adopt regulations to govern the design and operation of school buses. This regulation implements those duties relative to the qualifications and responsibilities of the school bus driver.

Section 1. All local boards of education shall require annual medical examination of each school bus driver and drivers of special vehicles used to transport school children to and from school and such events related to such schools. The medical examination shall include tests for hearing and vision disorders, emotional instability, and for serious medical conditions including diabetes, epilepsy, heart disease, and other chronic or communicable diseases if indicated in the opinion of the examining physician. The examination shall include tests for tuberculosis upon initial employment and positive reactors shall be required to have further evaluations. All medical examinations of the school bus drivers shall be reported on a form prescribed by the State Department of Education and submitted to the local superintendent.

Section 2. No person shall drive a school bus unless he or she is physically or mentally able to operate a school bus safely and satisfactorily. If there is limitation of motion in joints, neck, back, arms, legs, etc., due to injury or disease that would limit the driver's ability to safely perform the task of safely driving a school bus, the driver shall be rejected. Any driver taking medication either by prescription or without prescription, shall not be permitted to drive if that medication would affect, in any way, the driver's ability to safely drive a school bus.

Section 3. (1) No person shall drive a school bus unless he or she has:
(a) Visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses;
(b) Form field vision of not less than a total of 140 degrees;
(c) The ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.
(2) Drivers requiring correction by glasses shall wear properly prescribed glasses at all times while driving.

Section 4. No person shall drive a school bus whose hearing is less than 7/15 in the better ear, or hearing loss is greater than forty (40) decibels if audiogram is used, for conversational tones, with or without a hearing aid. Drivers requiring a hearing aid shall wear such properly operating aids at all times while driving.

Section 5. The board, at its discretion, may require a school bus driver to pass a routine physical examination or a special type physical examination more often than annually. The school bus driver shall have a current physical fitness certificate on file in the district superintendent's office.

Section 6. [Drivers of school buses shall be between eighteen (18) and sixty-nine (69) years of age.] A driver shall not start driving a school bus until his eighteenth birthday[, but any driver turning seventy (70) years of age during the school term may be allowed to drive until the end of the semester in which said birthday occurs].

Section 7. The school bus driver shall have a current driver's license that is valid in Kentucky.

Section 8. Beginning with the 1985-86 school year, no person shall begin driving a school bus until he or she has completed the beginning school bus driver training course prescribed by the State Board of Education and has been issued a Kentucky school bus driver certificate by the Superintendent of Public Instruction, based upon evidence submitted by a certified instructor that all training requirements have been satisfied; provided that a temporary school bus driver's permit may be issued under the provisions set forth in 702 KAR 5:030, Section 7. The prescribed training course for beginning drivers shall consist of the following instructional units and minimum instructional times:
(1) Laws and regulations - one (1) hour;
(2) Driving fundamentals - one (1) hour;
(3) Care and maintenance - one (1) hour;
(4) Critical situations - one (1) hour;
(5) Accidents and emergency procedures - one (1) hour;
(6) Pupil management - one (1) hour;
(7) First aid - one (1) hour; and
(8) Vehicle operations - one (1) hour.

Section 9. Beginning with the 1986-87 school year, no school bus driver shall continue to drive a school bus until he or she has completed the school bus driver training course prescribed by the State Board of Education and holds a Kentucky school bus driver certificate issued by the Superintendent of Public Instruction, based upon evidence submitted by a certified instructor that all training requirements have been satisfied. The prescribed training course for initial certification of experienced drivers shall consist of the instructional units and minimum times outlined in Section 8 of this regulation, plus the following instructional units and minimum instructional times:
(1) Special education transportation - five-tenths (.5) hour; and
(2) Extra curricular trips - five-tenths (.5) hour.

Section 10. Beginning with the 1987-88 school year, all school bus drivers shall be required to renew their certificates annually by satisfactorily completing eight (8) hours of in-service driver safety training conducted by a certified instructor and relevant to the curriculum established under the standards set forth in Sections 8 and 9 of this regulation.

Section 11. Substitute school bus drivers shall meet the same requirements as regular school bus drivers.

Section 12. In case of an emergency that would make it necessary for the driver to leave the bus while pupils are on board, the driver shall stop the motor, shift the bus to low gear, set the parking brake, remove the ignition key, and place one (1) of the older responsible pupils in charge during the driver's absence.

Section 13. The driver shall operate the school bus at all times in a manner that provides the maximum amount of safety and comfort for the pupils under the circumstances.

Section 14. The driver shall supervise the seating of the pupils on the bus. The driver shall make certain the seating capability of the bus has been fully utilized before any pupil is permitted to stand in the bus aisle.

Section 15. The driver shall not, at any time, permit pupils to stand in the stepwell or landing area or where the pupil would likely fall out of the bus if the rear emergency door was opened, or where the driver's view directly in front of the bus or to either side of the front of the bus would be obscured.

Section 16. The driver shall report to the superintendent any overcrowded conditions on the bus.

Section 17. The driver shall transport only those pupils officially assigned to a particular bus trip unless an unassigned pupil presents the driver with a written permit to ride the bus trip that has been signed by the school principal or his designate. The driver shall not permit an assigned pupil to leave the bus at a stop other than where the pupil regularly leaves the bus unless a written permit signed by the school principal or his designate is presented to the driver.

Section 18. The driver shall not transport adult employees of the board or any person not employed by the board unless he receives written permission of the district superintendent to do so.

Section 19. The driver shall not knowingly permit any firearms or weapons, either operative or ceremonial, to be transported on the bus. The driver shall not knowingly permit any fireworks of any type to be transported.

Section 20. The driver shall not knowingly permit any live animals, fowls, or reptiles to be transported on the bus. The driver shall not knowingly permit any preserved specimen to be transported that would likely frighten any pupil or cause a commotion on the bus.

Section 21. The driver shall not permit the transportation of any object that would likely block the bus aisle or exits in case of a collision.

Section 22. The driver shall not permit a pupil to operate the entrance door handle or any other bus control except in case of an emergency.

Section 23. The driver shall activate the flashing stop warning lights and/or the stop signal arm a sufficient distance from a bus stop that would permit any prudent motorist to stop short of striking or passing the stopped bus.

Section 24. For safety reasons, the driver shall not permit gasoline to be put into the bus gasoline tank while pupils are on board the bus.

Section 25. If a pupil's conduct on the bus is such that it endangers the lives and morals of the other people on the bus and makes it unsafe for the bus to continue on its route, and when requested by the driver to desist from such conduct and the pupil does not comply, it shall be the duty of the driver to order the pupil to leave the bus, and if this order is refused, to eject the pupil from the bus or send for assistance, whichever the circumstances dictate. Ejecting a pupil from the bus shall be done only in the most extreme circumstances. When ejection from the bus is required, the driver shall notify the principal of the school where the pupil attends, the district superintendent or some other school authority of the action taken as soon as it is possible to do so.

Section 26. In the interest of safety, the driver shall stop the bus at all places where the roadway crosses a railroad track or tracks at the grade level. The driver shall open the bus entrance door, listen, and look for the approach of a train from both directions. When the driver has ascertained that it is safe for the bus to cross the railroad tracks, he shall close the bus entrance door, shift the bus gears into the range that will provide adequate power and proceed immediately to cross the railroad tracks. In cases of severe weather or restricted visibility, the driver shall request assistance from the oldest pupils on the bus in determining whether or not it is safe for the bus to cross the railroad tracks. Under these circumstances, the stop signal arm and flashing warning lights shall be used only if these pupils get off the bus before it is driven across the tracks and

board the bus after it has crossed the tracks.

Section 27. The driver shall have the authority to assign a pupil to a specific seat on the school bus.

Section 28. The driver shall make a pre-trip inspection of the bus safety and operating equipment each time that the bus is taken out for the transportation of pupils.

Section 29. The school bus driver shall not operate the school bus at a speed in excess of the posted speed limit on the sections of highways over which the bus travels, nor at any time in excess of fifty-five (55) miles per hour. The driver shall not drive the school bus on any roadway at any time at a speed where the conditions of the roadway, weather conditions, or other extenuating circumstances would likely make it unsafe for the bus to travel at that speed.

Section 30. The driver shall wear the driver's seat belt at all times that the bus is operated.

Section 31. The stop signal arm and flashing warning lights shall be used only at stops where pupils are boarding or leaving the bus.

Section 32. The driver shall not use tobacco products while operating the school bus, nor knowingly permit pupils to use tobacco products when on the school bus.

Section 33. The driver shall signal pupils who must cross a roadway to board or leave the bus when the driver has determined that any visible approaching traffic creating a substantive risk of harm has come to a complete stop and is not attempting to start up or pass the bus.

Section 34. A driver shall not operate a school bus while under the influence of alcoholic beverages or any other drug.

Section 35. The driver of a school bus shall be on the bus at all times students are loading or unloading.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: May 6, 1987
FILED WITH LRC: May 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, June 23, 1987, at 10 a.m., EST, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulation adopted by the State Board of Education at its May meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 18, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Wendell D. Bruce
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: 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: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Federal statute.
(a) Necessity of proposed regulation if in conflict: To bring our regulation into agreement with federal statutes.
(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. Need for uniformity in school districts in the interest of health and safety.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Our regulation requires bus drivers to be between the ages of 18 and 69 years of age. Federal legislation was passed and signed into law (by the president) during the fall of 1986 which prohibits mandatory retirement at the age of 70.
2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No
3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: No

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 3:304. Required program of studies.

RELATES TO: KRS 156.160
PURSUANT TO: KRS 156.070, 156.160
NECESSITY AND FUNCTION: KRS 156.160 requires the State Board of Education to establish minimum courses of study and the scope of instruction that may be offered in the different classes of common schools, and to establish the minimum requirements for graduation from the courses offered. This regulation implements that duty by prescribing the document containing the general courses comprising the permissive scope of instruction in Kentucky's common schools.

Section 1. Pursuant to the authority vested in the State Board of Education by KRS 156.070 and 156.160, the "Program of Studies for Kentucky Schools, Grades K-12," as amended on May 6, 1987

[October 1, 1986], is hereby promulgated and filed with the Legislative Research Commission and incorporated herein by reference. Copies may be obtained from the Office of Instruction, Department of Education.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: May 6, 1987
FILED WITH LRC: May 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, June 23, 1987, at 10 a.m., EST, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulation adopted by the State Board of Education at its May meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 18, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Joseph T. Clark
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Eliminates need for additional staffing.
2. Continuing costs or savings: Same
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: Eliminates need for applying for experimental program approval.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: Eliminates need for processing experimental program application.
(3) Assessment of anticipated effect on state and local revenues: Eliminates extra staff responsibility on local school district.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Experimental program alternative required application from every school district individually.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. Need for uniformity.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Vocational Rehabilitation
(Proposed Amendment)

706 KAR 1:020. Independent living plan.

RELATES TO: KRS 156.010, 156.035, 163.140, 163.160
PURSUANT TO: KRS 156.035, 156.070, 163.140
NECESSITY AND FUNCTION: Title VII, Part A, P.L. 93-112, as amended, requires the submission of a Three (3) Year State Plan for Independent Living Rehabilitation Services, to the Secretary, Department of Education. The plan must be approved in order for a state to be eligible for grants from the allotment of funds under Title VII, Part A, of the Rehabilitation Act of 1973, P.L. 93-112, as amended by P. L. 93-516, P. L. 95-602, [and] P. L. 98-221, and P.L. 99-506. This regulation adopts such a plan, and thereby implements statutory responsibility of the Department of Education and the State Board of Education under KRS 156.010, 156.035, 163.140, and 163.160.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.035 and 163.140, the Kentucky State Plan for Independent Living Rehabilitation Services for the period October 1, 1984 through September 30, 1987 is presented herewith for filing with the Legislative Research Commission, and incorporated by reference, as revised May 6 [January 7], 1987. This plan describes how federal funds will be utilized to provide services for independent living to individuals with disabilities so severe that they presently do not have potential for employment, and a copy of said plan can be obtained from the Office of Vocational Rehabilitation, Department of Education.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: May 6, 1987
FILED WITH LRC: May 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, June 23, 1987, at 10 a.m., EST, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulation adopted by the State Board of Education at its May meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 18, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Terry Hibpshman
(1) Type and number of entities affected: This amendment will require that a council be established, consisting of individuals with disabilities, representatives of other state agencies, directors of independent living centers, and others.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: Members of the council will be responsible for advising the Office of Vocational Rehabilitation on matters relating to administration of the Independent Living Rehabilitation Services Program.

(2) Effects on the promulgating administrative body: Funds now allocated for other purposes will have to be redirected to cover the expenses of the council.

(a) Direct and indirect costs or savings:

1. First year: Approximately $1,000 for the expenses of council members to attend meetings.

2. Continuing costs or savings: Approximately $2,000 per year.

3. Additional factors increasing or decreasing costs: Inflation

(b) Reporting and paperwork requirements: Agency staff will be responsible for keeping records of council meetings and for reporting to the Rehabilitation Services Administration on council activities.

(3) Assessment of anticipated effect on state and local revenues: No effect anticipated at present.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods are available since the council as described by the amendment is required by federal statute.

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

(a) Necessity of proposed regulation if in conflict: 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. The federal mandate establishes specific classes of individuals who must be on the council.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The federal mandate is given in Sections 705 and 706 of P.L. 99-506, the Rehabilitation Act amendments of 1986. This mandate requires that the State Agency make a commitment to the establishment of an Independent Living Council, as described in the preprinted amendment supplied by the Rehabilitation Services Administration. The Office of Vocational Rehabilitation intends to comply with this mandate as described in the amendment.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: N/A

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Education for Exceptional Children
(Proposed Amendment)

707 KAR 1:051. Exceptional children's programs.

RELATES TO: KRS 157.200 to 157.290, 157.360

PURSUANT TO: KRS 156.070, 157.220, 157.221, 157.250, 157.360

NECESSITY AND FUNCTION: KRS 157.200 to 157.290 set forth the state statutory framework for special education programs for exceptional children; and KRS 157.360 provides the mechanism for state financial support of local school district programs for exceptional children. This regulation establishes requirements for special education programs and is necessary to assure uniformity in providing special education and related services to exceptional children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for exceptional children of school attendance age pursuant to KRS 157.200 to 157.290 inclusive, and the criteria listed in this chapter.

(1) Classroom units. Local school districts shall request classroom units for the education of exceptional children from the State Department of Education by filling out the appropriate application(s) as provided by the Office of Education for Exceptional Children, and in accordance with KRS 157.360(6). Application(s) shall be made pursuant to schedules established by the Office of Education for Exceptional Children.

(a) In order to receive tentative allotment of minimum foundation classroom units local school districts shall assure that the following criteria are met:

1. Approved teacher;
2. Approved housing;
3. Approved program plan; and
4. Minimum number of children for type of unit requested.

(b) Pursuant to KRS 157.360(6)(c) and (d), local school districts may choose between two (2) options for reimbursement for exceptional child units to provide home or hospital instruction. The two (2) options are as follows:

1. One (1) unit may be allocated for each ten (10) children in average daily attendance for the current school year, as provided by KRS 157.360(6)(c); or

2. The district may provide home or hospital instruction on an hourly basis, as provided by KRS 157.360(6)(d). The hourly reimbursement rate per child for districts utilizing this option shall be calculated as follows:

State Average Teacher's Salary (185 Day School Term X 6 Instructional Hours) + Current Operating Expense (175 Day Instructional Term X 6 Instructional Hours) = Hourly Reimbursement Rate

A maximum average of three (3) instructional hours per child per week will be reimbursed. The total reimbursement amount must be spent on teacher salary, travel expenses and teaching supplies for the home/hospital program. A minimum of seventy-five (75) percent of the total reimbursement amount must be allocated for

teacher salary. An amount not to exceed twenty-five (25) percent of the total reimbursement amount shall be allocated for travel expenses and teaching supplies and equipment.

(c) Local school districts shall receive final allotment of minimum foundation classroom units provided the above criteria are met and the local school district validates to the State Department of Education that said unit(s) is operating pursuant to criteria listed in this chapter. Validation shall be made by filling out appropriate record(s) as provided by the Office of Education for Exceptional Children and shall be made pursuant to established schedules. Final allotment of funds due each district for reimbursement of home and hospital instruction programs shall not be distributed until all monthly attendance reports due for a given school district are received by the Department of Education.

(2) Fractional classroom unit. A fractional classroom unit is a unit having fewer pupils than the prescribed pupil-teacher ratio as indicated in regulations pertaining to the specific categorical program or if the program is in operation for less than a full day or full school year. Such units shall be allotted and certified on a basis proportionate to the pupil-teacher ratio and/or the proportionate length of the school day or the school year.

(3) Qualifications for assignments of special education personnel. Teachers employed for a teaching assignment in a classroom unit for exceptional pupils shall hold appropriate state certification in the area(s) of assignment as required in Title 704 KAR Chapter 20, except as hereinafter provided:

(a) Teachers of classes for severely profoundly handicapped. Teachers assigned to classes established to serve pupils classified as severely/profoundly handicapped (S/PH) shall possess a certificate valid at any grade level for teaching trainable mentally handicapped or severely/profoundly handicapped pupils of any age.

(b) Teachers of classes for multiple handicapped. Teachers assigned to classes established to serve multiple handicapped (MH) pupils shall meet the following requirements:

1. [As of September 1, 1986,] The assigned teacher shall possess a certificate valid at any grade level for teaching:

a. Trainable mentally handicapped or severely/profoundly handicapped for assignment to classes where the majority of students are multiple handicapped pupils whose intellectual functioning is trainable mentally handicapped; or

b. Educable mentally handicapped, learning disabilities, physically/orthopedically handicapped or learning and behavior disorders for assignment to classes where the majority of students are multiple handicapped (MH) pupils whose intellectual functioning is educable mentally handicapped or above. Severely/profoundly handicapped pupils shall not be assigned to classes taught by teachers with the certification specified in this section.

2. Teachers employed as of September 1, 1985, and assigned to classes for multiple handicapped students who do not possess a certificate as specified in paragraph (b)1a and b of this subsection may continue to be assigned to such classes provided the teacher has had class assignments in a class for multiple handicapped pupils for each of the preceding three (3) years, and the Kentucky Department of Education approved the assignment for each of the years involved.

(c) Teachers of cross-categorical classes. Assignment of teachers to special education classes serving more than one (1) category of exceptional pupils (cross-categorical programs) shall meet the following:

1. Local school districts may serve pupils classified as educable mentally handicapped (EMH), learning disabled (LD) and emotionally disturbed (ED) within the same classroom, provided teachers assigned to such classes are certified in at least two (2) of the categories of exceptionality or have certification in the area of learning and behavior disorders (LBD). Teachers employed as of September 1, 1985, with assignments to such classes and who are certified in only one (1) of the areas of exceptionality served may continue to be assigned to such classes until September 1, 1988, by which time appropriate certification must be obtained. Or, teachers employed as of September 1, 1985, and assigned to classes which include pupils of an exceptionality not covered by their certification may continue to be assigned to such classes, provided the teacher has had class assignments which included such exceptional pupils for each of the preceding three (3) years, and the Kentucky Department of Education approved the assignment for each of the years involved.

2. Local school districts may serve pupils classified as trainable mentally handicapped, severely/profoundly handicapped and multiple handicapped whose intellectual functioning is trainable mentally handicapped within the same classroom, provided teachers assigned to such classes are certified in trainable mentally handicapped or severely/profoundly handicapped.

3. Local school districts may serve pupils classified as educable mentally handicapped (EMH) and learning disabled (LD) within the same classroom, provided teachers assigned to such classes are certified in the category of exceptionality of the majority of pupils or have certification in the area of learning and behavior disorders (LBD).

(d) Teachers of classes for visually impaired. For the 1987-88 [1986-87] school year only, teachers assigned to special education classes established to serve pupils classified as visually impaired shall possess a certificate valid for teaching either elementary or secondary visually impaired when the pupils assigned include both the elementary and secondary levels of instruction.

(e) Teachers of classes for hearing impaired. For the 1987-88 [1986-87] school year only, teachers assigned to special education classes established to serve pupils classified as hearing impaired shall possess a certificate valid for teaching either elementary or secondary hearing impaired when the pupils assigned include both the elementary and secondary levels of instruction.

(f) Teachers of classes for trainable mentally handicapped.

1. For the 1987-88 [1986-87] school year only, teachers assigned to classes established to serve trainable mentally handicapped and who possess a teaching certificate endorsed for teaching trainable mentally retarded or trainable mentally handicapped, grades 1-8, may

be assigned to teach pupils in grades 9-12.

2. For the 1987-88 [1986-87] school year only, teachers assigned to classes established to serve trainable mentally handicapped and who possess a teaching certificate endorsed for teaching trainable mentally retarded or trainable mentally handicapped, grades 7-12, may instruct classes which include pupils from both the elementary and secondary school levels provided the Office of Education for Exceptional Children has approved an age range waiver.

(g) Teachers of classes for educable mentally handicapped.

1. For the 1987-88 [1986-87] school year only, teachers assigned to classes established to serve educable mentally handicapped and who possess a teaching certificate endorsed for teaching educable mentally retarded or educable mentally handicapped, grades 1-8, may be assigned to teach pupils in grades 9-12.

2. For the 1987-88 [1986-87] school year only, teachers assigned to classes established to serve educable mentally handicapped and who possess a teaching certificate endorsed for teaching educable mentally retarded or educable mentally handicapped, grades 7-12, may instruct classes which include pupils from both the elementary and secondary school levels provided the Office of Education for Exceptional Children has approved an age range waiver.

(h) Teachers with learning and behavior disorders certification. For the 1987-88 [1986-87] school year only, teachers who possess a teaching certificate for learning and behavior disorders, grades 7-12, may instruct classes which include pupils from both the elementary and secondary school levels provided the Office of Education for Exceptional Children has approved an age range waiver.

(i) Teachers of exceptional child kindergarten classes. For the 1987-88 [1986-87] school year only, teachers may be assigned to classrooms established to serve kindergarten age pupils classified as handicapped with valid teaching certificates as follows:

1. A certificate or certificate endorsement for teachers of exceptional children valid for grades K-8 or K-12, except those issued for speech and communication disorders; or

2. A certificate or certificate endorsement for teaching any category of special education and valid for grades 1-8 or grades 1-12, except those issued for speech and hearing.

(j) For the 1987-88 [1986-87] school year only, teachers providing instruction to exceptional children at home or in hospitals shall be provided with the skills needed to meet the individual needs as set forth in the individual education program.

(k) Local school districts which need to assign teachers to teach classes or pupils not consistent with the above criteria and which do not correspond with the certification of the assigned teachers shall request approval for the teacher assignment from the Kentucky Department of Education, Office of Education for Exceptional Children.

1. The Kentucky Department of Education shall give consideration for such approval based on information provided by the local school district as follows:

a. Request shall be made prior to September 15 or within ten (10) school days of the need for assignment if it occurs after September 15 and shall include the teacher's name, school assignment, social security number and class plan assignment;

b. Teacher's current certification(s) and a listing of pupils by category of exceptionality to be served demonstrating that the teacher meets qualifications for assignment to teach the majority of the exceptional pupils enrolled and that only one (1) additional category of exceptional pupils shall be included in the classroom;

2. The assignment shall not exceed the length of the school year during which it was initiated.

(l) Replacement teacher for special education classes. When a local school district loses the services of the approved special education teacher after September 15, a replacement teacher may be used for a classroom unit for exceptional children under the following conditions:

1. The teacher qualifies for assignment to the class as specified in paragraphs (a) through (d) of this subsection.

2. If a teacher with appropriate certification in special education is not available for the vacated position, the local school district may assign a teacher to the class, with the exception of speech and communication disorders, pursuant to the following:

a. The superintendent and the local board of education shall submit an application to the Kentucky Department of Education, Office of Education for Exceptional Children, for each replacement teacher. The application shall be made on forms provided by the Kentucky Department of Education. Information which validates all attempts to employ an appropriately certified teacher shall accompany the application and shall document the following:

(i) Teachers with certification in special education are not available within the local school district for the position.

(ii) Efforts have been made to recruit a teacher certified in special education for the vacant position. This vacancy has been publicized by appropriate means, including advertisement of the vacant position.

(iii) The position will be filled by the best certified person available giving preference to the factors of academic preparation, prior successful teaching experience or related educational work.

b. The replacement teacher must qualify as a basic classroom teacher and hold, at minimum, a provisional elementary, middle or secondary certificate valid for the grade level of the assignment.

c. The replacement teacher may not be employed for the same teaching assignment for the following year without obtaining appropriate certification or endorsement in special education.

d. If the Kentucky Department of Education, Office of Education for Exceptional Children, approves the replacement teacher, the effective employment date for the replacement teacher shall be the date the application and accompanying documentation are received and stamped in by the Office of Education for Exceptional Children.

(4) Program plan. The appropriate program plan for exceptional pupils in the local school district shall be determined by the needs of the pupils. Consideration shall be given to the least restrictive environment concept in the placement of pupils. Programs shall be organized

and operated under one or more, or a combination of the following:

(a) Classroom units plans:

1. A resource plan shall be a program which serves exceptional pupils who shall be entered on the class roll of a regular class teacher and shall do part of their classwork in the regular class. The pupils shall receive special instruction from the resource teacher as specified on their individual education programs. The number of pupils served by the resource teacher and the number of pupils in the resource room for instructional purposes at any one (1) time shall be determined by the appropriate categorical regulations. The resource plan shall utilize a classroom-based teacher or an itinerant teacher.

2. A special class plan shall be a classroom-based program which serves exceptional pupils who shall be entered on the class roll of the special class teacher. The pupils shall participate in the regular class program to the maximum extent appropriate as specified on the pupils' individual education programs. The number of pupils and the chronological age range for pupils enrolled in the special class shall be determined by the appropriate categorical regulations. A classroom-based teacher shall be utilized for this plan.

3. A hospital instructional plan shall be a program which provides educational services on a regularly scheduled basis to pupils in a hospital setting. The itinerant teacher providing educational services in the hospital shall keep a regular Kentucky attendance register. A pupil receiving services in a hospital setting shall have a minimum of two (2) one (1) hour visits per week in order to be counted as being in attendance five (5) days. Special education and related services for the identified exceptional pupil in a hospital setting shall be provided as specified on the pupil's individual education program (IEP). The hospital instructional plan shall utilize a classroom-based teacher, an itinerant teacher, or a visiting teacher.

4. A home instruction plan shall be a program which provides educational services to pupils at the home on a regularly scheduled basis. The teacher providing educational services at the home shall keep a regular Kentucky attendance register. A pupil receiving educational services under this plan shall have a minimum of two (2) one (1) hour visits per week in order to be counted in attendance five (5) days. Special education and related services for the identified exceptional pupil served under this plan shall be provided as specified on the pupil's individual education program (IEP). The home instruction plan shall utilize an itinerant teacher or a visiting teacher.

(b) Teacher and housing. Each classroom unit plan shall be housed as specified and shall operate utilizing one (1) of the following types of teachers:

1. A classroom-based teacher shall be an approved teacher who shall provide educational services to exceptional students in a classroom provided for such services. The classroom-based teacher providing services through the resource plan or special class plan shall be housed in an elementary or secondary school dependent upon the age range of the pupils or in an approved special school or facility. Classroom location shall be made consistent with the least restrictive environment concept. Classrooms shall meet the standards for regular classrooms pursuant to 702 KAR 4:060. The classroom-based teacher providing services in a hospital setting shall be housed in facilities and/or rooms appropriate and adequate for instructing pupils in small groups or individually.

2. An itinerant teacher shall be an approved teacher who travels to exceptional pupils' school(s), class(es), homes, or hospital setting(s) on a regularly scheduled basis to work with pupils either individually or in small groups. Those pupils being served in a school facility shall be entered on the class roll of a regular class teacher and shall receive the majority of their instruction through the regular program. The itinerant teacher shall work with the pupils in an area in the regular classroom or in a room provided for such services. Housing for the itinerant teacher providing services in a school shall be in facilities and/or rooms appropriate for instructing pupils in small groups or individually and shall be housed in an elementary or secondary school dependent upon the age range of the pupils or in an approved special school or facility. The itinerant teacher shall be provided permanent work space. For the itinerant teacher who travels to the pupils' school(s), class(es), homes, or hospital setting(s) the board of education shall defray travel expenses incurred by personnel in the execution of duties related to the program pursuant to 702 KAR 3:120.

3. A visiting teacher shall be an approved teacher in a home and/or hospital program who travels to the necessary setting to provide appropriate instruction to pupils on an hourly basis. Teacher salary, travel expenses, and teaching supplies for the visiting teacher will be provided through the funding mechanism set forth in 707 KAR 1:051, Section 1(b).

(c) A variation plan shall be an alternative to the above plans. The local school district shall submit a written request to and receive approval from the Office of Education for Exceptional Children prior to implementation of a variation plan. Written requests for such plan shall be made pursuant to provisions established by the Office of Education for Exceptional Children. In granting approval the Office of Education for Exceptional Children shall assure that approved requests for such plan shall contain but not be limited to the following components:

1. Rationale for need of the variation plan;
2. Detailed description of the plan;
3. Verification of teacher's certification in the categorical area of the majority of the students to be served; and
4. Method of evaluation to be used to determine effectiveness of the plan.

(5) Length of school day. The length of school day shall be the same as for non-handicapped children except as specified in KRS 157.270 and 158.060. Requests for and approval of changes in length of school day shall be made in writing pursuant to provisions established by the Office of Education for Exceptional Children.

(6) Instructional materials and equipment. Instructional materials and equipment appropriate to the educational needs of the identified exceptional child shall be provided as required under 704 KAR 2:020.

Section 2. Identification of Exceptional Children. Each local school district shall have in operation policies and procedures to insure that all exceptional children are identified, located and evaluated. As used here, this requirement refers to all exceptional children who are in need of special education and related services and are residing within the jurisdiction of the local school district, including those exceptional children who are out of school; in local school district programs; and, being served by other public and private agencies and institutions within the local school district's jurisdiction. Local school district policies and procedures shall include the development, implementation, monitoring and evaluation of a practical method of determining:

(1) Which children are currently receiving needed special education and related services; and

(2) Which children need special education and related services but are not currently receiving these services.

Section 3. Admissions and Release Committees. Local school district personnel shall establish one (1) district-wide administrative admissions and release committee and a school-based admissions and release committee in each school with appropriate membership and functions as listed below. In addition, for those school districts with a school census figure of 15,000 or over, sub-district admissions and release committees may be established pursuant to approval by the Office of Education for Exceptional Children.

(1) Administrative admissions and release committee. The membership of the Administrative Admissions and Release Committee (AARC) shall consist of:

(a) Director, local school district's program for exceptional children or person having such responsibility, chairperson (permanent member);

(b) Local school district superintendent or designee (permanent member);

(c) Referred pupil's principal and teacher (if the child is enrolled in public or private school);

(d) Involved instructional supervisor depending on the age and level of the child;

(e) The parent(s) of the referred child;

(f) The referred child, where appropriate;

(g) Personnel responsible for providing evaluation information, where appropriate; and

(h) Other persons as requested by any member of the AARC.

(2) The functions of the AARC shall include the following:

(a) Receive referrals of the following nature:

1. Written information on identified children not currently enrolled in the local school district, including those children enrolled in non-public schools, who are thought to need special education and related services.

2. Cases where the school-based admissions and release committee is not able to determine an appropriate educational placement for a referred pupil and make recommendations as to appropriate educational placement.

3. Cases from school-based admissions and release committee where appropriate services are not available within the school.

(b) Follow due process procedures to insure that exceptional children and their parent(s) are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement.

(c) Assure that appropriate evaluations on referred children are obtained or conducted.

(d) Review written results of the formal and informal evaluation to determine if the referred child meets eligibility criteria for a category of exceptionality.

(e) Determine if the identified child needs special education and related services.

(f) Develop an individual education program (IEP) for the identified child needing special education and related services to make recommendations as to appropriate services and/or programs for the identified child. The AARC shall determine if the local school district can provide appropriate services, if local programs must be changed to accommodate the identified child, if additional services or programs will be developed, or if the child must receive services outside the local school district. For those pupils who shall receive services within the local school district, the appropriate school-based admissions and release committee shall assume responsibility for the implementation, monitoring, evaluation and annual review of the IEP as well as annual review of placement. In those cases where the local school district has determined that appropriate special education and related services cannot be provided through existing programs in the local school district, services shall be provided to the identified child pursuant to the following:

1. Local school district referral of an exceptional child to a public or private agency. The Administrative Admissions and Release Committee shall:

a. Contact a public agency or approved private agency/organization, as provided in 707 KAR 1:070, which provides the type of services specified on the child's IEP regarding the possible referral of the child to the agency.

b. Insure that a representative(s) of the receiving agency shall participate in a meeting(s) with the AARC regarding the possible referral. Participation may be provided through attendance at meetings, written communications, and/or individual or conference calls. Receiving agency means an approved agency/organization which has indicated a willingness to provide the services requested by the local school district.

c. In collaboration with representative(s) of the receiving agency, review and revise, where appropriate, the child's IEP.

d. In collaboration with representative(s) of the receiving agency, determine if such agency is the appropriate agency to provide the specified services. If the agency is an appropriate one, such agency assumes responsibility for implementing the provisions of the special education and related services specified on the IEP.

e. The local school district shall be responsible for providing continued educational services to the child until such time as the child enters the programs provided by the receiving agency.

2. Placement of an exceptional child in a public or private agency:

a. Public agency (another local school district, Kentucky School for the Blind, Kentucky School for the Deaf). Upon admission of the referred child to the agency's program, the agency shall: Assume responsibility for

providing special education and related services to the exceptional child as specified on the IEP; and, insure that the child and parent(s) are afforded all rights and protections as required and provided in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060.

b. An admissions and release committee of the receiving public agency shall: Conduct meetings for the purposes of reviewing and where appropriate revising the IEP, assure that the IEP shall be reviewed on at least an annual basis and revised where appropriate; insure that any review (including annual review) and revision of the IEP shall be done with the input and approval of the parent(s); and, insure that any review and revisions of the IEP shall include input and approval of the local school district placing the child in the program. The participation of the parent(s) and the local school district placing the child may take place through attendance at meetings, written communications and/or individual or conference calls.

c. Monitoring and evaluation of the IEP shall be done by specific members of the receiving public agency's admissions and release committee at intervals specified on the IEP. This shall be done to document progress and mastery of objectives specified in the IEP. Written results of such monitoring and evaluation shall be forwarded to the parent(s) and the Administrative Admissions and Release Committee of the local school district placing the child in the agency's program.

d. Responsibilities of the Administrative Admissions and Release Committee of the local school district placing the child in another public agency shall be: participation in meetings called by the receiving agency for the purpose of review and revision of the IEP; and, at least annually, review the exceptional child's IEP and review the placement of each exceptional child receiving services outside the local school district in relation to his educational progress in that setting.

e. Private agency/organization (as defined in 707 KAR 1:070) the private agency shall provide those special education and related services specified on the child's IEP. At the discretion of the local school district, the private agency may initiate and conduct meetings for the purposes of reviewing and revising the child's IEP. When circumstances warrant, the private agency shall be responsible for notifying the local school district of the need to initiate and conduct a meeting for such purposes. The local school district shall insure that the parent(s) and a local school district representative(s) are involved in any decision regarding review and revisions of the child's IEP; and, agree to any placement changes before such changes are implemented.

f. Responsibilities for the Administrative Admissions and Release Committee of the local school district placing the child in a private agency shall be: participation in meetings called by the receiving agency regarding review and revision of the IEP; at least annually, review the exceptional child's IEP and review the placement of each exceptional child receiving services outside the local school district in relation to the educational progress in that setting; and, insuring that the child and parent(s) are afforded all rights and protections as required and provided in Sections 9 and 10 of this regulation and 707 KAR 1:060.

(g) For those referred pupils who are determined by the AARC not to need special education and related services, the AARC shall provide the referring person and the parents with written explanation of why the child is not to receive special education and related services, shall provide in writing recommended remedial action, and shall provide written notice pursuant to 707 KAR 1:060.

(3) School-based admissions and release committee (SBARC). The membership of the school-based admissions and release committee shall consist of:

(a) Chairperson, building principal or designee. The designee shall be recommended by the building principal and approved by the local school superintendent. This person shall not be a regular or special education teacher, (permanent member).

(b) Referring person(s) or the referred child's regular teacher(s);

(c) Teacher(s) of exceptional children;

(d) Parent(s) of the referred pupil;

(e) The referred child, where appropriate;

(f) Other persons providing input into the referred pupil's educational program as requested by any member of the SBARC; and

(g) Personnel responsible for providing evaluation information, as appropriate. For a child who has been evaluated for the first time, the chairperson shall assure that a member of the evaluation team participates in the meeting; or that a representative of the school district is present who is knowledgeable about the evaluation procedures used with the child and is familiar with the results.

(4) The functions of the SBARC shall include the following:

(a) Receive written referrals on pupils currently enrolled in the school and thought to need special education and related services.

(b) Follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation and educational placement.

(c) Assure that appropriate evaluations on referred children are obtained or conducted.

(d) Review written results of the formal and informal evaluations to determine if the referred child meets eligibility criteria for a category of exceptionality.

(e) Determine if the identified child needs special education and related services.

(f) Develop an individual education program (IEP) for the identified child needing special education and related services to make recommendations as to appropriate services and/or programs for the identified child.

(g) At least annually, review the pupil's IEP and review the placement of each exceptional child in the school in relation to his or her educational progress in that setting to determine:

1. Continuation of current educational placement;

2. Change in educational placement; or

3. That special education and related services are no longer needed.

(h) For those referred pupils who are determined by the SBARC not to need special education and related services the SBARC shall provide the referring person and the parents with written explanation why the child is not to

receive special education and related services, shall provide in writing recommended remedial actions, and shall provide written notice pursuant to 707 KAR 1:060.

(i) Refer cases where appropriate services are not available within the school to the AARC.

(5) If at any time during the school year, the child's IEP or educational placement appears to be inappropriate to the parent(s), the principal, the teacher(s) or specialist(s) providing services to the child, any one of such persons may request a review of placement. The appropriate admissions and release committee shall conduct the review. The child, parent(s) and local school district shall be afforded all due process rights as described in 707 KAR 1:060. When a review is requested for the purpose of securing a more restrictive or less restrictive environment, the appropriate admissions and release committee shall determine that the child's needs can appropriately be met in the proposed setting and the child's placement and educational program shall be changed and support services provided as necessary.

(6) At any time, during the three (3) years following an individual evaluation utilized for initial placement purposes, or for re-evaluation purposes, the parent(s), principal, teacher(s), or specialist(s) providing services to the child may request a re-evaluation. The appropriate admissions and release committee shall be responsible for assuring that such evaluation(s) are obtained or conducted, and shall follow the procedures outlined in Section 3(2) and (4) of this regulation, functions of the AARC and SBARC.

(7) Sub-district admissions and release committees: For those school districts with a school census figure of 15,000 or over, sub-district admissions and release committees (ARCs) may be established within the local school district to facilitate school to school placements. The sub-district ARCs shall not supplant administrative and school-based admissions and release committees and their respective functions. Sub-district ARCs shall be established to conform with district-specified school groupings. Those local school districts wishing to establish sub-district ARCs shall submit a written request to and receive approval from the Office of Education for Exceptional Children prior to implementation of the plan and pursuant to provisions specified by the Office of Education for Exceptional Children. The membership and functions of sub-district committees shall be similar to the membership and the functions of the administrative admissions and release committee.

Section 4. Child Evaluation. Child evaluation refers to the sum total of information needed to make educational decisions about the child, including information obtained from such sources as informal and formal testing, aptitude and achievement tests, behavior observation, teacher/parent interviews, work samples, social/developmental history, medical history, school records and anecdotal records. The appropriate admissions and release committee shall be responsible for assuring that child evaluation information is obtained from all available sources, documented and carefully considered in making placement decisions pursuant to the following:

(1) All due process procedures related to evaluation as required and provided in Section 9 of this regulation and 707 KAR 1:060 shall be followed.

(2) Appropriate evaluations shall be conducted by a multidisciplinary team. Evaluation personnel shall be determined by the appropriate admissions and release committee and shall include at least one (1) teacher or other specialist with knowledge in the suspected area of exceptionality.

(3) Areas for evaluation shall be determined by the appropriate admissions and release committee and as specified by regulations related to the suspected area of exceptionality, including where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(4) Evaluation procedures. To the maximum extent possible, child evaluation procedures shall be non-discriminatory in that:

(a) Techniques and/or materials used are non-biased relative to race, culture, socio-economic status or impaired sensory, manual, or speaking skills, in order to insure that test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure.

(b) Qualified personnel provide the evaluation services. Qualified personnel refers to those certified special education personnel and others who have met approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area of child evaluation. Such personnel shall be trained in specific areas of child evaluation and shall assure that they:

1. Have the expertise to conduct the evaluation;

2. Understand the use of the different evaluation procedures; and

3. Properly administer and interpret the evaluation results.

4. Such personnel may include but are not limited to: educational diagnosticians, assessment specialists, classroom teachers, speech and language therapists, psychologists, psychometrists, counselors.

(c) Tests and materials are provided and administered in the child's native language or primary mode of communication, unless it is clearly not feasible to do so.

(d) Tests and materials have been validated for the specific purpose for which they are used.

(e) Tests and materials are administered by trained personnel in conformance with the instructions provided by the producer.

(f) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

(5) No single evaluation procedure shall be used to determine an appropriate program for a child.

(6) Each child placed in a program for exceptional children shall be re-evaluated every three years or more frequently as warranted.

(7) Any evaluation conducted within one year prior to the current referral may be accepted by the appropriate admissions and release committee as a legitimate substitute for another evaluation of the same type provided the information obtained meets the criteria specified in subsection (1) to (5) of this

section.

Section 5. Individual Education Programs (IEP). The appropriate admissions and release committee shall be responsible for the development, implementation, and monitoring/evaluation of each exceptional child's individual education program.

(1) Development. The individual education program shall include but not be limited to the following components:

(a) Present level of educational/behavioral performance including a written summary of strengths and weaknesses.

(b) Annual goals based on child's current level of functioning.

(c) Short term instructional objectives for each of the annual goals. Short term instructional objectives refer to measurable intermediate steps between the present level of educational/behavioral performance and the specified annual goals. These objectives are identified for the purpose of periodically reviewing and evaluating pupil progress toward meeting the annual goal(s) specified on the IEP.

(d) Specific special education and related services needed to meet the specified goals and objectives.

(e) Extent to which the child will participate in the regular education program.

(f) Projected dates for initiation of specified educational and related services.

(g) Anticipated duration of the specified special education and related services.

(h) Appropriate objective criteria and evaluation procedures; and

(i) Schedule for determining, at least on an annual basis, whether the goals and objectives are being achieved.

(2) Implementation and evaluation. The appropriate admissions and release committee shall be responsible for assuring that strategies and activities designed to meet short-term objectives are implemented, and that the child's progress toward and mastery of the short-term objectives is evaluated at least annually.

(a) For each short-term objective specified on the IEP the appropriate admissions and release committee shall assign a specific person(s) who shall be responsible for determining and implementing appropriate strategies and activities that will assist the child in achieving the specified objectives and goals.

(b) The implementer(s) shall maintain records of student progress in achieving short term objectives.

(c) The above records shall be utilized by the implementer and the appropriate admissions and release committee for on-going evaluation of the IEP to determine the effectiveness and appropriateness of the IEP and to document implementation of the IEP.

Section 6. Placement. Placement shall mean the special education and related services provided an exceptional child and shall not refer solely to enrollment in a minimum foundation program classroom unit for exceptional children.

(1) All exceptional children as defined in KRS 157.200 are eligible for placement. The appropriate admissions and release committee shall identify the specific handicapping condition of the child. The specific area of exceptionality (handicapping condition) of the child shall be that category for which the child meets eligibility criteria following evaluation procedures as specified in the appropriate categorical regulations.

(2) All due process procedures related to placement as required and provided in Section 9 of this regulation and 707 KAR 1:060 shall be followed.

(3) For each identified exceptional child needing special education and related services, the appropriate admissions and release committee shall:

(a) Determine placement;

(b) Base placement on the child's IEP;

(c) Determine placement at least annually; and

(d) Make placement consistent with the least restrictive environment concept as required in Section 7 of this regulation.

(4) Temporary placement. Temporary placement may occur for thirty (30) school days, upon written request from the parent(s), for those exceptional pupils who are new enrollees to the local school district and who have been provided special education and related services by another local school or agency in the school days preceding the request. Documentation shall be on record that special education and related services were provided to the pupil by the other school district or agency. The pupil shall be placed in the same type program as previously provided and in accordance with the IEP. Within the thirty (30) school days the admissions and release committee shall convene to carry out its functions as specified in Section 3(4) of this regulation.

(5) Trial placement. Trial placement shall be a temporary placement for students not new to the school or school system and may be considered pursuant to the following conditions:

(a) The placement shall be for no longer than four (4) school months and shall not be continued beyond this time as a trial placement.

(b) Written rationale justifying the trial placement shall be provided by the admissions and release committee recommending such placement and shall be maintained with the IEP.

(c) The pupil shall have an IEP specifying trial placement and the starting and ending dates of such placement.

(d) A trial placement shall not serve as a substitution for a more appropriate placement.

(e) The appropriate admissions and release committee shall review the trial placement no later than four (4) school months after initiation of services to determine the effectiveness of such services, and to make recommendations for continuation in that program or a change in program.

(f) All due process procedures as required and provided in Sections 9 and 10 of this regulation and 707 KAR 1:060 shall be afforded the parent, child, and school, including written parental permission for trial placement.

(6) Change in placement. Change in placement refers to those actions that cause a significant alteration in programming for a child who is currently receiving special education and related services.

(a) Change in placement shall mean, but not be limited to, a change from:

1. Special education and related services to regular education, including regular education with support services;

2. One (1) categorical program to another (e.g., TMH to EMH);

3. Or to a more or less restrictive environment (e.g., special class to resource room).

(b) Any change in placement shall follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation, and placement, including the written prior notice requirements as specified in 707 KAR 1:060.

(c) Any change in placement shall be subject to established admissions and release committee procedures and consideration of the least restrictive environment concept.

Section 7. Least Restrictive Environment. Least restrictive environment refers to that educational setting or program in which he identified child can function most effectively based upon his/her unique needs and capabilities.

(1) To the maximum extent appropriate exceptional children as defined in KRS 157.200 including those children in public or private institutions or other care facilities shall be educated with children who are not identified as exceptional.

(2) Self-contained classes, separate schooling or other removal of exceptional children from the regular educational environment shall occur only when the nature or severity of the exceptionality is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily.

(3) Unless an exceptional child's individual education program requires some other arrangement, the child shall be educated in the school in which he or she would attend if not identified as exceptional.

(4) Each agency providing educational services shall insure that a continuum of placement alternatives is available to meet the needs of exceptional children for special education and related services. The alternatives shall include but not be limited to instruction in the regular classroom, special classes, special schools and home and hospital instruction. The alternatives shall also make provision for supplemental services such as resource room or itinerant instruction to be provided in conjunction with regular class placement.

(5) The identified child shall be returned to the most normal setting possible when specified goals and objectives have been achieved, consistent with the child's capabilities and educational needs and as determined by the appropriate admissions and release committee.

Section 8. Program Completion. An exceptional pupil shall be granted a high school diploma pursuant to meeting criteria and standards as provided in the "Program of Studies for Kentucky Schools." These pupils should be considered a part of the graduating class and no distinction shall be made in the ceremonies.

Section 9. Procedural Safeguards. (1) Each local school district shall establish and implement reasonable timelines in order for the identification, evaluation, and placement of referred pupils to occur without delay and pursuant to the specifications of this section and 707 KAR 1:060.

(2) Each child and his or her parent(s) and the local school district shall be guaranteed procedural safeguards in decisions regarding identification, location, evaluation and educational placement of the child in programs for exceptional children as provided in 707 KAR 1:060, the "Due Process Policy and Procedure Manual." These safeguards shall include the following:

(a) The child shall be represented by his or her parent(s) at all decision making points in the identification, evaluation and placement process. "Parent" refers to a natural mother or father, adoptive mother or father, a legally appointed guardian, a person acting as a parent of a child, (grandparent, stepparent, etc.) or a surrogate parent appointed to act in this capacity.

(b) The parent(s) shall receive written notification from the local school district that their child has been referred as a possible candidate for programs for exceptional children and that the child has the right to receive a free, appropriate public education.

(c) Parent(s) shall receive written notification in English and the primary language of the home regarding identification, evaluation and placement procedures.

(d) The local school district shall obtain written parental permission prior to initial individual evaluation and initial placement in a program for exceptional children.

(e) The local school district shall provide the parent(s) with written notification of continuation of placement.

(f) The parent(s) shall have the right to obtain an independent educational evaluation conducted by a qualified examiner. The results of this evaluation must be considered in decisions regarding the provision of a free appropriate public education to the child.

(g) In accordance with procedures outlined in 707 KAR 1:060, the "Due Process Policy and Procedure Manual," either the parent(s) or the local school district may request an impartial due process hearing to resolve disagreements regarding proposed or refused actions related to the identification, evaluation and educational placement of exceptional children. Appeals related to the due process hearing decision shall be conducted pursuant to 707 KAR 1:080.

(h) Where a child's parent(s) or guardian(s) are not known, whereabouts of the parent cannot be determined or the child is a ward of the state (parental rights have been terminated), such child shall be assigned a surrogate parent to represent him/her in all matters relating to the provision of a free, appropriate public education.

1. The local school district in cooperation with other public and private agencies shall recruit persons who can and will serve as surrogate parents. Persons selected as surrogate parents shall:

a. Have no other vested interest that would conflict with their primary allegiance to the child they would represent;

b. Be committed to personally and thoroughly acquainting themselves with the child and the child's educational needs;

c. Be familiar with the educational system within the state;

d. Be readily accessible to the children they represent;

e. Be an adult - eighteen (18) or over; and

f. Be a U.S. citizen.

2. Assignment of a surrogate to a particular child shall be made by the local school district

according to the following procedures:

a. Any person including local school district personnel, may file a request for a surrogate to represent a child with the child's local school district.

b. The local school district shall acquire the proper documentation to substantiate the need for a surrogate parent. Justification and documentation for surrogate parent assignment shall be:

JUSTIFICATION FOR SURROGATE	DOCUMENTATION NEEDED
No parent (as defined by federal regulation 34 CFR 300.10) can be identified. 34 CFR 300.10 the term "parent" means a parent, a guardian, a person acting as a surrogate parent of a child, or a surrogate parent. This term does not include the state if the child is a ward of the state. Comment: The term "parent's" defined to include persons acting in the place of a parent, such as a grandmother or stepparent with whom a child lives, as well as persons who are legally responsible for a child's welfare.	A copy of the request for a surrogate parent and a copy of the returned envelope sent by certified mail to the parent(s) or guardian(s) at their last known address, documentation from the Cabinet for Human Resources that no parent exists or a copy of death certificate(s).
Whereabouts of the parent cannot be determined.	A copy of the request for a surrogate parent and a copy of the returned envelope sent by certified mail to parent(s) or guardian(s), at their last known address.
Child is a ward of the state and parental rights have been terminated.	A copy of the court order terminating the rights of the parent(s) or an affidavit from the local Cabinet for Human Resources, Social Services Field Office Supervisor, stating the child's name, birthdate, county of termination, and signature and title of the person giving it.

c. The local school district shall assign a surrogate within fifteen (15) school days of the receipt of request for surrogate parent.

d. The assigned surrogate shall represent the child in all matters relating to identification, evaluation and placement, and the provision of a free appropriate public education.

e. Surrogates shall not be assigned to children who have reached the age of majority.

f. An individual assigned as a surrogate shall not be an employee of a public agency involved in the education or care of the child.

(i) Testing and evaluation materials utilized for the purpose of evaluation and placement of exceptional children must be selected and administered so as not to be racially or culturally discriminatory.

(j) Decisions regarding the placement of exceptional children shall be made with regard to educating these pupils to the maximum extent appropriate with their non-handicapped peers in the least restrictive environment.

Section 10. Confidentiality of Personally Identifiable Information. The public agency shall develop and adopt policies and procedures consistent with the provisions of the Family Educational Rights and Privacy Act and confidentiality requirements of PL 94-142 for all exceptional children. These shall include the following:

(1) Parent(s) shall be notified annually of all requirements concerning personally identifiable information.

(2) Educational records collected, maintained, and used by the agency are open for inspection and review by the child's parent(s) and a representative of the parent(s).

(3) The agency shall comply with a parental request to inspect and review records without unnecessary delay, before any meeting of the admissions and release committee, before an impartial due process hearing, and in no case more than forty-five (45) days after the request has been made.

(4) Upon request of the parent(s) the public agency must provide an explanation and interpretation of such records.

(5) Copies of the records must be provided if failure to do so would prevent the parent(s) from exercising their right to review and inspect the records. A nominal fee may be charged unless it would prevent such access rights. A fee may not be charged for record search or retrieval.

(6) An agency may presume that the parent(s) has the authority to inspect and review records relating to his/her child unless the agency has been advised that the parent(s) does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

(7) A record of access shall be maintained for those individuals obtaining access to such records, except the parent(s) and authorized parties of the agency, including the name of the party, the date of access, and the purpose for which the party was authorized to use the records.

(8) Information from records containing data on more than one (1) child shall be provided in such a way as to preserve the confidentiality of the other pupils.

(9) A list of the location and types of education records collected, maintained and used by the agency shall be provided by the agency to parent(s) on request.

(10) The parent(s) have the right to request an amendment of information in the education records pursuant to the following:

(a) The agency shall decide whether to amend the information within a reasonable period of time of receipt of the request and shall notify the parent(s) to this effect.

(b) If the agency refuses to amend the records, it shall inform the parent(s) of their

right to a record amendment hearing.
(c) If the result of the hearing does not require such amendment, the parent(s) has the right to place a statement outlining the points of dissent in the education records. This statement must accompany the information each time it is released.
(d) If the agency amends the records as a result of the hearing, it shall so inform the parent(s) in writing.
(11) Parental consent must be obtained before disclosing personally identifiable information to individuals or agencies unless otherwise authorized to do so as delineated in the Family Educational Rights and Privacy Act and PL 94-142.
(12) Each agency shall protect the confidentiality of records at collection, storage, disclosure and destruction stages and shall insure that all persons collecting or using records receive training in confidentiality requirements.
(13) One (1) agency official shall assume responsibility for insuring the confidentiality of personally identifiable information.
(14) A current listing of the names and titles of individuals in the public agency who have access to education records must be maintained for public inspection.
(15) Public agencies must inform the parent(s) when education records are no longer needed for educational services and destroy that information upon request of the parent(s). The agency must inform the parent(s) that such information could be needed later for social security benefits or other purposes. A permanent record of the pupil's name, address, phone, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: May 6, 1987
FILED WITH LRC: May 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, June 23, 1987, at 10 a.m., EST, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulation adopted by the State Board of Education at its May meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 18, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Vivian Link
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: 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: Extending the incorporation of pre-existing policies due to shortage of certified teachers.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: None
(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.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Regulation in compliance with federal mandate.
2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: None
3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: None

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance
(Proposed Amendment)

806 KAR 12:110. Merged gender mortality tables for life insurance.

RELATES TO: KRS 304.12-085, 304.15-342
PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.15-342
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.15-342 establishes the use of the 1980 CSO and 1980 CET Tables of Mortality, and provides that any ordinary mortality tables adopted after 1980 by the National Association of Insurance Commissioners (NAIC) may be approved for use in Kentucky by regulation promulgated by the commissioner. The NAIC has adopted certain modifications of the 1980 CSO and 1980 CET tables of mortality for use where necessary. This regulation permits individual life insurance policies to provide the same cash surrender values and paid-up nonforfeiture benefits to both men and women.

Section 1. Definitions. As used in this regulation: (1) "1980 CSO Table, with or without Ten-Year Select Mortality Factor" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners

1980 Standard Ordinary Mortality Table, with or without Ten-Year Select Mortality Factors.

(2) "1980 CSO Table (M), with or without Ten-Year Select Mortality Factors" means that mortality table consisting of the rates of mortality for male lives from the 1980 CSO Table, with or without Ten-Year Select Mortality Factors.

(3) "1980 CSO Table (F), with or without Ten-Year Select Mortality Factors" means that mortality table consisting of the rates of mortality for female lives from the 1980 CSO Table, with or without Ten-Year Select Mortality Factors.

(4) "1980 CET Table" means that mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Extended Term Insurance Table.

(5) "1980 CET Table (M)" means that mortality table consisting of the rates of mortality for male lives from the 1980 CET Table.

(6) "1980 CET Table (F)" means that mortality table consisting of the rates of mortality for female lives from the 1980 CET Table.

Section 2. General Rule. (1) For any policy of insurance on the life of either a male or female insured delivered or issued for delivery in this state [before January 1, 1989, and] after the effective date of KRS 304.15-342 for that policy form:

(a) A mortality table which is a blend of the 1980 CSO Table (M) and the 1980 CSO Table (F) with or without Ten-Year Select Mortality Factors may at the option of the company be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors; and

(b) A mortality table which is of the same blend as used in paragraph (a) of this subsection but applied to form a blend of the 1980 CET Table (M) and the 1980 CET Table (F) may at the option of the company be substituted for the 1980 CET Table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

(2) Only the following blended tables as have been adopted by the NAIC may be so used and this regulation formally approves those tables for use in this state.

(a) 100% Male, zero (0) percent Female for tables to be designated as the "1980 CSO-A" and "1980 CET-A" tables.

(b) Eighty (80) percent Male, twenty (20) percent Female for tables to be designated as the "1980 CSO-B" and "1980 CET-B" tables.

(c) Sixty (60) percent Male, forty (40) percent Female for tables to be designated as the "1980 CSO-C" and "1980 CET-C" tables.

(d) Fifty (50) percent Male, fifty (50) percent Female for tables to be designated as the "1980 CSO-D" and "1980 CET-D" tables.

(e) Forty (40) percent Male, sixty (60) percent Female for tables to be designated as the "1980 CSO-E" and "1980 CET-E" tables.

(f) Twenty (20) percent Male, eighty (80) percent Female for tables to be designated as the "1980 CSO-F" and "1980 CET-F" tables.

(g) Zero (0) percent Male, 100% Female for tables to be designated as the "1980 CET-G" tables. Tables (a) and (g) are not to be used with respect to policies issued on or after January 1, 1985, except where the proportion of persons insured is anticipated to be ninety (90) percent or more of one (1) sex or the other or except for certain policies converted from group insurance. Such group conversions issued on or after January 1, 1986, must use Mortality Tables based on the blend of lives by sex expected for such policies if such group conversions are considered as extensions of the Norris decision. This consideration has not been clearly defined by judicial or legislative action in all jurisdictions.

(3) No change in minimum valuation standards is implied by this regulation.

Section 3. Unfair Discrimination. (1) It shall not be a violation of KRS 304.12-085 for an insurer to issue the same kind of policy of life insurance on both a sex distinct and sex neutral basis. However, each such insurer shall establish prior to issue of any such policies which are to be so offered the conditions under which each type will be marketed. Such conditions, together wth sufficient information to establish that an unfairly discriminatory condition will not be created, shall be filed with the commissioner for his approval.

(2) It shall, however, be a violation of KRS 304.12-085 to substitute the 1980 CSO Table (M) or 1980 CET Table (M) with ages set back (as permitted with the 1958 CSO Table) for the 1980 CSO Table (F) or 1980 CET Table (F).

Section 4. Severability. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 5. Effective Date. (1) This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

(2) As a courtesy to the Legislative Research Commission, the Department of Insurance states that this regulation is intended to be permanent.

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: May 7, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.

PUBLIC HEARING SCHEDULED: Persons with an interest in the subject matter of the proposed regulation may attend a hearing scheduled for June 22, 1987 at 9 a.m. (ET) in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Gil McCarty, Commissioner, Kentucky Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602. Written comments must be received prior to the date and time of the hearing scheduled above in order to receive consideration.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts, Counsel

Need for the Proposed Regulation: This regulation was originally adopted in 1984 and is based on a model regulation of the National Association of Insurance Commissioners. The

regulation is necessary due to a decision of the United States Supreme Court in Arizona Governing Committee for the Tax Deferred Annuity and Deferred Compensation Plans v. Norris, 463 U.S._____, 103 S. Ct. 3492 (1983). In Norris, the United States Supreme Court held that employer-sponsored pension plans that pay lower monthly retirement benefits to women than to men violate Title VII of the Civil Rights Act of 1964, 42 U.S.C.§2000e et seq. Thus, the regulation is necessary because federal law prohibits employer-sponsored life insurance and annuity plans from treating employees differently based on sex. The proposed regulation complies with this requirement by providing guidelines for mortality tables to be used when life insurers treat insureds of different sexes on the same basis. The regulation does this by requiring that life insurers use mortality tables which accurately reflect the mixture of the group in question. The original model regulation contained a cut-off date of January 1, 1989, after which the regulation would no longer apply. See 806 KAR 12:110, Section 2(1). The NAIC has determined that this cut-off date is unnecessary and should be eliminated. The proposed amendment eliminates the January 1, 1989, cut-off date.

(1) Type and number of entities affected: The proposed amendment affects all of the approximately 550 life insurers authorized to do business in Kentucky. Also, all persons covered under employer-sponsored life insurance and annuity programs will be affected.

(a) Direct and indirect costs or savings to those affected: The proposed amendment is a technical change needed to eliminate the cut-off date. Therefore, cost or savings will be minimal or 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: Elimination of the cut-off date will assure that guidelines for the use of merged gender mortality tables remain in force.

(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: Originally, a cut-off date was imposed because it was believed that this issue should be reviewed at a later date. However, the NAIC has concluded that the current regulation is working well. Therefore, the cut-off date is being eliminated.

(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? Tiering has not been applied to the technical nature of the proposed amendment.

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance
(Proposed Amendment)

806 KAR 38:060. Cancellation of enrollees' coverage.

RELATES TO: KRS 304.18-110, 304.38-180(2), 304.38-191

PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.38-180(2), 304.38-150

NECESSITY AND FUNCTION: KRS 304.38-180(2) prohibits cancellation by a health maintenance organization of an enrollee's coverage except for failure to pay for such coverage or for such other reasons as may be promulgated in regulations issued by the Commissioner. This regulation establishes the grounds for cancellation of coverage and the procedures to be followed.

Section 1. Grounds for Disenrollment. No health maintenance organization licensed under KRS 304.38-010, et seq. shall disenroll any enrollee for any reason other than one (1) or more of the following:

(1) Nonpayment of subscriber fees. Coverage may be terminated if the enrollee fails to make timely payment of a subscriber fee when due; provided, however, that such termination will be without prejudice to any claim originating while the coverage is still in force.

(2) Misrepresentation. Coverage may be terminated if it is found that an enrollee's application contains material misrepresentations designed to cause the plan to issue the coverage when it would not have ordinarily done so.

(3) Dependent child. A dependent child's enrollment may be terminated upon any of the following occurrences:

(a) Marriage;

(b) Attainment of the limiting age in the contract, except as otherwise provided by this regulation;

(c) Termination of legal residence with the enrollee;

(d) Determination that the child, who had become disabled prior to attaining a limiting age in the contract and whose disability had continued beyond such limiting age, is no longer totally disabled;

(e) Valid termination of the enrollee's coverage; or

(f) Termination of the child's dependent status as defined by the Internal Revenue Code of the United States.

(4) Spouse. Coverage for a spouse may terminate on the date the enrollee is legally divorced from his or her spouse.

(5) Group contract. Termination of a group contract may automatically terminate all group members' coverage as of the date of termination.

(6) Medicare eligibility. Coverage under a basic contract may terminate upon an enrollee's eligibility for Medicare provided the enrollee is offered the option of converting to a Medicare supplement policy.

(7) Moving out of the service area. An enrollee may be terminated whenever he no longer has a residence or works in the service area.

(8) Disregard rules. Coverage may be terminated if an enrollee fails to abide by the terms of the subscription agreement and in doing so prevents the organization from providing service to himself or other enrollees in a

reasonable manner.

Section 2. Continuation and Conversion Rights. (1) No enrollee covered under a group contract or certificate and subject to KRS 304.18-110 and 304.38-191 shall be terminated unless such enrollee fails to exercise continuation and conversion rights, which shall be granted as follows:

(a) Enrollees disenrolled under Section 1(1) of this regulation - continuation and conversion.

(b) Enrollees disenrolled under Section 1(2) of this regulation - none.

(c) Enrollees disenrolled under Section 1(3) of this regulation - continuation and conversion, except that dependent children disenrolled under Section 1(3)(e) of this regulation shall have whatever continuation and conversion rights are availalbe to their parents or guardians covered by the contract.

(d) Enrollees disenrolled under Section 1(4) of this regulation - continuation and conversion.

(e) Enrollees disenrolled under Section 1(5) of this regulation - continuation and conversion.

(f) Enrollees disenrolled under Section 1(6) of this regulation - conversion to an individual medicare supplement contract.

(g) Enrollees disenrolled under Section 1(7) of this regulation - conversion to an individual contract.

(h) Enrollees disenrolled under Section 1(8) of this regulation - none.

(2) This regulation does not affect the continuation rights granted to an enrollee by Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272; 100 Stat. 222-236). [Conversion Rights. No enrollee covered under a group contract or certificate and subject to KRS 304.38-191, 304.38-192 and 304.18-110 shall be terminated for any of the reasons set out in Section 1, subsections (3), (4), (5) or (6) of this regulation unless he fails to exercise his conversion rights under KRS 304.38-192 and 304.18-110.]

Section 3. Disenrollment Procedures. (1) No enrollee may be disenrolled unless prior thereto he has been given written notice thirty-one (31) days in advance of the disenrollment.

(2) Such notice must be specific as to the reason for such disenrollment, and shall inform the enrollee of his right to appeal the disenrollment to the Commissioner of Insurance by filing a written objection thereto with the Commissioner within ten (10) days of receiving notice.

(3) If the Commissioner finds after a hearing that the enrollee's disenrollment is not valid, the enrollee's coverage will be ordered reinstated without interruption of coverage; and

(4) Upon a finding that the enrollee's coverage was unjustifiably terminated, all costs of the proceeding may be assessed against the health maintenance organization. In addition, such a finding may constitute grounds for suspension or revocation of the health maintenance organization's certificate of authority as provided in KRS 304.38-130 or an administrative fine in lieu thereof pursuant to KRS 304.2-140.

Section 4. Effective Date. (1) This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

(2) As a courtesy to the Legislative Research Commission, the Department of Insurance states that this regulation is intended to be permanent.

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: May 7, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.

PUBLIC HEARING SCHEDULED: Persons with an interest in the subject matter of the proposed regulation may appear and make comments at a public hearing scheduled for June 22, 1987 at 9 a.m. in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Gil McCarty, Commissioner, Kentucky Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602. Written comments will be given consideration equal to testimony at the public hearing if such written comments are received by the close of business on June 22, 1987.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts, Counsel

Need for the Proposed Regulation: KRS 304.38-180(2) prohibits cancellation of a health maintenance organization ("HMO") enrollee's coverage except for failure to pay for such coverage or for such other reasons as may be promulgated in regulations issued by the Commissioner of Insurance. In 1982, 806 KAR 38:060 was adopted to specify the permissible grounds for disenrollment of an enrollee. Section 2 of the regulation provides that no one may be disenrolled pursuant to Section 1(3), (4), (5), or (6) unless that person fails to exercise conversion rights. In reviewing the regulation, the department found that there are some circumstances where conversion alone is inappropriate and that continuation of group benefits for nine months is also appropriate. The department also determined that, in some circumstances, conversion to an individual contract is all that is necessary. The department also determined that, in some circumstances, neither continuation or conversion should be made available. Persons disenrolled for nonpayment of subscriber fees, due to divorce from a group member, and termination of the group contract are eligible for continuation and conversion. Dependent children who are disenrolled are eligible for both continuation and conversion, except that dependent children disenrolled due to valid termination of the enrollee's coverage will have the same rights as their parents or guardians have under the contract. Persons disenrolled due to medicare eligibility must be given the option to convert to an individual medicare supplement contract. Persons moving out of the service area must be given the opportunity to convert to an individual contract. Persons disenrolled for material misrepresentation in applications and persons disenrolled because they disregard the HMO's rules have no continuation or conversion rights. Lastly, the proposed amendment provides that the regulation does not effect the continuation rights of any enrollee under Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985.

(1) Type and number of entities affected: The regulation applies to the 12 HMOs authorized to do business in Kentucky. The regulation also applies to the approximately 398,723 enrollees

of such HMOs.

(a) Direct and indirect costs or savings to those affected: The proposed amendment will result in savings to persons disenrolled by HMOs. The proposed amendment expands the continuation rights of disenrolled persons, thereby enabling them to obtain group coverage for nine months at group rates. Such coverage is generally more favorable than individual coverage and the rates for such coverage are generally more favorable than rates for individual coverage. The provision of continuation rights will impose additional expenses on HMOs, and it is likely that such expenses will be reflected in rates. However, most HMOs are now granting continuation coverage in the situations described in the proposed amendment. Therefore, the cost should not be excessive.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: The proposed amendment imposes no reporting or paperwork requirements in and of itself. However, there may be some HMO contracts which are not consistent with the proposed amendment. Such contracts will have to be amended.

(2) Effects on the promulgating administrative body: The proposed amendment will give the department clear guidelines concerning the continuation and conversion rights of HMO enrollees.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The current regulation is inadequate in that it does not recognize any continuation rights. Without the proposed amendment, some HMO enrollees may lose their continuation rights.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Certain portions of the regulation conflict with rights granted by Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985. The proposed amendments recognize this and contain language intended to eliminate any conflict.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Tiering has been recognized in that some disenrolled persons are eligible for both continuation and conversion, some are eligible for conversion, and some are eligible for nothing.

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance
(Proposed Amendment)

806 KAR 38:080. Health maintenance organizations' reserve funds.

RELATES TO: KRS 304.38-070, 304.38-130

PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.38-150

NECESSITY AND FUNCTION: KRS 304.38-150 provides that the Commissioner of Insurance may adopt reasonable rules and regulations that he deems necessary for the proper administration of KRS Chapter 304.38. KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and regulations necessary for or as an aid to the effectuation of the Kentucky Insurance Code. This regulation specifies when a health maintenance organization is no longer considered to be financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees.

Section 1. A health maintenance organization shall not be considered to be financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees if the commissioner determines that the health maintenance organization has failed to possess and maintain for the protection of its enrollees a reserve as a portion of its net worth equivalent to one and one-half (1 1/2) months of actual incurred medical, hospital, secondary care, administrative, and solicitation expense as reported in the health maintenance organization's annual financial statement filed with the commissioner for the immediately preceding year. For its initial year of operation, the health maintenance organization's reserve shall be based upon projected medical, hospital, secondary care, administrative, solicitation expense as estimated in its application for a certificate of authority.

Section 2. Application of this Regulation. (1) Health maintenance organizations holding a certificate of authority in good standing with the commissioner on July 15, 1986, need not comply with the 1986 amendment to KRS 304.38-070 (1986 Ky. Acts c. 437, sec. 28), but shall comply with Section 1 of this regulation. However, such health maintenance organizations need not comply with Section 1 of this regulation if they obtain capital stock of $1,000,000 and surplus of $250,000 (if a corporation) or capital accounts of $1,250,000 (if a partnership), and maintain such capital stock and surplus or capital accounts. Health maintenance organizations receiving a certificate of authority after July 15, 1986, need not comply with Section 1 of this regulation, but shall comply with the 1986 amendment to KRS 304.38-070 (1986 Ky. Acts c. 437, sec. 28). [the effective date of this regulation shall be allowed a period of three (3) years from the effective date of this regulation to comply with this regulation.]

(2) Notwithstanding the other provisions of this regulation, the Commissioner of Insurance may take whatever steps necessary to assure that a health maintenance organization is financially responsible and may reasonably be expected to be

able to meet its obligations to enrollees or prospective enrollees, including, but not limited to, maintaining reserve funds based on a percentage of incurred, medical, hospital, secondary care, administrative, and solicitation expense reported in the health maintenance organization's last financial statement filed with the Commissioner of Insurance. [The exception provided by this section shall cease to apply to any health maintenance organization from and after the date upon which it has accumulated a reserve equal to or in excess of the reserve required by Section 1 of this regulation.]

Section 3. Effective Date. (1) This regulation shall become effective upon its approval pursuant to KRS Chapter 13.

(2) As a courtesy to the Legislative Research Commission, the Department of Insurance states that this regulation is intended to be permanent.

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: May 7, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: Persons with an interest in the subject matter of the proposed regulation may appear and make comments at a public hearing scheduled for June 22, 1987 at 9 a.m. in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Gil McCarty, Commissioner, Kentucky Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602. Written comments will be given consideration equal to testimony at the public hearing if such written comments are received by the close of business on June 22, 1987.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts, Counsel

Need for the Proposed Regulation: The 1986 Kentucky General Assembly strengthened the financial requirements for health maintenance organizations (1986 Ky. Acts c. 437, Section 28). The legislation requires health maintenance organizations to maintain $1 million in capital and $250,000 in surplus. An exemption is granted to health maintenance organizations authorized and in good standing as of July 15, 1986. However, the exemption is lost if a health maintenance organization attains capital of $1 million and surplus of $250,000. The proposed amendment clarifies the application of the new capital and surplus requirement to HMOs authorized and in good standing on July 15, 1986. The proposed regulation requires HMOs authorized and in good standing on July 15, 1986, to continue complying with the reserve requirement of the existing regulation. The proposed amendment repeats the statutory provision requiring HMOs which attain $1 million in capital and $250,000 in surplus to maintain at least that level of capital and surplus. The proposed amendment also has a "catchall" provision authorizing the commissioner of insurance to take whatever steps are necessary to assure that a HMO is financially responsible and may reasonably be expected to meet its obligations to enrollees or prospective enrollees. See KRS 304.38-130(1)(e). This authority is granted notwithstanding the other provisions of the regulation. Lastly, the proposed amendment makes various technical changes in the regulation.

(1) Type and number of entities affected: The proposed amendment effects the 12 HMOs authorized and in good standing on July 15, 1986.

(a) Direct and indirect costs or savings to those affected: The proposed amendment merely clarifies the application of statutory provisions, and therefore, it is not expected that there will be great cost or savings.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: The proposed amendment imposes no new reporting or paperwork requirements, but instead utilizes existing reporting requirements.

(2) Effects on the promulgating administrative body: The proposed amendment merely repeats existing department policies.

(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The Department of Insurance has informed HMOs of its policies concerning enforcement of the 1986 amendment to KRS 304.38-070. HMOs have requested that this policy be embodied in an amendment to 806 KAR 38:080.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: It might be argued that the 1986 amendment to KRS 304.38-070 conflicts with 42 U.S.C.A. §300e-10, which preempts state statutes and regulations requiring federally qualified HMOs to ". . .meet requirements for insurers of health care services doing business in that state respecting initial capitalization and establishment of financial reserves against insolvency. . ." It is not clear that Kentucky's statutes and regulations relating to HMO financial responsibility conflict with this provision, although that question has been raised by some persons.

(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? There was little opportunity for tiering due to the scope of KRS 304.38-070. However, tiering has been recognized in the provision of the regulation authorizing the commissioner of insurance to take any action necessary to assure that HMOs are financially responsible and may reasonably be expected to be able to meet their obligations to enrollees or prospective enrollees.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Building Codes Enforcement
(Proposed Amendment)

815 KAR 7:080 Licensing of fire protection sprinkler contractors.

RELATES TO: KRS Chapter 198B
PURSUANT TO: KRS 198B.555
NECESSITY AND FUNCTION: The Commissioner of the Department of Housing, Buildings and Construction is required to adopt regulations for the administration of a Fire Protection Sprinkler Contractor's Law. This regulation establishes the qualifications, responsibilities, procedures and fees for licensing such contractors.

Section 1. Responsibilities of the Commissioner. The commissioner shall review applications, accept fees and issue certificates and licenses to qualified persons and firms pursuant to this regulation. He shall conduct investigations upon complaints which allege that a certificate holder or licensed fire protection sprinkler contractor has acted in violation of KRS Chapter 198B or this regulation.

Section 2. Applicability. (1) This regulation applies to all firms and persons who engage in he business of design and preparation of technical drawings, installation, repair, alteration, extension, maintenance or inspection of any fire protection sprinkler system.
(2) Exceptions: This regulation shall not apply to:
(a) Professional engineers in the preparation of plans or construction inspections pursuant to KRS Chapter 322;
(b) Building officials, fire marshals or fire inspectors and insurance inspectors;
(c) Persons installing limited area sprinkler systems served by a domestic water supply consisting of ten (10) sprinkler heads or less in one (1) structure;
(d) Persons working under the direct supervision of a certificate holder.
(e) Persons performing routine examination of existing suppression systems for purposes of determining if the system is operational.

Section 3. Definitions. (1) "Department" means the Department of Housing, Buildings and Construction.
(2) "Certificate of competency" is the certificate of registration issued by the department to an individual certificate holder who has passed the requirements of the department as set forth in Section 4 of this regulation which authorizes a fire protection sprinkler contractor to obtain a license to engage in business as defined in subsection (5) of this section.
(3) "Certificate holder" is an individual who has satisfactorily met and has received a certificate of competency and who serves as employee, owner, partner, or officer of a fire protection sprinkler contractor and prepares technical drawings, performs or supervises the installation, repair, alteration, addition, maintenance or inspection of a fire protection sprinkler system.
(4) "Commissioner" means the Commissioner of the Department of Housing, Buildings and Construction.
(5) "Fire protection sprinkler contractor" means a person or firm engaged in the business of preparing technical drawings, installation, repair, alteration, exterior maintenance or inspection of fire protection sprinkler systems and has in his employment a certificate holder.
(6) "Fire protection sprinkler system" is a system of piping for which technical drawings have been prepared by or preparation supervised by a certificate holder in accordance with fire protection engineering standards. The system is supplied from a reliable, constant and sufficient water, gas or chemical supply, such as a gravity tank, fire pump, reservoir or pressure tank, or connection by underground piping to a city, county, municipal water district, authorized water main or both. The sprinkler system is considered the fire protection sprinkler system for purposes of this Act, and is a network of specially sized or hydraulically designed piping installed overhead and underground in a building, structure, or area, and to which sprinklers are connected in systematic pattern. The system includes a controlling valve and a device for actuating an alarm when a system is in operation. The system is activated by heat from a fire and causes the discharge of water, gas or chemical over the fire area. Fire protection sprinkler systems shall include the following types: wet-pipe systems, dry-pipe system, standpipe systems, pre-action systems, deluge systems, combined dry-pipe and pre-action systems, antifreeze systems and circulating closed loop systems, systems utilizing gases or chemicals, and any other fire suppression system previously approved by the state fire marshal or the chief building code official of the department.
(7) "Inspection" means a physical and visual examination of a sprinkler system or portion thereof to verify that it conforms with the Kentucky Building Code and the standards adopted thereunder. Such examinations of existing systems for purposes of determining whether a system is operating properly are not covered by this definition, although any certificate holder is deemed qualified to make these examinations.
(8) "Installation" means the initial placement of a system or its extension or alteration after initial placement.

Section 4. Application for Certificate of Competency. (1) All persons seeking to become certificate holders shall demonstrate their competency by passing the National Institute for Certification in Engineering Technologies entitled Fire Protection Engineering Technology Automatic Sprinkler Design Level III test, (or the equivalent thereof approved by the commissioner for the particular type of system for which the applicant wishes to be certified competent). For range hood suppression system competency, a manufacturer's certification shall be acceptable as an alternative to the foregoing test.
[(2) In lieu of the test required by subsection (1) of this section, affidavits to the effect that the certificate applicant has prior to July 16, 1984, satisfactorily supervised the preparation of technical drawings and the installation of three (3) fire protection systems of twenty-five (25) or more heads and in accordance with applicable NFPA standards adopted by reference in the Kentucky

Building Code shall be accepted by the commissioner as evidence of competency. The Affidavit of Supervision shall be in accordance with the form prepared by the department and must be submitted to the commissioner and contain the necessary description and location of each such system; including the written approval for the system from the authority having jurisdiction, unless the plans were submitted to this department. Plans for both chemical and water systems must be submitted for a certificate of competency in both. Application for chemical systems only must be accompanied by three (3) drawings of such systems. This alternative shall not be available for any application submitted after July 15, 1985.]

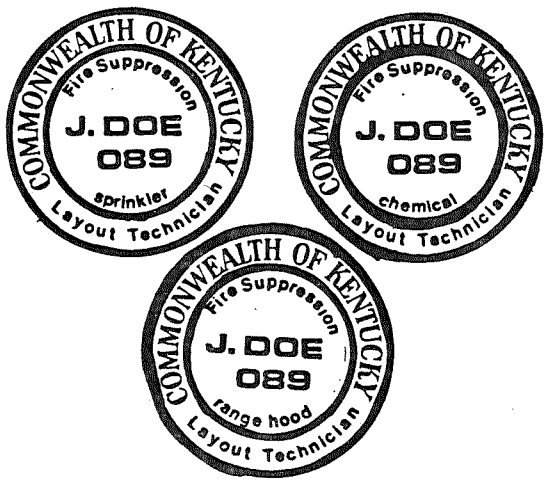
(2) [(3)] Each application for a certificate of competency shall be made on the department's form entitled "Application for Certificate of Competency." The application shall be accompanied by all required documents and a nonrefundable certificate fee of $100, which shall be prorated.

Section 5. Application for Licensed Fire Protection Sprinkler Contractors. (1) Any applicant for licensure must have a certificate holder in his employ and must have, in effect, liability insurance in the premium amount of $250,000 per person and $500,000 per accident. For persons seeking to be licensed for the sole purpose of installing, repairing, maintaining and inspecting range hood fire suppression systems, the commissioner shall accept, as evidence of competency, the certification from the manufacturer of the range hood fire suppression system or from a professional engineer who has designed the system.

(2) The applicant shall complete and submit the required form together with a certificate of insurance in the amount of $250,000/$500,000 executed by a Kentucky licensed insurer and countersigned by a Kentucky licensed local agent. Such certificates shall remain in force until the insurer has terminated future liability by a thirty (30) day notice to the commissioner.

(3) The applicant shall submit a license fee in the amount of $200. The initial license fee shall be prorated.

Section 6. Certificate Holder Seal. Each certificate holder shall obtain and use a seal for all work prepared by him or under his direct supervision. The design shall be as follows:



Section 7. Certification/Licensure. (1) Upon completion of the requirements of Section 5 of this regulation, the certificate of competency shall be issued by the commissioner in the name of the certificate holder applicant.

(2) All fire protection sprinkler contractor licenses shall be issued in the name of the firm as set forth on the application and state the name of certificate holder on the face of the license.

(3) Each license and certificate shall expire on June 30 of each year and shall be renewed by refiling the necessary application together with a fee of $100 for the certificate and $200 for the license, prior to June 30.

Section 8. Duties and Responsibilities of Licensed Contractor and Certificate Holder. (1) No person shall represent himself as a certified fire protection sprinkler contractor without first being licensed by the department in accordance with this regulation.

(2) No licensed fire protection sprinkler contractor shall design a fire protection sprinkler system for any building requiring the services of an architect or an engineer pursuant to KRS 323.033; however, shop drawings, including hydraulic calculations where required by the engineer may be prepared by the contractor to supplement the design.

(3) No person shall engage in any activity listed in Section 2 of this regulation unless he is supervised by or has in his employ a certificate holder.

(4) All material and information supplied by the contractor for a project requiring an engineer's seal shall be submitted to the professional engineer for the project who, in turn, shall submit them to the department and other necessary authority upon the engineer's written approval.

(5) The licensed fire protection sprinkler contractor may prepare and submit all plans and documents for the following buildings:

(a) Business, assembly, factory, mercantile and storage occupancies of less than 100 person capacity.

(b) Residential use groups of twelve (12) or less dwelling units or capacity of less than fifty (50).

Section 9. Disciplinary Action. (1) The department may refuse to renew or institute proceedings for the suspension or revocation of certificate holders and licensed contractors, or administrative fines in lieu thereof, not to exceed $500. The following shall constitute charges which are sufficient to initiate disciplinary action:

(a) False information or misrepresentation in obtaining such license or certificate.

(b) Failure to maintain required insurance.

(c) Failure to pay the renewal fee.

(c) Gross incompetency or gross negligence in the preparation of drawings, installation, repair, alteration, maintenance, inspection or addition to fire protection sprinkler systems, as determined by the commissioner.

(e) Conviction of a felony.

(f) Fraudulent or dishonest practices while engaging in the business of fire protection sprinkler systems.

(g) Signing or affixing his seal to any plans, prints, specifications or reports which have not been prepared by him personally or under his

immediate supervision.
(h) Knowingly violating any provisions of KRS 198B.550 through 630 or this regulation.
(i) Violation of a Cease and Desist Order issued by the commissioner.
(2) The commissioner shall revoke the license of a licensed fire protection sprinkler contractor who engages in the fire protection sprinkler system business while the license is suspended.
(3) All suspensions and revocations are appealable to Franklin Circuit Court or the Circuit Court in which the property is located, if filed within thirty (30) days of notice of such revocation or suspension.

Section 10. Procedures for Administrative Disciplinary Hearings. (1) Upon written complaint that a licensee or certificate holder has engaged in any prohibited behavior or failed to satisfy his responsibilities as set forth in this regulation, the commissioner shall cause an investigation to be made of the matter.
(2) If the commissioner determines that there is probable cause to believe the charges alleged, the commissioner or his designated representative, acting for the department, shall conduct a hearing as provided herein.
(3) In conducting the hearing, the commissioner or his designee shall have the authority to administer oaths and affirmatives, issue subpoenas authorized by law, rule upon offers of proof and receive relevant evidence, take or cause depositions to be taken, regulate the course of any hearings they may schedule and hold conferences for the settlement or simplification of the issues by consent of the parties.
(4) Any order to suspend or revoke a license or certificate and any order firing a licensee or certificate holder shall be signed by the commissioner or approved by him. The commissioner shall issue an order within thirty (30) days of the completion of any hearing subject to this regulation.

CHARLES A. COTTON, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: May 1, 1987
FILED WITH LRC: May 6, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on June 23, 1987 at 10 a.m., in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by June 18, 1987, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden
(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: N/A
(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: 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: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. N/A

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 November 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 May 15, 1986, 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 May [April] 15, 1987, 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 May [April] 15, 1987, 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 May [March] 15, 1987, 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 May [February] 15, 1987, 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 amended as follows:
Eastern State Hospital Policy Manual

D4 - Vol 12 - This policy is revised to update the Organizational Chart. The previous policy on transportation is deleted. The quality assurance program is rewritten.

Vol. 7 - This volume is revised.
Attached
1) Page 5, regarding accreditation eligiblity, changed to read that survey would be conducted by American Dental Association instead of Council on Hospital and Institutional Dental Services.
2) Page 6, changes made to reflect how they get patients to the Dental Clinic.
3) Page 9, insert new Quality Assurance Program.
4) Page 10, identified who gets reports and minutes.
5) Page 11, clarified exact examinations given.
6) Page 12, redefined where dental records are kept on the ward chart (they will be going in back of physical examination section).
7) Page 13, in regard to infection control, changing policy to include sterilization system they are using as well as including that dental staff are screened for Hepatitis B.
8) Page 20, in regard to radiation safety, we are adding that we maintain records of badge readings in the Dental Clinic.
9) Page 21, in regard to provisions for emergency treatment, policy is changed to state that attending physician should be contacted if on duty.
10) Page 23, in regard to non-emergency dental treatment, added on approval by patient and/or guardian and medical staff.
11) Previous policy on Financial Resources has been deleted.

Section 5 - Central State Hospital Policy Manual

E-1, Sec G, #7 This policy is revised to include new directions for getting specimens to the National Health Lab.

Section HH No. 8.80 - revised policy - the "Problem List" was deleted from the treatment planning procedure and the terminology used was changed from "Master" to "Comprehensive" Treatment Plan. The "Comments" section of the CTP was changed to the more inclusive "Patient's involvement/understanding response" section; "Case Reviews" became Treatment Plan Reviews; and the time requirements were altered. These changes were needed to simplify, shorten and clarify procedures, resulting in a savings of staff time and no additional costs.

Section 6 - Western State Hospital Policy Manual

Manual F, Vol 3 Sec II
Table of Contents, page 2 and page 3 are revised.

Policy #6 is revised to more clearly define when a report is to be submitted to the committee to improve facility surveillance of infections and better monitor treatment for infections.

Policy #30 is revised to assist nursing staff to know where patients are at all times for patient safety.

Policy #31 is a new policy to improve communication of the nurse to the physician to assure physicians are notified of patient needs.

Policy #6 on Nursing Care of suicidal patients. The policy is revised so that employee's responsibility for patient is changed every two (2) hours to eliminate fatigue and possible in-attention of employee.

Added: Responsibility of Head Nurse to check patient on a periodic basis for better patient safety and care.

Policy #18 - Seclusion and Restraint revised to increase staff responsibility for meeting the patient's needs for fluids and toileting and to define the R.N.'s responsibility for assessing and evaluating patient's in seclusion and restraint to improve the safety of patient care.

Policy #26 - Weekly assessment of Patient's General Physical Condition. This policy is added to require Registered Nurses to evaluate the

patient's general physical condition on a periodic basis for better monitoring of the patient and to improve patient care.

Section 10 - Kentucky Correctional Psychiatric Center Policy Manual J5 - A22. This new policy was written in an effort to ensure that proper security coverage is maintained on all units, all shifts, at all times. This policy outlines the "minimum" number of officers to be assigned to all units.

J.4 Policy revised; New Distribution List - #8

J-4/3 - Item A deleted as all rooms at KCPC are single rooms. Items B through I changed to A through H to reflect the deletion of original A.

J-4/5 - Item A changed to read "Room 112 - isolation is indicated." Item G - the following are deleted as inappropriate: 1) Acute respiratory infections in infants and young children; 2) Conjunctivitis, gonoccoccal in newborns; 3) Staplyoccal in newborns; 4) Influenze in infants; 5) Pharyngitis, infectious in infants and children; 6) Pneumonia, viral, in infants and young children.

J-4/7 - Item E, the following changes have been made: 1) Malaria (civilian), Malaria (military) changed to read "Malaria."

J-4/11 - Item A is omitted as all rooms at KCPC are private rooms. Items B-G are changed to A-F to reflect the omission of original Item A.

J-4/12 - Item G is changed to read "quarterly" instead of "monthly."

J-4/13 - Item A is omitted as all rooms at KCPC are private rooms. Items B-G are changes to A-F to reflect the omission of original item A. Item F, following Encephalitis - items bracketed are omitted; following Gastroenteritis - rest of paragraph is deleted; following Meningitis, viral - area bracketed is deleted; following Viral Pericardtis, etc. - area bracketed is deleted.

J-4/16 - Item E - Meningitis (and other invasive diseases caused by Haemophilus Influenza, Type B) area bracketed is deleted. Item F - Botulism (infant) is deleted; Meningitis (caused by organisms other than meningitis or H. influenza) area bracketed is omitted; Raye's Syndrome - deleted - inappropriate for facility; Kawasski's disease - deleted - inappropriate for facility. Item H omitted entirely, inappropriate to facility.

J-4/27 - First paragraph changed to read "within 24 hours" instead of "one week." Item G changed to read "A negative reaction is considered to be 0-3 mm in duration. Item H changed to read "A reaction of 4-9 mm is considered questionable and will require a repeat PPD in 2 weeks." Item I (original Item G) - 1) "immediately" is omitted; 2) "immediately" is omitted. Item J (original Item H) re-lettered to reflect addition of new Item G.

J-4/28 - Item A omitted as all rooms at KCPC are private rooms. Items B-G re-lettered to reflect deletion of Item A. Under Item F (old Item G), Pneumonia, Haemophilus influenza, in children, is omitted as inappropriate to this facility.

J-4/31 - Under Item G, second item - "such as marburg virus disease" is omitted as inappropriate to this facility.

J.2 - Nursing Service Manual is divided into three (3) books.

Book 1 - Nursing Department Policy and Procedure. This book contains administrative protocol. An entire new book is attached.

Book II J2A - Staff related - The following changes were made.

J-2/A-1 Absenteeism Log
Revisions to A & B to insure adequate staffing. Only the Nursing Supervisor may now take call-ins as it is her responsiblity to get a replacement if necessary. Revision to C moving log to the sign-in-table.

J-2/A-2 Books for Reference Purposes at Nurses Stations
A.4 deleted. Jefferson County Medical Society Pictoral Roster. Not every unit has one.

J-2/A-3 Chart Form Sequence
A. addition. Course of Patient Management a new form being used.
H. addition - Doctor's Clinic Blue Sheet (a log of patients' visits to the Medical Doctor's Clinic).

J-2/A-4 Chart Stripping
A.1. addition - Course of Patient Management form - until discharge.
A.6. addition - Nutritional Assessment form - until discharge.
A.7. addition - Diabetic Sheet - one month.
A.9. addition - 15 minute Check Sheet and Progress Notes - one month plus current month.

J-1/A-5 Counseling Interviews with Nursing Employees
A.5.c. additional wording for clarification.
a.10 on target date - and initialed by employee, supervisor, and Director of Nurses.

J-2/A-6 Duties of the 8-4 Nursing Shift Supervisor
A. Revision - meet with 12-8 Shift Supervisor at 8:00 a.m.
B. Delete - counting of sharps (unit nurses do this).
C. Revision - make rounds 2 times per day instead of 3 times.
K. Additional wording for clarification.
L. Revision change in wording due to change in employee evaluation system.

J-2/A-7 Duties of the 4-12 Nursing Shift Supervisor
T. Revision - change in wording due to changes in employee evaluation system.

J-2/A-8 Duties of the 12-8 Nursing Shift Supervisor
J. Deleted - Unit nurses arrange for late breakfasts.
O. Revised - Supervisor now serves on the Audit Committee and designates the Chairperson.

U. Revision - change in wording due to changes in employee evaluation system.

J-2/A-9 Investigational Drugs
Deleted - We do not use investigational drugs at KCPC per Pharmacy & Therapeutics Committee.

J-2/A-10 Infection Control Nurse
First paragraph revision. There is no longer an Infection Control Committee. Infection Control Nurse reports to the Pharmacy & Therapeutics Committee.
G. Addition - Employee Health Program initiated.

J-2/A-11 Key Control - Nursing Department
A.4. Revision - information added.
A.9. Addition - key added to Unit B's ring.
C. Addition - keys added for drug night cabinet.

J-2/A-12 Licensure of Professional Nurses and CPR Certification
C. Addition - information added.

J-2/A-13 Medication Room/Key Security
A.1. Deleted - maintenance request forms no longer filled out by nurses. The administrator is notified and he does this.

J-2/A-14 Memo Book
A.2.a Deleted - nurses do not have to sign memos.
B. Revised - ward clerks take down and file memos.
C. Revised - memos are removed from the book after three (3) months instead of six months.

J-2/A-16 Nursing Service Report
A. Revised - procedures A-G changed to A. 1-6. These deal with content of the Nursing Service Report.
B. 1-5 added. Designates the responsiblity of the unit nurses and the Nursing Supervisors in regard to the follow-up of problems noted on the Nursing Service Report.

J-2/A-17 Nursing Staff Meetings - Monthly
A & B revised - minutes now sent to the Clinical Director instead of the Hospital Administrator.
C. Addition - minutes also sent to the Facility Director, Clinical Director, and supervisory staff.

J-2/A-18 Nursing Supply Storage Area and After Hours Acquisition of Supplies
E. Revised - key now on supervisor's ring. Delete 1 & 2 - no longer a need to get key from 9A.

J-2/A-20 Orientation of New Nursing Personnel
A. Addition - department providing training named.
C. Addition - for clarification that OJT is 6 weeks in addition to formal training.
E. Revision - WPPR changed to work plan.

J-2/A-21 Purchase and Supply Requests
C. Addition - special equipment requests only go through the Director of Nurses.
D. Addition - request for pharmaceutical items go directly to the pharmacy at LLCC.
E. Addition - after hours emergency drugs will be obtained from Head's Drug Store.

J-2/A-22 Registered Nurse Coverage
A. Addition - scheduling of nurses will reflect no set pattern of off days.

J-2/A-25 Time Scheduling Instructions
E. Addition - to include change in state policy of converting annual leave accumulated over the hours that can be carried forward into sick time. Table of annual leave earned and allowed carry over included.

J-2/A-26 Ward Check Sheet
C & D revised - changed in referred to policy numbers to due new index.

J-2/A-27 Work Planning and Performance Review
Deleted

J2B Nursing Policies that are patient related

J-2/B-1 Ace Bandages Application
D. addition, check for signs of abnormality. Item I addition - assessment and documentation of circulation during sleeping hours. Item J. 1 & 2. revised to include signing treatment off on the MAR and documenting only abnormalities in the progress notes.

J-2/B-2 Admissions
Revision - changes in name of intake unit at LLCC. Item B. addition, needs of the patient considered in determination of room assignment. Items F & G. nurses or ward clerk now can notify doctor and take off orders. Item H. addition, information on scheduling lab work. Item K. revision, RN designated to inititate the Nursing Care Plan as per standards of care.

J-2/B-3 Admission Chart Packet
Note: revision - packets made up in advance for use for emergency admissions.

J-2/B-5 Blood Pressure
Addition - more information in opening statement to cover non-routine situations.

J-2/B-6 Burn Cart
Revision - change in location of burn care.

J-2/B-7 Catheterization
Item K. addition - specifics added to avoid patient injury.

J-2/B-8 Twenty-four (24) Hour Census Report, MH-2-210(6-70)
Item B Revision - Patients names no longer listed in alphabetical order to save nurses time.

J-2/B-9 Charting on Inpatients
Item D.D. addition - specific charting required in transferring patients.

J-2/B-10 Cold Application
Item C. revision - brand name of cold packs has changed. Item D revised to include signing treatment off on the MAR and specific charting in the progress notes of abnormalities.

J-2/B-11 Consultations - Off Grounds
Item B. revision. Hospital Administrators approval now required in non-emergency cases.

J-2/B-13 Dental Consultations
Item B. revision, dentist has given us specific

times to call him and schedule appointments. Item D, addition, information added. Item L, revision, dental emergencies now sent to Humana Hospital University. Item M, information added.

J-2/B-17 Dietary - Reporting Problems
Change in title of person at LLCC notified. Item A, information added. Item B, combined with A. Item C, change in title of person at LLCC notified.

J-2/B-18 Discharge
Item B, information added. Item C, D, E, F, G, specific charting required in progress notes, consolidated and numbered under letter C.

J-2/B-19 Discontinuation of Physicians Orders on Patients Admitted/Transferred to Other Facilities (hospitals, jails, prisons, etc.)
Title changed to include facilities other than hospitals because we did not have a policy for these. Items A & B, information added.

J-2/B-20 Drug Abuse Testing
Item D.2.c. revision - nurses responsibility deleted.

J-2/B-21 Ear Irrigation
Opening statement, information added. Items G, K, M, N, information added. Item O, information added, sign off treatment on the MAR.

J-2/B-22 EEG
Items B & C information added.

J-2/B-23 Emergency Cart
Item A.6. deleted, drug no longer stocked.

J-2/B-26 Ill or Injured Patients
Item F of policy referred to changed due to new index.

J-2/B-27 Medical Emergency Plan
Complete policy rewritten with more specific information added and a Pre-Hospital Care Report form added.

J-2/B-28 Enema (Cleansing)
Items C, L, O, information added.

J-2/B-30 Fecal Impaction Removal
Item H, information added.

J-2/B-31 First Aid Cabinet
Item 1.J.K.L. supplies added. Item 2.V. supply added.

J-2/B-34 Heat Application
Charting A, information added.

J-2/B-35 Identification Form
Opening statement and A. name change of receiving unit.

J-2/B-37 In-Hospital Incident Report
Item E, deleted, copies no longer retained by department heads.

J-2/B-38 Intake and Output
Item E & F, word changed for clarification.

J-2/B-40 Laboratory Procedures and EKG Procedures
Item B, information added on use of new forms. Item C, time change of morning blood work. Item F & H deleted, tests no longer done on grounds. Item J, information added. Item L, brand name used changed. Item M, information added. Item P, change in location of blood tubes. Item P.1, information added.

J-2/B-41 Medical Treatments
Item A, information added.

J-2/B-43 Oral Medications
Item E, new method of documentation initiated for documenting refused and offered again medication.

J-2/B-45 Injections
Item C.5. revision, information added.

J-2/B-46 Z-Track Injection Technique
Item A, change in needle size per new information published.

J-2/B-47 Administration of Medication by Suppository
Item C, information added. Item E, information added to C deleted.

J-2/B-48 Administering Medications, Eye, Ear, and Nose
Opening Statement addition. For patient protection, medication now dispensed for individual patient use.

J-2/B-50 Medication Card Systems and Medication Times
Item B, revised, dates now in pen for easier reading. Change in color of cards used for easier identification. Orange for non-routine vital signs. Green for routine vital signs.

J-2/B-51 Medication Administration Record
Revision opening statement to include contraband medication found in the facility on a patient or on the floor, etc. Item G, addition, nursing clerk may now sign for syringes taken to the pharmacy fo destruction.

J-2/B-52 Medication Destruction
Revision opening statement to include contraband medication found in the facility on a patient or on the floor, etc. Item G, addition, nursing clerk may now sign for syringes taken to the pharmacy for destruction.

J-2/B-53 Automatic Stop Orders
1. Revised per hospital formulary, antibiotics increased from 10 to 14 days. Item D deleted, pharmacist does not notify nursing of expiration dates, nurse responsible. Item E, information added. Item H, information added. Item J delete verbal orders, no longer allowed. Item K, information added.

J-2/B-56 Reporting of Drug Reactions
Information added.

J-2/B-57 Medication Errors
Item E, addition of time limit. Item K, information added.

J-2/B-59 Drugs Brought to KCPC by Admitted Patients
Item I & J order revised for continuity.

J-2/B-61 Nursing History, Assessments, and Nursing Care Plan
Revised to accommodate use of new forms.

J-2/B-62 Nursing Patient Acuity Classification System
New policy. Patients will be rated as to level of care needed to assist in assignment of nursing staff.

J-2/B-63 Nursing Diagnosis
New policy to conform with standards of care.

J-2/B-65 Oxygen (02) Therapy
Item D, E, & F addition of specific instructions in administering oxygen.

J-2/B-66 Physical Examination
Policy simplified. Included are specific procedures nurse performs at KCPC.

J-2/B-68 Poisoning - Antidotes
Item F, word change for clarification.

J-2/B-69 Positioning of Patients
Item F, word change for clarification.

J-2/B-72 Seizures
Item A.10., information added.

J-2/B-75 Special Diets
Item E, delete, duplication of documentation. Diet list filed weekly.

J-2/B-77 Sterile Dressing Change
Item E, information added. Sign off the correct date and time box on the MAR.

J-2/B-78 To Obtain a Stool Specimen
Item B.1, information added.

J-2/B-79 Suctioning
Items A, F, G, H, information added.

J-2/B-81 Suturing
Item F, information added. Item G, specific observation and documentation added.

J-2/B-82 Telephone Orders
Item D, information added.

J-2/B-86 Transcribing Physicians' Orders
Item K, additional information. Abbreviations that may not be used in physicians' orders as per new CHR Formulary. Item H, additional procedure added to provide a second check of all orders transcribed daily. A designated shift for each unit.

J-2/B-87 Transfer (Inter-Unit, KCPC)
Title change from facility to unit for clarification. Items A.3. and B.2, specific information required in progress note added. Item A.5., additional information to clarify #4.

J-2/B-88 Collection of Urine Specimen
Item 5. added information for storage of specimen.

J-2/B-90 Vital Signs
Policy expanded to include special situations in which vital signs are taken, as well as routine.

J-2/B-91 Weights
Item B, C, & D, additional information. When weights are taken, by whom, and where they are documented. Changes of 10 lbs more or less will be monitored weekly and physician notified.

J-2/B-92 X-Ray Procedures
Item A.4., administrative approval added. Item A.10., a list of x-rays that require special preps was added. Item A.13., physician's order sheet now sent to dietary.

[Section 4 is amended as follows:
Eastern State Hospital Policy Manual

Vol D 1, Sec II, page 8 Clinical Resource Committee.
This is a new policy to replace former Patient Care Monitoring policy. The new Clinical Resource Committee will monitor patient care and recommend improvements.

Page 9. Abuse of Patient by Hospital Employees.
This policy is revised to add that a physical examination will be conducted, and proper notification will be given.

Page 39. Inclement Weather Policy for Patients.
This policy is revised to state that the program director on IT5 shall determine the appropriate staff to patient ratio.

Section 5 is amended as follows:
Central State Hospital Policy Manual.

Vol E 11
Section Y No. 1 - Under procedure Item No. 7-(e) P.D.R. was added. Item No. 8 was added to include the qualifications for the Director of Pharmacy which includes full-time basis, graduate of accredited College of Pharmacy and to have supportive personnel sufficient to meet the needs of the patient. Item No. 9 was added to relate to any new employee of the Pharmacy completing General Orientation. Basic Record checklist was added.

Section Y No. 2 - Under procedure No. 4 - $300 was changed to $500.
Section 7 and 8 were added to include the drug storage areas and conditions of sanitation, light, temperature, moisture and security. No. 8 pertains to the use of pharmacy records.

Section Y No. 7 - Items 12, 13, 14 and 15 - were added to page two which includes pharmacist reviewing patient's profile regularly for irregularities, physicians' orders being brought to Pharmacy by the appropriate personnel, P.R.N. orders for medication will be limited to two weeks, and any new patient's (initial) order shall include the patients' allergies, and medical history. These items were added to meet 1987 Joint Commission Standard.

Section Y No. 8 - Under Procedure No. 1 - an additional sentence was added to read "A record of this will be kept on the patient's profile." No. 3 was added to include (a) through (f) which describes the outpatient medication label and the information that is needed.

Section Y No. 13 - Procedures No. 1 and 2 - were changed with the move to the new facility indicating where the emergency medication will be kept and how the document key will be handled.

Section Y No. 14 - Under Procedure No. 11 - a sentence was added to include a special area in Pharmacy for outdated pharmaceuticals. Item No. 12 was added to relate to the antidote kit on

each unit.

The Quality Assurance Plan - was changed to be more in line with what was actually being done. It meets Joint Commission Standards.

Section Y No. 22 - Under Procedure No. 7 - an addition was added to state that concentrate, liquid and syrups are placed in cabinets and locked, or in the medication cart bottom drawer. Item No. 9 was added to read Floor stock medications should be kept to a minimum (tylenol, MOM).

The revised policies have been updated and corrected and no additional funding or staffing will result from these changes.]

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: May 13, 1987
FILED WITH LRC: May 14, 1987 at 8 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 21, 1987, at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 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:
TIERING: Was tiering applied? Yes.

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

902 KAR 13:010. Definitions.

RELATES TO: KRS 211.960 to 211.968, 211.990(5)
PURSUANT TO: KRS 211.964
NECESSITY AND FUNCTION: KRS 211.964 directs the Cabinet for Human Resources to adopt rules and regulations relating to Emergency Medical Technicians. The function of this regulation is to define terms that are used in regulations promulgated by the cabinet relating to Emergency Medical Technicians.

Section 1. Definitions. As used in cabinet regulations relating to EMTs, the following terms shall have the meanings set forth below unless the context requires otherwise:
(1) "Applicant" means any person applying for training or certification as an EMT or EMT-first responder under this regulation;
(2) "Cabinet" means the Cabinet for Human Resources;
(3) "Certificate" means the certificate issued by the cabinet pursuant to this regulation to any individual qualifying pursuant to this regulation to perform the duties of any EMT or EMT-first responder;
(4) "Certified" means one who holds a certificate issued pursuant to this regulation;
(5) "Committee" means the Emergency Medical Technician's Training Advisory Committee as appointed by the Secretary for the Cabinet for Human Resources to act in an advisory capacity;
(6) "Emergency situation" means an unforeseen circumstance or combination of circumstances, regardless of place of occurrence, requiring immediate and continued medical response and intervention to safeguard the life or physical well-being of any patient;
(7) "Emergency Medical Technician (EMT)" means a qualified individual currently certified by the Kentucky Cabinet for Human Resources as an emergency medical technician or as an emergency medical technician-ambulance and who is trained to provide immediate emergency medical care and intervention to stabilize a patient's condition at the scene of an emergency and enroute to definitive medical care;
(8) "Emergency medical technician instructor" means a person qualified to teach emergency medical technician or EMT-first responder courses and who is certified to do so by the Kentucky Cabinet for Human Resources;
(9) "Emergency medical technician instructor trainee" means a certified emergency medical technician undergoing approved instruction and evaluation as an emergency medical technician instructor under the supervision of a certified emergency medical technician instructor;
(10) "Emergency medical technician instructor trainer" means a person certified by the cabinet to teach emergency medical technician instructor courses and evaluate emergency medical

technician instructor trainees;
(11) "Implementing agency" means any public or private organization approved by the cabinet, other than an instructor, instructor trainee, or instructor trainer, who is conducting, supervising, coordinating, or otherwise operating an emergency medical technician or EMT-first responder training course.
(12) "Emergency medical technician-first responder" means a qualified individual currently certified by the Kentucky Cabinet for Human Resources to perform a portion of the patient care skills of certified EMTs in order to stabilize a patient's condition until an EMT or other higher level of certified or licensed EMS personnel arrives.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: May 13, 1987
FILED WITH LRC: May 14, 1987 at 8 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23, 1987 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the CHR Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Pat Loar Jones
(1) Type and number of entities affected: This proposed regulation establishes a definition of EMT-first responder for fire, rescue, and EMS personnel desiring this level of certification.
(a) Direct and indirect costs or savings to those affected: Not applicable
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: Not applicable
(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: Not applicable
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. Not applicable.

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

902 KAR 13:030. Fees.

RELATES TO: KRS 211.960 to 211.968, 211.990(5)
PURSUANT TO: KRS 211.964, 211.966
NECESSITY AND FUNCTION: KRS 211.964 directs the Cabinet for Human Resources to adopt rules and regulations relating to Emergency Medical Technicians and KRS 211.966 permits the Cabinet for Human Resources to prescribe a schedule of fees and charges for services to Emergency Medical Technicians. The function of this regulation is to establish a fee schedule.

Section 1. Fees. The following schedule of fees is established pursuant to KRS 211.966:
(1) EMT certification, examination fee: fifteen (15) dollars;
(2) EMT recertification fee: fifteen (15) dollars [Re-examination fee: five (5) dollars];
(3) EMT-first responder certification, examination fee: ten (10) dollars [Renewal fee: fifteen (15) dollars];
(4) Fee for antishock trouser certification: ten (10) dollars.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: May 13, 1987
FILED WITH LRC: May 14, 1987 at 8 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23, 1987 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the CHR Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Pat Loar Jones
(1) Type and number of entities affected: This proposed amendment establishes a fee of $10 for fire, rescue squad and EMS personnel who voluntarily seek certification.
(a) Direct and indirect costs or savings to those affected: See above
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: The proposed regulation will not result in increased costs to the cabinet.
(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: Paperwork requirements for the cabinet will be increased.
(3) Assessment of anticipated effect on state and local revenues: Fees collected for certification of first responders will be deposited in a trust and agency fund and used to administer the program.

(4) Assessment of alternative methods; reasons why alternatives were rejected: None identified
(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.

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

902 KAR 13:050. Training, examination and certification.

RELATES TO: KRS 211.960 to 211.968, 211.990(5)
PURSUANT TO: KRS 211.964
NECESSITY AND FUNCTION: KRS 211.964 directs the Cabinet for Human Resources to adopt rules and regulations relating to Emergency Medical Technicians. The function of this regulation is to establish requirements for training; examinations, certifications; and renewal and recertification of Emergency Medical Technicians.

Section 1. EMT Training Course Requirements. The training course shall:
(1) Include the Basic Emergency Medical Technician: National Standard Curriculum (Third Edition, 1984) of the U.S. Department of Transportation and such additions, deletions or changes to the curriculum as prescribed by the cabinet and the accompanying text entitled "Emergency Care," Fourth Edition, 1986 [Third Edition], published by The Brady Company, Prentice-Hall, Inc., Englewood Cliffs, N.J. 07632. A copy of these publications, included by reference as if full incorporated herein, shall be on file in the office of the Emergency Medical Services Branch, Department for Health Services, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40601, and shall be available for public inspection [the Robert J. Brady Co., Bowie, Maryland 20715];
(2) Be at least 103 hours in duration;
(3) Not be started until completed course inventory form is received by the cabinet verifying that all equipment, texts, television tapes, and other materials specified are available, in proper quantities, in proper working condition, and placed in secure storage;
(4) Not share equipment between courses unless such equipment is housed in the same building and is available equally to all EMT classes;
(5) Utilize equipment, texts, television tapes and other materials approved by the cabinet;
(6) Be taught by an EMT instructor certified by the Cabinet for Human Resources;
(7) Have at least one (1) EMT instructor-trainee; or one (1) additional EMT instructor;
(8) Have a class certification number assigned by the cabinet;
(9) Be limited to thirty (30) students; and
(10) Not permit more than one (1) lesson absence per student, unless made up at the discretion of the instructor, or made up in a subsequent EMT training course. The lesson made up shall be the same lesson that was missed.
(11) Require each student to sign in for each lesson on attendance sheets provided by the cabinet.
(12) Require the instructor at the end of each course to provide the cabinet the following: master grade sheet, answer sheets for all written exams, final practical exams, application for certification with prescribed fee, master attendance form and attendance sheets for each lesson.

Section 2. EMT Certification Examination. The cabinet shall prescribe the format and content of the EMT's certification examinations which shall consist of two (2) parts:
(1) Written. The written examination shall be in four (4) parts. An overall passing grade of seventy-five (75) percent, shall be required. In the event an applicant's overall average is less than seventy-five (75) percent, but is seventy (70) percent or more, the applicant may, upon proper application, retake the part in which he made the lowest score. However, should the applicant again fail, he shall be required to retake the entire EMT training course before being eligible for re-examination.
(2) Practical. The applicant shall successfully pass all parts of the final practical examination. In the event he fails to successfully pass all portions of the final practical examination, he shall be permitted one (1) opportunity to retake the part which he failed to pass. However, should the applicant again fail to pass the particular part of the examination, he shall be required to retake the entire EMT training course before being eligible for re-examination. An instructor who is employed by the organization for whom the EMT class is conducted shall not evaluate in the practical examination of that class.

Section 3. Certification of EMTs and EMT-A. The cabinet shall certify EMTs based upon the type of service to be rendered. An EMT engaged in ambulance service shall be issued certification as an "Emergency Medical Technician-Ambulance (EMT-A)."

Section 4. Expiration of Certification. All EMT certificates shall expire two (2) years from the date of issuance.

Section 5. Renewal of Certification; Inservice Training or Continuing Education Requirements. In order to renew a certificate, the emergency medical technician shall, during his period of certification, attain at least sixteen (16) hours of inservice training or continuing education, or a combination thereof, and show evidence of certification in cardiopulmonary resuscitation as required by the American Heart Association or the American National Red Cross.
(1) Subject matter requirements for EMT inservice training or continuing education.
(a) To receive credit for inservice training or continuing education, the applicant for recertification may take inservice training or continuing education on any subject covered by the United States Department of Transportation Emergency Medical Technician curriculum, 3rd edition, or any subject for which instruction is authorized by the Cabinet for Human Resources for the Emergency Medical Technician Program in

Kentucky.

(b) The applicant for recertification shall submit evidence of successful completion of instruction in at least four (4) different areas of emergency medical technician course subject matter instruction or skills instruction, in addition to cardiopulmonary resuscitation.

(c) The following are not eligible for credit as inservice training or continuing education:

1. Ambulance runs, rescues, firefighting, emergency responses, or similar actual emergency activities.

2. Instruction in material, techniques, or procedures not authorized to be performed by emergency medical technicians.

(d) Evidence of training and CPR certification shall be submitted to the cabinet not less than thirty (30) days before the expiration of the EMT's certification on forms supplied by the cabinet.

(e) The form provided by the cabinet shall contain a certification as to the truth of the information supplied and a statement that all training claimed conforms to the requirements of this regulation and a warning that submission of false information constitutes a violation of law.

(f) Each subject or training course claimed shall be countersigned by the instructor of the subject or course.

(g) Training received as a requirement for continuing education in medicine, nursing, paramedic, or as an EMT in a coal mining situation required by KRS 351.127 is eligible for inservice training or continuing education credit if it meets the criteria of paragraph (a) of this subsection.

(2) Instructors for EMT inservice training and continuing education. The following persons are considered as qualified to conduct inservice training and continuing education courses for emergency medical technicians:

(a) A physician licensed pursuant to KRS Chapter 311.

(b) A registered nurse licensed pursuant to KRS Chapter 314.

(c) A paramedic certified by the State Board of Medical Licensure.

(d) An emergency medical technician instructor or instructor trainer certified by the Cabinet for Human Resources.

(e) An instructor certified by a state or federal agency who is teaching within the area authorized by his certification a course which will qualify for emergency medical technician inservice training or continuing education.

(f) Physicians, registered nurses, paramedics or emergency medical technician instructors currently licensed or certified by another state of the United States of America shall be considered as meeting the requirements of paragraphs (a) through (e) of this subsection, as applicable.

(3) Cardiopulmonary resuscitation requirement. During the second year of the certification period the EMT shall obtain or renew certification in cardiopulmonary resuscitation and related techniques as follows:

(a) The course shall be conducted by the American Heart Association or the American National Red Cross or under its authority by an instructor certified by the American Heart Association or the American National Red Cross.

(b) The course shall be taught for record and shall be certified by the instructor to the American Heart Association or the American National Red Cross as meeting all applicable standards of the organization.

(c) The course shall provide instruction and testing in:

1. One (1) rescuer cardiopulmonary resuscitation;

2. Two (2) rescuer cardiopulmonary resuscitation;

3. Techniques of changing from one (1) rescuer to two (2) rescuers during the performance of cardiopulmonary resuscitation;

4. Techniques of changing rescuers during the performance of two (2) rescuer cardiopulmonary resuscitation;

5. Techniques for relief of obstruction of the airway;

6. Cardiopulmonary resuscitation of infants and small children;

7. Mouth to mouth/mouth to nose resuscitation for adults, small children, and infants.

(d) The course shall provide for individual skill testing of all adult and infant related skills in subsection (3) of this section.

(e) The applicant for renewal of certification shall forward to the Cabinet for Human Resources a copy of both sides of the certificate issued to him indicating successful completion of the CPR course.

(4) Inservice training and continuing education requirements for emergency medical technician instructors and instructor trainers.

(a) An emergency medical technician instructor or instructor trainer shall meet the inservice training or continuing education requirements for recertification in the following manner:

1. Conduct an emergency medical technician course; or

2. Teach one (1) or more lessons of an emergency medical technician course; or

3. Teach one (1) or more lessons of an inservice training or continuing education course; or

4. Conduct a final practical examination or challenge examination for an emergency medical technician course; and

(b) If paragraph (a)2 through 4 of this subsection are claimed for recertification, the total number of hours spent in instruction or examinations shall not be less that sixteen (16) hours. Any combination of hours totalling sixteen (16) may be used; and

(c) An emergency medical technician instructor trainer may utilize time spent in conducting an emergency medical technician instructor course or evaluation in lieu of time required in paragraph (a) of this subsection; and

(d) An emergency medical technician instructor or instructor trainer shall attend either the annual emergency medical technician instructor conference or the annual training session for newly appointed instructors. Time spent at such conferences may be used as credit toward the time required in paragraph (a) or (b) of this subsection; and

(e) Additionally, each emergency medical technician instructor or instructor trainer shall meet the cardiopulmonary resuscitation requirement or shall teach a cardiopulmonary resuscitation course for record or shall teach the cardiopulmonary resuscitation portion of the emergency medical technician course to emergency medical technician students.

Section 6. Temporary Extension of Certificate. Upon a showing of undue hardship in obtaining

the required inservice training or continuing education for renewal, the cabinet may extend a certificate for an additional six (6) months.

Section 7. Emergency Medical Technicians Certified in Other States and U.S. Military corpsmen. Upon proper application, a letter from an employer demonstrating need for certification, and upon payment of the prescribed fee, the following may take the Kentucky "Challenge Examination," consisting of both written and practical parts, for certification as an EMT:

(1) U.S. Military Corpsmen, within a period of one (1) year from the date of discharge, who have either a:

(a) U.S. Army MOS 91B or 91C; or

(b) Its equivalent for other services.

(2) Emergency medical technicians, currently certified in other states.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 13, 1987

FILED WITH LRC: May 14, 1987 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23, 1987 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the CHR Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Pat Loar Jones

(1) Type and number of entities affected: Agencies which implement the EMT training courses are already utilizing the text required by this amended regulation.

(a) Direct and indirect costs or savings to those affected: Not applicable

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: None identified

(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.

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

902 KAR 13:080. Authorized procedures.

RELATES TO: KRS 211.960 to 211.968, 211.990(5)
PURSUANT TO: KRS 211.964
NECESSITY AND FUNCTION: KRS 211.964 directs the Cabinet for Human Resources to adopt rules and regulations relating to Emergency Medical Technicians. The function of this regulation is to establish procedures which EMTs are authorized to perform.

Section 1. Authorized Certified EMT Procedures. (1) Except as otherwise provided in subsections (2) and (3) of this section, certified EMTs may perform any of the procedures as set forth in the "Basic Emergency Medical Technician: National Standard Curriculum," Third Edition, 1984, published by the United States Cabinet of Transportation, National Highway and Traffic Safety Administration, Washington, D. C. 20590, and in the accompanying text entitled "Emergency Care," Fourth Edition, 1986 [Third Edition], published by The Brady Company, Prentice-Hall, Inc., Englewood Cliffs, N.J. 07632 [the Robert J. Brady Co., Bowie, Maryland 20715]. A copy of both publications, included by reference as if fully incorporated herein, shall be on file in the office of the Emergency Medical Services Branch, Department for Health Services, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40602, and shall be available for public inspection.

(2) EMTs shall not perform any of the following procedures:

(a) The administration of intravenous fluids or plasma expanders, or both;

(b) Perform a cricothyrotomy;

(c) Relieve a tension pneumothorax through the use of needles;

(d) Insert an esophageal obturator airway or esophageal gastric tube airway.

(3) An EMT shall not use medical antishock trousers unless:

(a) He has completed a Kentucky emergency medical technician course during which the use of medical antishock trousers was taught after July 1, 1985; or

(b) He is currently certified as an emergency medical technician and completes the four (4) hour training session on the medical antishock trousers and successfully passes an examination administered by the cabinet consisting of both written and practical application examinations. The standards for such examinations shall be the same as for an EMT course. The training and examination shall be conducted by an EMT instructor or instructor trainer in accordance with the criteria set forth in the "Basic Emergency Medical Technician: National Standard Curriculum," Third Edition, 1984 and the standards and protocols of the Cabinet for Human Resources; or

(c) He is currently certified as an emergency medical technician and, prior to the effective date of this regulation, has received training in the use of medical antishock trousers conducted under the authorization of a licensed physician. An EMT so trained may continue to use medical antishock trousers until September 1, 1986. The EMT must submit on or before April 1, 1986, satisfactory evidence of such training to

the cabinet and must successfully pass both written and practical application examinations administered by the cabinet. The standards for such examinations shall be the same as for an EMT course. If the EMT does not successfully pass the examinations by September 1, 1986, authorization to use medical antishock trousers shall lapse and he must then comply with subsection (b) of this section; or

(d) He has completed an emergency medical technician course in another state which included the use of medical antishock trousers and has taken and passed, as a part of his Kentucky challenge examination, an examination in the use of medical antishock trousers; and

(e) He uses medical antishock trousers in accordance with the standards and the protocol of the cabinet.

Section 2. All EMTs are to be Certified in Use of Medical Antishock Trousers Prior to January 1, 1988. Any EMT who is not certified in the use of medical antishock trousers as provided in this regulation shall obtain such certification by a method provided herein no later than January 1, 1988 in order to qualify for renewal of his certification as an EMT in Kentucky.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: May 13, 1987
FILED WITH LRC: May 14, 1987 at 8 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23, 1987 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the CHR Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Pat Loar Jones
(1) Type and number of entities affected: This amendment updates the text reference which contains authorized procedures which may be performed by an estimated 10,000 EMTs.
(a) Direct and indirect costs or savings to those affected: Not applicable
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None identified
(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.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: There is no federal mandate; however the text prescribed in the amended regulation is based on the federal curriculum.
2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate:
3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities:

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

902 KAR 13:090. Disciplinary actions.

RELATES TO: KRS 211.960 to 211.968, 211.990(5)
PURSUANT TO: KRS 211.964
NECESSITY AND FUNCTION: KRS 211.964 directs the Cabinet for Human Resources to adopt rules and regulations relating to emergency medical technicians. The function of this regulation is to establish procedures for taking disciplinary action against certified emergency medical technicians, EMT-first responders and emergency medical technician-instructors.

Section 1. Denial, Revocation, and Suspension of Certificates. The cabinet may deny, revoke, or suspend the certificate of any person who:
(1) Has engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
(2) Becomes a drug dependent person or drug abuser as defined in KRS 222.011(8);
(3) Becomes an alcoholic person who suffers from alcoholism as defined in KRS 222.011(3);
(4) Develops such physical or mental disability or other condition that continued practice or performance of his duties may be dangerous to patients or the public; or
(5) Fails to comply with any regulation of the cabinet relating to the certification of EMTs.

Section 2. Hearings. The cabinet shall furnish the certificate holder with written notice setting out the substance of each offense charged with sufficient detail to reasonably apprise such person of the nature, time and place thereof. The certificate holder shall have the right to be present in person or be represented by counsel, and to present evidence and to be heard in opposition to the charges which may be instituted. The cabinet shall make a finding of fact and conclusion of law. The hearing may be conducted by a hearing officer appointed by the cabinet.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: May 13, 1987
FILED WITH LRC: May 14, 1987 at 8 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23, 1987 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the CHR Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Pat Loar Jones
(1) Type and number of entities affected: The proposed amendment establishes disciplinary action procedures for EMT-first responders.
(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:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None identified
(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.

CABINET FOR HUMAN RESOURCES
Certificate of Need and Licensure Board
(Proposed Amendment)

902 KAR 20:006. Certificate of need process.

RELATES TO: KRS 216B.010 to 216B.131 [216B.130], 216B.990(1),(2)
PURSUANT TO: KRS 13A.350, 216B.040, 216B.070, 216B.075, Executive Order 86-366
NECESSITY AND FUNCTION: KRS 216B.040, 216B.070, and KRS 216B.075 authorize the Certificate of Need and Licensure Board to promulgate administrative regulations respecting application and review procedures. This regulation sets forth the application and review procedures and requirements for exemptions of health maintenance organizations, batching, review of substantial changes in projects and cost escalations and progress reports. Executive Order 86-366 provides for the replacement of the Certificate of Need and Licensure Board with the Commission for Health Economics Control in Kentucky.

Section 1. Definitions. Except as otherwise provided, for purposes of this regulation, the following definitions shall apply:
(1) "Affected persons" means the applicant; any person residing within the geographic area served or to be served by the applicant; any person who regularly uses health facilities within that geographic area; health facilities located in the health service area in which the project is proposed to be located which provides services similar to the services of the facility under review; health facilities which, prior to receipt by the agency or the proposal being reviewed, have formally indicated an intention to provide similar services in the future; the cabinet and third party payors who reimburse health facilities for services in the health service area in which the project is proposed to be located.
(2) "Batching" means the formal review in the same review cycle and comparative consideration of all filed applications (other than those given nonsubstantive review pursuant to KRS 216B.095) pertaining to similar types of services, facilities or equipment affecting the same health service area.
(3) "Board" means the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board.
(4) "Capital expenditure authorized" means the amount of the capital expenditure approved by the board to implement a proposal.
(5) "Certificate of need" means an authorization by the board to proceed to acquire, to establish, to offer, to substantially change the bed capacity or to substantially change a health service as covered by KRS Chapter 216B.
(6) "Cabinet" means the Cabinet for Human Resources.
(7) "Executive director" means the executive director of the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board.
(8) "Formal review process" means the ninety (90) day certificate of need review conducted by the board.
(9) "Health service" means clinically related services provided within the Commonwealth to two (2) or more persons, including but not limited to diagnostic, treatment, or rehabilitative services, and includes alcohol, drug abuse, and mental health services.
(10) "Local health planning agency" means a health planning agency organized for a particular geographical area of the Commonwealth and designated by the governor.
(11) "Nonsubstantive review" means an expedited review conducted by the cabinet of an application for a certificate of need as authorized under KRS 216B.095.
(12) "Party to the proceedings" means the applicant for a certificate of need and any affected person who appears at a hearing on the matter under consideration and enters an appearance of record.
(13) "Public information channels" means the office of communications and council affairs in the Cabinet for Human Resources.

Section 2. Criteria. In determining whether to issue or deny a certificate of need, the board and the cabinet shall utilize the following criteria:

(1) Consistency with plans. The proposal should be consistent with the state health plan. Consideration should be given to the other applicable appropriately adopted plans developed by local health planning agencies. In case of inconsistency between the state health plan and other plans considered, the state health plan shall prevail. The fact that the state health plan does not address the specific type of proposal being reviewed does not constitute grounds for disapproval of the proposal. To determine conformance with this criterion the applicant and the cabinet shall address and the board shall consider the relationship of the proposal to:

(a) The state health plan;

(b) The applicable appropriately adopted plans developed by local health planning agencies.

(2) Need and accessibility. The proposal should meet an identified need in a defined geographic area and be accessible to all residents of the area. To determine conformance with this criterion the applicant shall address and the board and the cabinet shall consider:

(a) The need that the population served or to be served has for the services proposed to be offered or expanded, and the extent to which all residents of the area, and in particular low income persons, racial and ethnic minorities, women, handicapped persons and other underserved groups are likely to have access to those services.

(b) In the case of a reduction or elimination of a service, including the relocation of a facility or a service, the need that the population presently served has for the service; the extent to which that need will be met adequately by the proposed relocation or by alternative arrangements; and the effect of the reduction, elimination, or relocation of the service on the ability of low income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups to obtain needed health care.

(c) The contribution of the proposed service in meeting the health related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services (for example, low income persons, racial and ethnic minorities, women and handicapped persons), particularly those needs identified in the applicable appropriately adopted plans developed by local health planning agencies and the state health plan as deserving of priority. In this regard, the board and the cabinet shall consider:

1. The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations will use the proposed services if approved;

2. The past performance of the applicant in meeting its obligation, if any, under any applicable federal regulations requiring provision of uncompensated care, community service, or access by minorities and handicapped persons to programs receiving federal financial assistance (including the existence of any civil rights access complaints against the applicant);

3. The extent to which physicians with admitting privileges at the applicant's facility admit Medicare and Medicaid patients; and

4. The extent to which the applicant offers alternative means, other than through admission by a physician, by which a person will have access to its services (e.g., admission through a clinic or emergency room).

(d) The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided.

(e) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes.

(f) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. These entities may include medical or other health professions schools, multidisciplinary clinics and specialty centers.

(g) The special needs and circumstances of biomedical-behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages.

(3) Interrelationships and linkages. The proposal should serve to accomplish appropriate and effective linkages with other services, facilities, and elements of the health care system in the region and state accompanied by assurance of effort to achieve comprehensive care, proper utilization of services and efficient functioning of the health care system. To determine conformance with this criterion the applicant shall address and the board and the cabinet shall consider:

(a) The relationship of the services to be provided to the existing health care system of the area in which the services are proposed to be provided.

(b) The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

(c) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

(4) Costs, economic feasibility, and resource availability. The proposal when measured against the cost of alternatives for meeting needs, is judged to be an effective and economical use of resources, not only in terms of capital investment, but also in terms of ongoing requirements for health manpower and operational financing. To determine conformance with this criterion the applicant shall address and the board and the cabinet shall consider:

(a) The availability of less costly or more effective alternative methods of providing the services to be offered, expanded, reduced, relocated, or eliminated.

(b) The immediate and long-term financial feasibility of the proposal, as well as the probable impact of the proposal on the cost of and charges for providing health services by the person proposing the service.

(c) The availability of resources (including

health personnel, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of these resources for the provision of other health services.

(d) In the case of construction projects:

1. The costs and methods of the proposed construction, including the costs and methods of energy provision; and

2. The probable impact of the construction project reviewed on the costs of providing health services by the persons proposing the construction project and on the costs and charges to the public of providing health services by other persons.

(e) The special circumstances of health care facilities with respect to the need for conserving energy.

(f) The factors which affect the effect of competition on the supply of the health services being reviewed.

(g) Improvements or innovations in the financing and delivery of health services which foster competition, and serve to promote quality assurance and cost effectiveness.

(5) Quality of services. The applicant should be prepared to and capable of undertaking and carrying out the responsibilities involved in the proposal in a manner consistent with appropriate standards and requirements assuring the provision of quality health care services. To determine conformance with this criterion the applicant shall address and the board and the cabinet shall consider the quality of care provided by the applicant in the past.

(6) Special needs and circumstances of health maintenance organizations. In the case of a health maintenance organization (HMO) or an ambulatory care facility or health care facility controlled directly or indirectly by an HMO, the proposal should be consistent with the special need and circumstances of HMOs. The applicant shall address and the board and the cabinet shall consider [only]:

(a) The needs of enrolled members and reasonably anticipated new members of the health maintenance organizations for the health services proposed to be provided by the organization; and

(b) The availability of the proposed [new] health services from non-health maintenance organization providers or other health maintenance organizations in a reasonable and cost effective manner which is consistent with the basic method of operation of the health maintenance organization. [In assessing the availability of these health services the board and the cabinet shall consider only whether the services from these providers:]

[1. Would be available under a contract of at least five (5) years duration;]

[2. Would be available and conveniently accessible through physicians and other health professionals associated with the health maintenance organization (e.g., whether physicians associated with the health maintenance organization have or will have full staff privileges in a non-health maintenance organization hospital.);]

[3. Would cost no more than if the services were provided by the health maintenance organization; and]

[4. Would be available in a manner which is administratively feasible to the health maintenance organization.]

Section 3. Health Maintenance Organizations. [Required Approvals for HMOs. Nothwithstanding the general review criteria established in Section 2, if an HMO or a health facility which is controlled, directly or indirectly, by an HMO applies for a certificate of need, the board shall approve the application if it finds, in accordance with the criterion set out in Section 2(6) that:]

(1) Before any person establishes a health maintenance organization or before an existing health maintenance organization establishes a health facility or acquires major medical equipment or obligates a capital expenditure for the provision of health service, an original application for exemption, as prescribed by KRS 216B.070, and four (4) copies shall be submitted to the chairman. The application for exemption shall be filed on a prescribed form. [Approval of the application is required to meet the needs of the members of the HMO and the new members which the HMO can reasonably be expected to enroll; and]

(a) Within fifteen (15) days of receipt of the application for exemption the chairman shall acknowledge receipt in writing to the applicant and the respective local health planning agency, if any, and shall notify the applicant whether or not the application is complete.

(b) If the application for exemption is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the chairman, upon receipt of the request for additional information, that he elects for the application for exemption to be processed as originally submitted.

(c) Upon receipt of the requested additional information by the chairman, or upon receipt of a letter from the applicant stating that he elects for the application for exemption to be processed as originally submitted, the chairman shall declare the application for exemption to be filed.

(d) A public hearing pursuant to the application for exemption shall be conducted within thirty (30) days of its having been declared filed. The hearing shall utilize the format described in 902 KAR 20:127.

(e) Within thirty (30) days of the conclusion of the hearing, findings of fact and conclusions shall be issued.

(f) A decision as to the granting or denial of the exemption shall be made at the next regularly scheduled meeting following the issuance of findings of fact and conclusions.

(2) An application for exemption shall be approved if the health maintenance organization meets the definition contained in KRS 216B.015(12). [The HMO is unable to provide, through services or facilities which can reasonably be expected to be available to the HMO, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operations of the HMO and which makes these services available on a long-term basis through physicians and other health professionals associated with it.]

(3) An application for exemption shall be approved if the health facility or the major medical equipment or the health service is to be used exclusively by the members of the health maintenance organization as defined in KRS

216B.015(12).

(4) If the exemption is not granted, a certificate of need application shall be required.

(5) If an exemption is granted, pursuant to KRS 216B.070, the health care facility, or portion thereof, or the major medical equipment may not be sold or leased, a controlling interest in the facility or equipment or in a lease of the facility or equipment may not be acquired, and the health care facility shall not be used by any person other than the one which was granted the exemption unless the notice of intent to acquire prescribed by KRS 216B.065 is duly filed.

Section 4. Proposed New Use [Exemptions]. (1) A certificate of need shall not be required for any project which meets the applicable requirements of KRS 216B.065[,] and 216B.066 [, 216B.070,]. If a person acquires major medical equipment not located in a health facility without a certificate of need and proposes at any time to use that equipment to serve inpatients of a health care facility [hospital], the proposed new use must be reviewed unless the equipment will be used to provide services to inpatients of a health care facility [hospital] only on a temporary basis in the case of an emergency, a natural disaster, a major accident, or an equipment failure. For the purposes of this section "temporary basis" means on an occasional and irregular basis or until the applicant's proposal for permanent acquisition or regular use by a health care facility [hospital] is reviewed under the formal or nonsubstantive review process.

Section 5. Formal Review. (1) At least thirty (30) days prior to submitting a certificate of need application for a construction project, a letter of intent shall be filed with the executive director. No letter of intent is required when an applicant proposes to alter an outstanding certificate of need for a construction project. The letter of intent shall be filed on a form provided by the board.

(2) A letter of intent is valid for a period of one (1) year.

(3) The executive director shall acknowledge receipt of the letter of intent, send a copy to the respective local health planning agency, if any, and send appropriate forms and instruction sheets to the applicant.

(4) The original certificate of need application and four (4) copies [one (1) copy] shall be submitted to the executive director and two (2) copies shall be submitted to the respective local health planning agency, if any.

(5) Within fifteen (15) days of receipt of the application the executive director shall acknowledge receipt in writing to the applicant and the respective local health planning systems agency, if any, and shall notify the applicant whether or not the application is complete.

(6) If the application is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the executive director, upon receiving the request for additional information, that he elects for the application to be processed as originally submitted.

(7) [All applications shall be deemed filed upon the determination of completeness by the executive director,] Upon receipt of the requested additional information by the executive director, or upon receipt of a letter from the applicant stating that he elects for the application to be processed as originally submitted, the executive director shall declare the application to be filed and to be placed on the next appropriate public notice in accordance with the batching review cycles.

(8) Applications not declared filed within a year from the date the application was received shall not be retained by the board.

(9) The executive director shall notify the applicant of the date the application was declared filed and the date public notice has been given of the commencement of the review process. Applications must be declared filed at least six (6) working days prior to the date of public notice in order to be included in such notice.

(10) The executive director shall give written notice to affected persons of the beginning of a review. The notice shall include the schedule for the review and the period within which a public hearing may be requested by affected persons. The review notice to members of the public and third party payors shall be provided through public information channels. Notice to all other affected persons shall be by mail.

(11) The review period shall commence on the date of public notice. No review shall take longer than ninety (90) days from the commencement of the review unless the applicant agrees to a deferral of action. Applications proposing the same or similar types of services, equipment, or facilities affecting the same health service area shall be batched in the review cycles so they can be given comparative review, if applicable. Batching review cycles commencing with the March, 1987 meeting shall be as follows:

TYPE OF PROPOSAL	MONTH OF PUBLIC NOTICE, NINETY (90) DAYS PRIOR MEETING DATE	MONTH OF CERTIFICATE OF NEED BOARD MEETING, THIRD WEDNESDAY OF:
(a) Acute, Psychiatric, Rehab, Chemical Dependency facilities and other related components in the SHP (except Specialized Equipment and Services) such as IC/CC, Neonatal, Surgical Service (including Free-standing Ambulatory Surgical Center), and ESRD. Also Birthing Center.	November, February, May, August	February, May, August November
(b) Long Term Care (Skiled, Nursing Home, Intermediate Care, IC MR/DD, Personal Care, Swing Beds), and Home Health or Home Health/Hospice.	December, March, June, September	March, June, September, December

(c) Transplantation, Magnetic Resonance Imaging, Lithotripter, Radiation Therapy, C.T. Scanner, Cardiac Catheterization, Open Heart Surgery, and new Technological Developments.	January, July	April, October
(d) Day Health Care Center, Ambulatory Care Clinic, Primary Care Center, Rural Health Clinic, Group Home, Rehab Agency, Hospice only.	December, February, June, August	March, May, September, November
(e) Ambulance, NE Health Transportation, and Air Ambulance Services.	November, December, January, February, March, May, June, July, August, September	February, March, April, May, June, August, September, October, November, December
(f) All Mobile Services except those covered under Specialized Equipment and Services.	November, January, March, May, July, September	February, April, June, August, October, December
(g) Relocation of existing facility that does not involve a change of capacity or health service.	November, December, January, February, March, May, June, July, August, September	February, March, April, May, June, August, September, October, November, December
(h) Capital expenditure only that exceeds the threshold that does not qualify for nonsubstantive review.	November, December, January, February, March, May, June, July, August, September	February, March, April, May, June, August, September, October, November, December

(i) Any proposals not listed above will be placed in the most appropriate cycle as determined by the commission.

(j) Any proposal granted nonsubstantive review status as specified in KRS 216B.095(3)(a) through (f), plus a change of location (CON), technical modifications (CON), cost escalations that cannot be adjusted administratively, cost overrun, change of ownership when applicable, and industrial ambulance service, will be processed in accordance with KRS 216B.095(1).

(12) Any person directly affected by the proposal may request a public hearing within thirty (30) days of the date of public notice.

(13) The local health planning agency shall notify the executive director of its recommendation for approval or disapproval within sixty (60) days from the date of public notice. The recommendation shall set forth the basis for the recommendation and findings with respect to the criteria. In the event that no recommendation is received from the local health planning agency, the board shall proceed without a recommendation.

(14) The executive director of the board shall notify the applicant, the local health planning agency and any party to the proceeding of the board's final action on a certificate of need application.

(a) If the application is approved, the written notification shall include:

1. Verification that criteria for determining need have been met and that the current accessibility of the facility as a whole has been taken into account, if applicable, as specified in the federal certificate of need regulation, except in the following cases:

a. Where the application is approved pursuant to the requirements of Section 2(6). In such case, the written findings shall verify that the conditions for required approvals under Section 3 have been met; or

b. Where the project is a proposed capital expenditure not directly related to the provision of health services or to beds or major medical equipment.

2. Amount of capital expenditure authorized, where applicable.

(b) If the application is disapproved, the written notification shall include:

1. The decision of the board.

2. Notice of appeal rights.

(c) If the board's action on a certificate of need application is inconsistent with a recommendation made by the local health planning agency, the executive director shall submit to the local health planning agency and to the applicant a written detailed statement of the reasons for the inconsistency.

Section 6. Nonsubstantive Review. (1) An applicant may waive the procedures for formal review of an application for a certificate of need and request a nonsubstantive review. In addition to the projects specified in KRS 216B.095(3)(a through f), nonsubstantive review status will be granted to applications for a change of location of a proposed health facility, technical modifications to an approved certificate of need, cost overruns, changes of ownership when applicable, and industrial ambulance services.

(2) Procedures. Procedures for nonsubstantive

review shall be as follows:

(a) The original certificate of need application and four (4) copies [one (1) copy], with a request for nonsubstantive review shall be submitted to the executive director and two (2) copies of the application shall be submitted to the respective local health planning agency, if any.

(b) Within fifteen (15) days of the receipt of the application the executive director shall acknowledge receipt of the application in writing to the applicant and the local health planning agency, if any, and shall notify the applicant whether or not the application is complete.

(c) If the application is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the executive director, upon receipt of the request for additional information, that he elects for the application to be processed as originally submitted.

(d) [All applications shall be deemed filed upon the determination of completeness by the executive director,] Upon receipt of the requested additional information by the executive director, or upon receipt of a letter from the applicant that he elects for the application to be processed as originally submitted, the executive director shall declare the application to be filed.

(e) Within fifteen (15) days after the application is declared filed, the executive director functioning as the representative of the cabinet shall determine whether the application meets the criteria for nonsubstantive review and shall notify affected persons of the decision to grant or deny nonsubstantive review status. The notice to members of the public and third party payors shall be provided through public information channels. Notice to all other affected persons shall be by mail.

(f) Within fifteen (15) days of the cabinet's notice to conduct a nonsubstantive review any affected person other than the applicant may request a public hearing before the cabinet on an application granted nonsubstantive review status.

(g) The local health planning agency, if any, shall recommend approval or disapproval of applications granted nonsubstantive review status within thirty (30) days of the date of public notice. In the event that no recommendation is received from the local health planning agency, the cabinet shall proceed without a recommendation.

(h) The cabinet shall approve or disapprove applications for certificates of need within forty-five (45) days from the date of public notice to conduct a nonsubstantive review.

(i) If the applicant's proposed project is denied nonsubstantive review status the application will automatically be placed in the next appropriate batching cycle of the formal review process.

(j) If a certificate of need is denied following a nonsubstantive review, the applicant may request that the application be placed in the next appropriate batching cycle of the formal review process or may pursue a judicial appeal. If a formal review is requested, no letter of intent shall be required, but the filing of the request for nonsubstantive review shall be considered compliance with any requirement for a letter of intent.

Section 7. Conditions Relative to a Certificate of Need. (1) No person shall transfer an approved certificate of need for the establishment of a new health facility or the replacement of an existing facility without first obtaining a certificate of need. All other certificates of need may be transferred to the new owner of the facility or service if a change of ownership occurs prior to implementation of the project for which the certificate of need was issued.

(2) A certificate of need issued for establishment of a new health facility or the replacement of an existing facility and is issued only for the location stated on the certificate.

(3) Cost escalations. (a) A certificate of need shall not be required for an escalation of the capital expenditure authorized provided that the scope of the project as approved is not altered and the amount of the escalation does not exceed:

1. Twenty (20) percent of the capital expenditure authorized or $100,000, whichever is greater, in the case of projects with a capital expenditure of less than $500,000;

2. Twenty (20) percent of the capital expenditure authorized, in the case of projects with a capital expenditure of $500,000 or greater, but less than $5,000,000;

3. Ten (10) percent of the amount in excess of $5,000,000, plus $1,000,000, in the case of projects with a capital expenditure of $5,000,000 or greater, but less than $25,000,000;

4. Five (5) percent of the amount in excess of $25,000,000, plus $3,000,000, in the case of projects with a capital expenditure of $25,000,000 or greater, but less than $50,000,000; or

5. Two (2) percent of the amount in excess of $50,000,000, plus $4,250,000 in the case of projects with a capital expenditure of $50,000,000 or greater.

(b) The certificate of need holder shall submit, to the executive director, a standardized escalation form approved by the Board which includes the amount of the escalation, the factors pertaining to the escalation, and information to assure that the scope of the project as approved originally by the Board has not changed. The executive director shall review the form submitted and within thirty (30) days of receipt shall notify the certificate of need holder whether the proposed escalation meets the requirements of subsection (a) of this section. Capital expenditures for escalations within the limits prescribed in this section shall not be obligated until the certificate of need holder has received this notice. A certificate of need shall be required for escalations in the capital expenditure authorized which exceeds the limits prescribed in this section or entails a change in the scope of the proposal which was originally approved.

(c) The certificate of need holder shall, prior to obligating any escalation of the capital expenditure authorized, submit to the executive director any additional certificate of need application fee required by the increased capital expenditure pursuant to the requirements of 902 KAR 20:135.

Section 8. Progress Reports. (1) As one of the conditions of a certificate of need, the certificate of need holder shall submit a report of progress every six (6) months or more frequently if required by the board until the project is complete.

(2) All certificate of need holders shall be notified in writing that certificates of need will be revoked by the board if satisfactory evidence towards the implementation of a proposal is not made within the time limits set by this regulation. The applicant shall provide the necessary evidence on forms provided by the executive director. The board may revoke the certificate of need for failure to submit progress reports as required.

(3) Procedures for submission of progress reports:

(a) The executive director shall send notice to the certificate of need holder specifying the date each progress report is due. The first six-month report shall be due six (6) months from the date the certificate was issued.

(b) The applicant shall send one (1) copy of the six-month progress report form to the board and two (2) copies to the local health planning agency, if any.

(4) Criteria for review of progress:

(a) The first six-month progress report shall include the following:

1. On all projects for purchase of equipment only, a copy of the purchase order.

2. For all construction projects, a copy of the deed or the option to acquire the site.

(b) Within one (1) year after a certificate of need is issued, the second six-month report shall include documentation that:

1. All projects for conversion of beds are complete;

2. All projects for addition of new services, not involving construction, are complete;

3. Schematic plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources for construction projects. The second six-month report for all construction projects shall also include:

a. Schedule for project completion with projected dates;

b. Evidence of preliminary negotiation with financial agent;

c. Evidence of preliminary negotiation with contractors.

(c) Within eighteen (18) months after a certificate of need has been issued, the third six-month report shall include the following information regarding all construction projects:

1. Copy of deed or lease of land;

2. Evidence that applicant has sufficient capital obligated to complete the project. If the source of capital is to be a financing agreement, the applicant must have evidence that a final enforceable agreement or note has been executed;

3. Documentation that final plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources;

4. Enforceable contract with construction contractor;

(d) On all projects for purchase of equipment only, evidence that equipment has been installed.

(e) Within two (2) years after a certificate of need has been issued, the fourth six-month report shall verify that all construction projects have the walls and roof up and plumbing roughed in.

JACK S. LESSHAFFT, SR., Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 16, 1987
FILED WITH LRC: May 8, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23 at 9 a.m. in the Vital Statistics Conference Room, First Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack S. Lesshafft, Sr.

(1) Type and number of entities affected: All present and future health maintenance organizations in Kentucky.

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

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: Requires Application for HMO Exemption under specified circumstances.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Minimal

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Requires processing of Applications for HMO Exemptions.

(3) Assessment of anticipated effect on state and local revenues:

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative. Mandated by KRS Chapter 216B.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. All applicants for HMO exemptions are required to adhere to the same process.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The Health Planning and Resources Development Act, Public Law 93-641, as amended, has been repealed. These proposed amendments relate to KRS Chapter 216B, the Kentucky Certificate of Need and Licensure Law.

2. Does the proposed regulation impose stricter requirements or other responsibilities

on the regulated entities than those required by the federal mandate: N/A

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: N/A

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Food and Sanitation
(Proposed Amendment)

902 KAR 45:080. Salvage.

RELATES TO: KRS 217.005 to 217.215, 217.992
PURSUANT TO: KRS 194.050, 211.090
NECESSITY AND FUNCTION: The Kentucky Food, Drug and Cosmetic Act, KRS 217.005 to 217.215 and 217.992 authorizes the Cabinet for Human Resources to regulate the misbranding and adulteration of foods and cosmetics. This regulation establishes uniform requirements relating to the disposition of salvaged foods, cosmetics and related merchandise.

Section 1. Citation of Regulation. This regulation may be cited as the "State Food and Cosmetic Salvage Regulation."

Section 2. Definitions. The following definitions shall apply in the interpretation and the enforcement of this regulation: (1) "Employee" means any person employed by a salvage processing plant or salvage distributor who does, or may in any manner handle or come in contact with the handling, storing, transporting, or selling of distressed, salvageable or salvaged food [salvageable food], cosmetics, or other items listed under subsection (9) of this section [related merchandise].

(2) "Cabinet" means the Cabinet for Human Resources or its designee.

(3) [(2)] "Distressed merchandise" means any food, cosmetic, or other item listed under subsection (9) [(5)] of this section which has had the label lost or which has been subjected to possible damage due to accident, mishandling, fire, flood, adverse weather, or to any other similar cause; or which is suspected of having been rendered unsafe or unsuitable for human or animal consumption or use, or which is misbranded, short filled, over or inadequately processed, or below grade.

(4) "Non-salvageable merchandise" means "distressed merchandise," as defined in subsection (3) of this section, which cannot be safely or practically reconditioned.

(5) [(3)] "Perishable food" means that there exists a significant risk of spoilage or deterioration when a food has not been properly stored, or handled [means any food of such type or in such physical state that it may spoil or otherwise become unfit for human consumption].

(6) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs, or foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

(7) "Reconditioning" means any appropriate process or procedure by which distressed merchandise can be brought into compliance with all cabinet requirements making it suitable for consumption or use as human or animal feed.

(8) [(4)] "Salvage distributor" means a person who engages in the business of distributing, peddling, storing, or otherwise trafficking in any distressed, salvageable, or salvaged merchandise.

(9) [(5)] "Salvage processing plant" means an establishment operated by a person who is engaged in the business of reconditioning, labeling, relabeling, repackaging, recoopering, sorting, cleaning, culling or by other means salvages, sells, offers for sale, or distributes for human or animal consumption or use any salvaged food, beverage, including beer, wine and distilled spirits, vitamins, food supplements, dentrifices, cosmetics, single-service food containers or utensils, containers and packaging materials used for foods and cosmetics, soda straws, paper napkins, or any other product of a similar nature that has become distressed merchandise [been damaged or contaminated by fire, water, smoke, chemicals, transit, or by any other means]. The term "salvage processing plant" shall not be construed to include retailers, wholesalers, or distributors whose merchandise may suffer occasional damage during routine handling, while in the possession of such retailer, wholesaler, or distributor.

(10) [(6)] "Salvageable merchandise" means any distressed food, cosmetic, or other item listed under subsection (9) [(5)] of this section which can be reconditioned, labeled, relabeled, repackaged, recoopered, sorted, cleaned, culled or by any other means be salvaged to the satisfaction of the cabinet.

(11) [(7)] "Salvaged merchandise" means previously distressed merchandise which has been reconditioned or salvaged pursuant to the provisions of this regulation and is acceptable for such human or animal consumption or use as may be designated by the cabinet.

(12) "Sanitize" means adequate treatment of food-contact surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance and in substantially reducing numbers of other microorganisms. Such treatments shall not adversely affect the product and shall be safe to the consumer.

(13) [(8)] "Vehicle" means any truck, car, bus, railcar, aircraft, boat, ship, or other means by which distressed, salvageable or salvaged merchandise is transported from one (1) location to another.

(14) "Salvage dealer" means any person who is engaged in selling or distributing salvaged merchandise.

(15) "Salvage processor" means any person who engages in the business of reconditioning salvageable or salvaged merchandise for sale or further distribution.

(16) "Supplier" means any person who transfers distressed merchandise to a salvage processor.

Section 3. Permit Requirements. (1) No person shall operate a salvage processing plant or act as a salvage dealer or distributor within the Commonwealth of Kentucky, who does not possess a

permit issued by the cabinet. Only a person who complies with the requirements of this regulation shall be entitled to receive and retain such a permit which will be of two (2) types: (1) Salvage Processing Permit and (2) Salvage Distributing Permit. Permits shall not be transferable from one (1) person to another person or place. A permit shall be posted in every processing plant, and each distributor shall have a copy of a valid permit in each vehicle which he operates. The name and address of the salvage processing plant or distributor and the permit number must be conspicuously displayed on the outside of all vehicles being used for salvage operations. Each permit shall expire on December 31 next following its date of issuance.

(2) Issuance of permits. Any person desiring to operate a salvage processing plant or act as a salvage distributor shall make written application for a permit on forms provided by the cabinet. Upon receipt of such an application, the cabinet shall make an inspection of the salvage processing plant or distributor's operations to determine compliance with the provisions of this regulation. When inspection reveals that the applicable requirements of this regulation have been met, a permit shall be issued to the applicant by the cabinet.

Section 4. Notice to Cabinet of Distressed Merchandise. It shall be the duty of any person owning or having possession of any merchandise listed in Section 2(9) [(5)] of this regulation which becomes distressed merchandise to notify the cabinet if possible prior to such merchandise being removed from the premises at which it was located at the time it became distressed merchandise. If emergency removal of distressed merchandise is required, notice to the cabinet shall be made as soon thereafter as possible. It shall also be the duty of the owner or manager of the salvage processing plant to notify the cabinet within forty-eight (48) hours or, as soon as possible thereafter, whenever distressed merchandise subject to the provisions of this regulation is obtained.

Section 5. Movement of Distressed Merchandise. Distressed merchandise shall be moved from the site of a fire, flood, sewer backup, wreck or other cause as expeditiously as possible after compliance with Section 4 of this regulation so as not to become putrid, unwholesome, rodent or insect harborages, or otherwise, a menace to public health. All distressed and salvageable merchandise of a perishable nature shall, prior to reconditioning, [shall] be transported only in vehicles provided with adequate refrigeration or freezing capabilities necessary for product maintenance. No interstate movement of known distressed or salvageable merchandise shall be made without the prior approval of the cabinet, the appropriate control agency in the state receiving the merchandise, and the Federal Food and Drug Administration.

Section 6. Handling of Distressed Merchandise. (1) If distressed articles unrelated to foods, cosmetics, etc. are also salvaged, they shall be handled in rooms separate from those in which foods are reconditioned.

(2) Sufficient precautions shall be taken to prevent cross-contamination (e.g., animal feed to human food) among the various types of merchandise which are salvageable or salvaged.

Section 7. [6.] Reconditioning and Labeling of Distressed Merchandise. (1) All salvageable distressed merchandise shall be reconditioned prior to sale or distribution except for such sale or distribution to a person holding a valid salvage processing permit issued by the cabinet.

(2) [(1)] All metal cans of food offered for sale or distribution shall be free of any evidence of [from] rust pitting, and essentially free of [rim or seam] dents (especially at rim, end double seams and/or side seams). Any metal container for which buffing is required to remove pitted rust and leakers, springers, flippers, and swells shall be deemed [to be] unfit for sale or distribution [use]. Containers, including metal and glass containers with [having] press caps, [or] screw caps, pull rings or other types of openings which [that] have been in contact with [totally immersed in] water, liquid foam, or other deleterious substances, as a [the] result of firefighting efforts, flood, sewer backup, or similar mishaps, shall be deemed [to be] unfit for sale or distribution, i.e., non-salvageable merchandise as defined in Section 2(4) of this regulation, except that consideration may be given to reconditioning spirits by distillation where feasible [use].

(3) [(2)] All metal containers of food, other than those mentioned in subsection (2) of this section, whose integrity has not been compromised and whose integrity would not be compromised by the reconditioning, and [Hermetically sealed cans or tins of food, except cans or tins which are opened by pull tabs,] which have been partially or totally submerged in water, liquid foam, or other deleterious substance as the [a] result of flood, sewer backup, or other reasons shall, after thorough cleaning, be subjected to a sanitizing rinse of a concentration of 100 [200] ppm available chlorine for a minimum period of one (1) minute, or shall be sanitized by another method approved by the cabinet, and subsequently be treated to inhibit rust formation [prior to use or sale]. All other types of packages (including cans or tins which are opened by pull tabs) so damaged shall be deemed unsafe for use or sale.

(4) [(3)] Label removal. Any cans [or tins] showing surface [excessive] rust shall, after having their [have] labels removed, be inspected and destroyed if they contain pin holes. If salvageable, they shall then be cleaned by a method approved by the cabinet before relabeling. Any container of food with the label or mandatory information missing, that cannot be identified and relabeled correctly, shall not be sold. When original labels are missing or illegible , relabeling or overlabeling shall be required. [the outer surfaces reconditioned by buffing, a protective coating applied where necessary, and shall be relabeled. Relabeling of other types of containers may be required where circumstances are justified.]

(5) [(4)] Relabeling. All salvaged merchandise shall be labeled to indicate that the merchandise has been salvaged. All salvaged merchandise in containers is [are] to be provided with labeling [labels] meeting the appropriate requirements of KRS 217.035 and 217.037 [219.095]. Where original labels are

removed from containers which are to be resold or redistributed, the replacement labels must show as the distributor, the name and address of the salvage processing plant [as the distributor].

Section 8. [7.] Records of Distressed Merchandise. A written record or receipt of distressed [merchandise], salvageable [merchandise] and salvaged merchandise shall be kept by the salvage processing plant and shall be kept open for inspection by the cabinet during business hours. The records shall include the name of the product, the name and address of the manufacturer or distributor, the production code, container sizes, source of the distressed merchandise, the date received, the type of damage, and the salvage process conducted. These records shall be kept on the premises of the salvage processing plant for a period of one (1) year following the completion of transactions involving a lot of merchandise.

Section 9. [8.] Protection from Contamination. (1) All salvageable and salvaged merchandise, while being stored or reconditioned [processed] at a salvage processing plant, or during transportation, shall be protected from contamination. All perishable foods as well as those susceptible to microbial contamination shall be stored at such temperatures as will protect against spoilage. All potentially hazardous foods shall be maintained at safe temperatures (forty-five (45) degrees Fahrenheit or below or 140 degrees Fahrenheit or above). Frozen foods shall be maintained at zero degrees Fahrenheit or below. Poisonous and toxic materials shall not be transported with distressed, salvageable or salvaged merchandise or stored in a salvage processing plant; unless effective separation is provided. However, [that] such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitation purposes may be used or stored in salvage processing plants. Such poisonous and toxic materials shall be identified, and shall be used only in such manner and under such conditions as will not contaminate distressed, salvageable or salvaged merchandise, shall not [or] constitute a hazard to employees and, when not in use, shall be stored in cabinets which are used for no other purpose.

(2) Segregation of merchandise. All salvageable merchandise shall be promptly sorted and segregated from non-salvageable merchandise to prevent further contamination of the merchandise to be reconditioned for sale or distribution.

Section 10. [9.] Personnel Health and Disease Control. (1) No employee while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in an area of a salvage processing plant or for a salvage distributor in any capacity in which there is a likelihood of such person contaminating salvageable or salvaged merchandise with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he or she shall notify the cabinet immediately.

(2) All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to good hygienic practices while on duty. Employees shall wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his or her hands. The consumption of food or beverages and the use of tobacco in any form shall be allowed only in designated areas and not in areas where food is exposed or in areas used for washing equipment and utensils.

Section 11. [10.] Salvage Processing Plant Equipment and Utensils. (1) All equipment and utensils used in a salvage processing plant shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair; and the surfaces of such equipment and utensils coming in contact with food and other food contact surfaces [salvageable or salvaged mrechandise] shall, in addition, be easily accessible for cleaning, non-toxic, corrosion-resistant and [relatively] non-absorbent; provided, that, when approved by the cabinet, exceptions may be made to the above materials requirements.

(2) All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas. Equipment which was installed prior to March 12, 1975 [in use at the time of adoption of this regulation] which does not meet fully the above requirements, may be continued in use if it is in good repair, capable of being maintained in a sanitary condition and surfaces coming in contact with salvageable or salvaged merchandise are non-toxic. [Single-service articles shall be made from non-toxic materials.]

Section 12. Equipment and Utensil Cleaning and Sanitization. (1) Effective means of cleaning and sanitizing equipment, utensils, and soiled food containers, shall be provided. In new or extensively altered salvaged processing plants a three (3) compartment sink and/or a suitable automatic pressurized spray-type ware washing machine capable of washing and sanitizing with hot water or chemical sanitizers shall be provided and conveniently located within the processing area.

(2) Cleaning frequency. All utensils and food-contact surfaces [of equipment coming in contact with salvageable or salvaged merchandise used] in a salvage processing plant shall be thoroughly cleaned and sanitized prior to [such] use. All other surfaces of equipment shall be cleaned at such intervals as necessary [to keep them in a clean and sanitary condition]. After cleaning and until use, all equipment and utensils shall be stored and handled as to be protected from contamination. [All single-service articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once.]

Section 13. [11.] Salvage Processing Plant Sanitary Facilities and Controls. (1) Water

supply. The water supply shall be adequate, of a safe, sanitary quality and from a source approved by the Natural Resources and Environmental Protection Cabinet. Hot and cold running water under pressure shall be provided in all areas where foods, or cosmetics are processed, or equipment, utensils, or containers are washed.

(2) Sewage. All sewage and other liquid waste shall be disposed of in a public sewerage system or, in the absence thereof, in a manner approved by the Natural Resources and Environmental Protection Cabinet or the cabinet [Department of Housing, Buildings and Construction].

(3) Plumbing. All plumbing shall comply with State Plumbing Code.

(4) Toilet facilities. Each salvage processing plant shall be provided with adequate, conveniently located toilet facilities for its employees. In new establishments or establishments that are extensively altered, toilet facilities shall be provided in accordance with the requirements of the State Plumbing Code. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleanable receptables shall be provided for waste materials and such receptables in toilet rooms [for women] shall be covered. [Where the use of non-water-carried sewage disposal facilities are approved by the cabinet, such facilities shall be separate from the establishment.]

(5) Lavatories. Each salvage processing plant shall be provided with adequate, conveniently located hand-washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

(6) Garbage and refuse. All refuse [garbage and rubbish] containing foods or cosmetics shall be kept in leakproof, nonabsorbent containers [, prior to disposal,] be kept in leakproof, non-absorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use; provided, that such containers need not be covered when stored in a special vermin-proofed room or enclosure, or in a waste refrigerator. All other refuse [rubbish] shall be stored in containers, rooms, or areas in an approved manner. Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after the emptying or removal of refuse [garbage and rubbish]. All refuse [garbage and rubbish] shall be disposed of with sufficient frequency and in such a manner as to prevent contamination of salvaged product and surrounding processing areas [a nuisance].

(7) Insect and rodent control. Effective measures shall be taken to protect against the entrance, [into the salvage processing plant and the] breeding, and [or] presence [on the premises] of rodents, insects, and other vermin in the salvage processing plant.

Section 14. [12.] Salvage Plant Construction and Maintenance. (1) Floors. The floor surfaces in all rooms and areas in which salvageable or salvaged merchandise is stored or processed and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, should [shall] be [of smooth, non-absorbent materials, and so] constructed as to be easily cleanable. [provided, that the floors of non-refrigerated, dry storage areas need not be non-absorbent.] All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste onto the floor.

(2) Walls and ceilings. The walls and ceilings of all rooms shall be [kept] clean and in good repair.

(3) [(2)] Lighting.

(a) At least thirty (30) footcandles of light at a distance of thirty (30) inches from the floor shall be provided in all areas in which salvageable or salvaged merchandise is processed or stored, where [or] utensils are washed, and in hand-washing areas. Dressing or locker rooms, toilet rooms, and refuse [garbage and rubbish] storage areas should [shall] be adequately lighted. During all cleanup activities, adequate light shall be provided in all other areas to facilitate cleaning and good sanitation. [the area being cleaned, and upon or around equipment being cleaned.]

(b) Protective shielding.

1. Shielding to protect against broken glass falling onto unpackaged food shall be provided for all artificial lighting fixtures located over or within food-storage, food-preparation, and food-display areas.

2. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

(4) [(3)] Ventilation. All rooms and processing areas in the salvage processing plant should [in which salvageable or salvaged merchandise is processed or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall] be well ventilated. Ventilation hoods and devices when used shall be designed to prevent condensate from dripping into foods or cosmetics, or onto preparation surfaces. Filters, when used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable state and local fire-prevention requirements and shall, when vented to the outside air, discharge in such manner as not to create a nuisance.

(5) [(4)] Locker area. Adequate facilities should [shall] be provided for the orderly storage of employee's clothing and personal belongings.

(6) [(5)] Housekeeping. All parts of the salvage processing plant and its premises shall be kept clean and free of litter and refuse [rubbish]. Cleaning operations shall be conducted in such a manner as to prevent [minimize] contamination of salvageable and salvaged merchandise. None of the operations connected with a salvage processing plant shall be conducted in any room used as an employee lounge or living or sleeping quarters. Soiled coats and aprons should [shall] be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of a salvage processing plant's operations or for the

storage of salvageable and salvaged merchandise except that patrol dogs accompanying security or police officers are permitted. Guide dogs accompanying blind persons shall be permitted in sales areas.

(7) [(6)] Vehicles. Vehicles used to transport distressed, salvageable, or salvaged merchandise should [shall] be maintained in a clean condition to [aid in] protect[ing] the product from contamination.

Section 15. [13.] Plan Review of Future Construction. When a salvage processing plant is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a salvage processing plant, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangements, and construction materials of work areas and the location, size and type of fixed equipment facilities, and a plumbing riser diagram shall be submitted to the cabinet for approval before such work is begun.

Section 16. [14.] Inspections; Notices. (1) Inspection [of salvage processing plants and distributors]. At least once every twelve (12) months, the cabinet shall inspect each salvage processing plant and distributor and shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(2) Inspection records. Whenever the cabinet makes an inspection of a salvage processing plant or distributor, its representative shall record the findings on an inspection report form provided for this purpose, and shall furnish a copy [the original] of such inspection report form to the permit holder or his representative in charge.

(3) Issuance of notices. Whenever the cabinet makes an inspection of a salvage processing plant or distributor and determines that any of the requirements of this regulation have been violated, the cabinet shall notify the permit holder or person in charge of such violations by means of an inspection report form or other written notice. In such notification, the cabinet shall:

(a) Set forth the specific violations found.

(b) Establish a specific and reasonable period of time for the correction of the violations found.

(c) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in suspension of the permit.

(d) State that an opportunity for appeal from any notice of inspection findings will be provided if a written request for a hearing is filed with the cabinet within the period of time established in the notice for correction.

(4) Service of notices. Notices provided for under this section shall be deemed to have been properly served when a copy [the original] of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the cabinet.

Section 17. [15.] Salvage Processing Plants and Distributors Outside Jurisdiction of the Cabinet. Salvaged merchandise from salvage processing plants and distributors located outside the jurisdiction of the Commonwealth of Kentucky may be sold within the state, if such plants and distributors conform to the provisions of this regulation or to substantially equivalent provisions and have a valid permit from the cabinet. To determine the extent of compliance with such provisions, the cabinet may accept reports from responsible authorities in other jurisdictions where such plants and distributors are located.

Section 18. [16.] Suspension and Revocation of Permits. (1) Whenever the cabinet has reason to believe that an imminent public health hazard exists, or whenever the permit holder has interfered with the cabinet in the performance of its duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. In such event, the permit holder may request a hearing which shall be granted as soon as practicable.

(2) In all other instances of violation of the provisions of this regulation, the cabinet shall serve upon the holder of the permit a written notice specifying the violations in question and afford the holder a reasonable opportunity to correct same. Whenever a permit holder or operator has failed to comply with any written notice issued under the provisions of this regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the cabinet by the permit holder within such ten (10) day period.

(3) Reinstatement of suspended permits. Any person whose permit has been suspended may at any time make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension of the permit have been corrected, the cabinet shall make a reinspection. If the applicant is complying with the requirements of this regulation, the permit shall be reinstated.

(4) Revocation of permits. For serious or repeated violations of any of the requirements of this regulation, or for interference with the cabinet in the performance of its duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the cabinet. Prior to such action, the cabinet shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of such notice, unless a request for a hearing is filed with the cabinet, by the permit holder, within such ten (10) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(5) Hearings. The hearings provided for in this section shall be conducted by the cabinet at a time and place designated by it. Based upon the record of such hearing, the cabinet shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A transcript of the hearing shall not be made unless the interested party

assumes the costs thereof and a request is made therefor at the time a hearing is requested.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 28, 1987
FILED WITH LRC: May 6, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23 at 9 a.m. in the Vital Statistics Conference Room, First Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dudley J. Conner
(1) Type and number of entities affected: 25
(a) Direct and indirect costs or savings to those affected:
1. First year: N/A
2. Continuing costs or savings: Same
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: Same
2. Continuing costs or savings: Same
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: No change
(3) Assessment of anticipated effect on state and local revenues: No change
(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. One routine inspection per year minimum is required.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Food and Sanitation
(Proposed Amendment)

902 KAR 45:100. Vending machines; food and beverages.

RELATES TO: KRS 217.808 to 217.812, 217.990(8)
PURSUANT TO: KRS 194.050, 211.090
NECESSITY AND FUNCTION: The Cabinet for Human Resources is empowered by KRS 217.808 et. seq. to regulate food vending machines. This regulation relates to the sanitation and inspection of food vending machines, food vending commissaries and the issuance and suspension of permits. The purpose of this regulation is to establish uniform requirements for the regulation of food vending machines and food vending commissaries in Kentucky.

Section 1. Citation of Regulation. This regulation may be cited as the "State Food and Beverage Vending Machine Code."

Section 2. Sale of Adulterated or Misbranded Food Prohibited. (1) No person shall sell, offer or expose for sale, through vending machines, or have in his possession with intent to sell therefrom, any food which is adulterated or misbranded as set forth in KRS 217.025 and 217.035 of the Kentucky Food, Drug and Cosmetic Act.
(2) Samples of food may be taken and examined by the cabinet as often as may be necessary to determine freedom from adulteration or misbranding.

Section 3. Sanitation Requirements for Vending Machine Operations. (1) Food supplies. At all times, including while being prepared, stored, loaded, displayed, or transported, [All] food intended for sale through vending machines and condiments or other foods available at vending machine locations shall be wholesome, correctly labeled and processed under sanitary conditions acceptable to the cabinet and shall be protected from contamination by all agents, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs, sneezes, flooding, draining, and overhead leakage or condensation. All meat and meat products and poultry and poultry products shall have been inspected and passed for wholesomeness by an official governmental agency. All hermetically sealed foods offered for sale shall have been processed in approved food processing establishments. Home prepared food shall not be used or offered for sale through vending machines. [Potentially hazardous food shall be held at safe temperatures except during necessary periods of preparation and machine service.]
Special requirements.
(a) Milk and fluid milk products offered for sale through vending machines shall be pasteurized, shall meet the Grade A quality standards as established by law, and shall be dispensed only in individual original containers.
(b) Milk and fluid milk products and fluid non-dairy products (creaming agents) shall not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.
(c) Fresh fruits which may be eaten without peeling shall be thoroughly washed in potable water at the packing plant by the processor, or at the commissary before being placed in the vending machines for dispensing. The washed fruit shall be protected from contamination after the washing process.
(d) All food, other than fresh fruit, shall be stored or packaged in clean protective containers, and all food shall be handled and vended in a sanitary manner.
(e) Potentially hazardous food offered for sale through vending machines shall be dispensed to the consumer in the individual, original container or package into which it was placed at the commissary or at the manufacturer's or processor's plant. Potentially hazardous food shall not be dispensed from bulk food machines.
(f) Potentially hazardous food shall be

maintained at safe temperatures except as follows:

1. During necessary periods of preparation and packaging; and

2. During the actual time required to load or otherwise service the machine and for a maximum machine ambient temperature recovery period of thirty (30) minutes following completion of loading or servicing operation.

(2) Consumer containers. All food-contact surfaces of containers shall be protected from contamination. If condiments or other foods are provided for service in conjunction with food dispensed by a vending machine, they shall be packaged in individual portions in single-service containers or shall be dispensed from approved sanitary dispensers which are washed, sanitized and filled at the commissary, or be commercially prepared in non-reusable containers. Relish bowls and similar condiment containers shall not be used at unattended locations. Drinking straws, stirrers, toothpicks, spoons, knives, forks, and similar articles which are provided in conjunction with food dispensed by a vending machine shall be individually wrapped or dispensed from bulk containers in a sanitary manner.

(3) Equipment maintenance and operations.

(a) Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units, or both, and thermostatic controls which insure the maintenance of applicable temperatures at all times. Such vending machines shall also have controls which prevent the machine from vending potentially hazardous food until serviced by the company, in the event of power failure or other conditions, resulting in noncompliance with temperature requirements in the food storage compartment. Hot food vending machines designed to heat foods through the potentially hazardous range of forty-five (45) degrees Fahrenheit to 140 degrees Fahrenheit, shall also be equipped with automatic controls which prevent the machine from vending such food if heating through this temperature range is not accomplished in 120 minutes or less. Provided, however, equipment which was installed prior to March 12, 1975 [in use at the time of the adoption of this regulation] that does not meet fully the above requirements, may be continued in use if it is in good repair, capable of being maintained in a sanitary condition, and the food contact surfaces are non-toxic.

(b) Potentially hazardous food that has failed to conform to the time-temperature requirements of this regulation, shall be removed from the vending machine, and be denatured or otherwise rendered unusable for human consumption.

(c) Vending machines dispensing potentially hazardous food shall be provided with one (1) or more thermometers which, to an accuracy of plus or minus three (3) degrees Fahrenheit, indicate the air temperature of the warmest part of the refrigerated food storage compartment, or the coldest part of the heated food storage compartment, whichever is applicable.

(4) Inspection of vending machine commissaries. All commissaries providing food for vending machines covered by this regulation shall comply with the applicable provisions of the current "State Food Service Code."

(5) Machine location. [The machine location shall be such as to minimize the potential for contamination of the food, shall be well lighted, easily cleanable, and shall be kept clean. Conveniently located handwashing facilities shall be available for use by employees servicing or loading bulk food machines.]

(a) Vending machines, ovens and other equipment shall be located in a room, area or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste, or sewer piping. The immediate area in which the equipment is located shall be well lighted and ventilated. Each vending machine shall be located so that the space around and under the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created.

(b) The floor area where vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

(c) Adequate handwashing facilities, including hot and cold or tempered running water, soap and individual towels, shall be convenient to the machine location and shall be available for use by employees servicing or loading bulk food machines.

(6) Single-service articles. Single-service articles shall be purchased in sanitary packages which protect the articles from contamination, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. Such articles shall be furnished to the customer in the original individual wrapper or from a sanitary single-service dispenser. All single-service articles shall be protected from manual contact, dust, insects, rodents, and other contamination.

(7) Other equipment.

(a) All other equipment at the vending location must be kept clean. Food-contact surfaces, if any, must be cleaned, rinsed and sanitized at a frequency established by the cabinet based upon the type of product being dispensed.

(b) The cavities and door edges of microwave ovens shall be kept free of encrusted grease deposits and other accumulated soils and shall be cleaned daily, or as often as is necessary to achieve the safe, sanitary operation thereof. All doors, seals, hinges, and latch fasteners (screws and related hardware) shall be kept tight and adjusted in accordance with manufacturer's procedures. Microwave ovens shall be in compliance with applicable safety standards of the United States Food and Drug Administration's Center for Devices and Radiological Health.

(c) Food-contact surfaces of all equipment and utensils must be protected from contamination at all times including while being transported from the commissary to the vending location.

(8) [(6)] Exterior construction and maintenance. [The exterior construction of the vending machine shall be such as to facilitate cleaning and to minimize the entrance of insects and rodents, and the exterior of the machine shall be kept clean. Service connections to machines vending potentially hazardous food shall be such as to protect against unintentional or accidental interruption of service to the machine.]

(a) The vending machine shall be of sturdy

construction and the exterior shall be designed, fabricated, finished, and maintained to facilitate its being kept clean and to minimize the entrance of insects and rodents. The exterior of the machine shall be kept clean.

(b) Door and panel access openings to the food and container storage spaces of the machine shall be tight fitting, and if necessary, gasketed to prevent the entrance of dust, moisture, insects, and rodents.

(c) All ventilation louvers or openings into vending machines shall be effectively screened. Screening material for openings into food and container storage spaces of the machine shall be not less than sixteen (16) mesh to the inch or equivalent. Screening material for openings into condenser units which are separated from food and container storage spaces shall be not less than eight (8) mesh to the inch or equivalent.

(d) In all vending machines in which the condenser unit is an integral part of the machine, such unit when located below the food and container storage space, shall be separated from such space by a dust proof barrier, and when located above, shall be sealed from such space.

(e) In order to prevent seepage underneath the machine and to promote cleaning, free standing vending machines shall have one (1) or more of these elevation or movability features:

1. Be light enough to be manually moved with ease by one (1) person; or

2. Be elevated on legs or extended sidewalls to afford, with or without kickplates, and unobstructed vertical space of at least six (6) inches under the machine; or

3. Mounted on rollers or casters which permit easy movement; or

4. Be sealed to the floor.

Where used, kickplates shall be easily removable or be capable of being rotated. These kickplates shall be designed and installed to make the area under the machine easily accessible for routine cleaning without unlocking the cabinet door.

(f) Counter type machines shall be:

1. Sealed to the counter; or

2. Mounted on four (4) inch legs or the equivalent; or

3. Easily moved for cleaning with service connections in place.

(g) All service connections through an exterior wall of the machine including water, gas, electrical, and refrigeration connections, shall be grommeted, or closed with no opening over one/thirty-second (1/32) inch to prevent the entrance of insects and rodents. All service connections to machines vending potentially hazardous food shall be such as to discourage unauthorized or unintentional disconnection.

(9) [(7)] Interior construction and maintenance. [Interior surfaces and component parts of the vending machine shall be so designed and constructed as to permit easy cleaning, and shall be kept clean. All food-contact surfaces of the machine shall be of smooth, nontoxic, corrosion-resistant, and relatively nonabsorbent material, and shall be capable of withstanding repeated cleaning and sanitizing by normal procedures. Such surfaces shall be protected against contamination.]

(a) The non-food-contact surfaces of the interior of vending machines shall be designed and constructed to permit easy cleaning and to facilitate maintenance operations and shall be kept clean and in good repair. Inaccessible surfaces and areas shall be minimized.

(b) All food-contact surfaces of vending machines shall be smooth, in good repair, and free of breaks, corrosion, open seams, cracks, and chipped places. The design of such surfaces shall preclude routine contact between food and "V" type threaded surfaces except that in equipment where such contact is unavoidable, such as ice makers, such threads shall be minimized. All joints and welds in food-contact surfaces shall be smooth, and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning.

(c) If solder or other sealer is used on food-contact surfaces, it shall be composed of safe materials and be corrosion resistant.

(d) All food-contact surfaces of vending machines, including containers, pipes, valves, and fittings, shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion-resistant, nonabsorbent, easily cleanable and durable under conditions of normal use and shall be cleaned, rinsed, and sanitized at a frequency established by the cabinet based upon the type of product being dispensed.

(e) All food-contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning, rinsing, sanitizing, and inspection:

1. Without being disassembled; or

2. By disassembly without the use of tools; or

3. By easy disassembling with the use of only simple tools such as a screwdriver or an open-end wrench.

(f) All food-contact parts or surfaces not designed for in-place cleaning (paragraph (g) of this subsection) shall be cleaned, rinsed and sanitized in clean portable containers or in utensil washing sinks at the location or at the commissary. Cleaning shall consist of washing in warm water containing a suitable detergent and brushing or wiping, as appropriate. Rinsing shall consist of immersion or wiping with clean clear rinse water. Sanitizing shall be accomplished by:

1. Immersion or rinsing in water of at least 170 degress Fahrenheit for thirty (30) seconds; or

2. Immersion for one (1) minute in a chemical sanitizing solution containing at least fifty (50) parts per million (p.p.m.) of available chlorine, or twelve and five-tenths (12.5) p.p.m. of available iodine, or 200 p.p.m. of quaternary ammonium sanitizer.

3. When chemicals are used for sanitization, a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

(g) In machines designed so that food-contact surfaces are not readily removable, all such surfaces intended for in-place cleaning shall be designed and fabricated that:

1. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and

2. Cleaning and sanitizing solutions will contact all food-contact surfaces; and

3. The system is self-draining or capable of being completely evacuated; and

4. The procedures utilized result in thorough cleaning of the equipment.

(h) The openings into all non-pressurized containers used for the storage of vendible

food, including water, shall be provided with covers which prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange which overlaps the opening, and shall be sloped to provide drainage from the cover wherever the collection of condensation, moisture, or splash is possible. Concave covers are prohibited. Any port opening through the cover shall be flanged upward at least three-sixteenths (3/16) of an inch, and shall be provided with an overlapping cover flanged downward. Condensation, drip, or dust deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts, and other functional parts extending into the food container unless a watertight joint is provided. Such aprons shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of safe materials, relatively stable, and relatively nonabsorbent, and shall have a smooth surface. All gasket retaining grooves shall be easily cleanable.

(i) The delivery tube or chute and orifice of all bulk food vending machines shall be protected from normal manual contact, dust, insects, rodents, and other contamination. The design shall divert condensation or moisture from the normal filling position of the container receiving the food. The vending stage of such machines shall be provided with a tight-fitting, self-closing door or cover which is kept closed except when food is being removed. The cup filling area or platform of controlled location vending machines shall not require a door or cover if there is no opening in the cabinet interior at the point other than for dispensing tube(s) or trapped waste tubing.

(j) The food storage compartment and other compartments in refrigerated vending machines which are subject to condensation or cooling water retention shall be self-draining or equipped with a drain outlet which permits complete draining. In vending machines designed to store cartoned beverages, diversion devices, and retention pans or drains for leakage shall be provided. All such drains, devices, and retention pans shall be easily cleanable.

(k) Can and bottle openers which come into contact with the food or the food-contact surfaces of the containers shall be constructed of corrosion-resistant, nonabsorbent, and safe materials and shall be kept clean. Cutting or piercing parts of multiuse openers which come into contact with the food or food-contact surface of containers shall be reasonably protected from manual contact, dust, insects, rodents, and other contamination; and such parts shall be readily removable for cleaning.

(l) Lighting fixtures located in vending machines shall be shielded, coated or otherwise shatter resistant, except that this requirement shall not apply to vending machines which dispense only pre-packaged foods.

(10) [(8)] Water supply. [Water used in vending machines shall be adequate in quantity, of a safe and sanitary quality and from a source complying with applicable standards of the Natural Resources and Environmental Protection Cabinet. Vending machines shall be so installed and operated as to prevent the production of toxic substances in the water.]

(a) All water used in vending machines shall be of a safe and sanitary quality and from a source constructed and operated in accordance with applicable standards of the Natural Resources and Environmental Protection Cabinet. Water used as a food ingredient shall be piped to the vending machine under pressure.

(b) All plumbing connections and fittings shall be installed and maintained in accordance with the State Plumbing Code.

(c) If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.

(d) To prevent leaching of toxic materials caused by possible interaction of carbonated water, piping and contact surfaces, post-mix soft drink vending machines manufactured after January 1, 1975, which are designed with an incoming water supply air gap shall have no copper tubing or other potentially toxic water system tubing between the air gap and the downstream, carbonated water dispensing nozzle.

(e) To prevent leaching of toxic materials caused by possible interaction of carbonated water, piping and contact surfaces, post-mix soft drink vending machines which are directly connected to the external water supply system shall be equipped with a double (or two (2) single) spring-loaded check valves or other devices which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system. Backflow preventive devices shall be located to facilitate servicing and maintenance. No copper tubing or other potentially toxic tubing or contact surfaces shall be permitted in or downstream from the check valves or backflow devices. These check valves or devices should be inspected and cleaned or replaced annually.

(f) Where spring-loaded check valves are used to prevent the backflow of carbon dioxide into accessible upstream copper or other potentially toxic piping or tubing, a screen of not less than 100 mesh to the inch shall be installed in the water line immediately upstream from the check valves in a location which permits servicing or replacement.

(g) In all vending machines in which carbon dioxide is used as a propellant, all food-contact surfaces from the check valves or other protective devices, including the valves or devices, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

(11) [(9)] Waste disposal. [All wastes shall be properly disposed of and, pending dispositions, shall be kept in suitable containers so as to prevent creating a nuisance.]

(a) All trash and other solid or liquid waste shall be removed from the machine location as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of in accordance with applicable regulations of the Natural Resources and Environmental Protection Cabinet.

(b) Self-closing, leak-proof, easily cleanable, insect-proof, and rodent-proof waste receptacles shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other items.

(c) Plastic bags and wet-strength paper bags may be used to line the receptacles. Soiled waste receptacles shall be cleaned at a frequency to prevent insect and rodent

attraction.

(d) Waste receptacles shall not be located within the vending machines with the exception of those machines dispensing only packaged food with crown closures; in which case, the closure receptacles may be located within the machine. Waste receptacles shall not be located under counters or otherwise enclosed in a manner that will create a nuisance or prevent space around and under the counter or enclosure from being easily cleaned and maintained. Suitable racks and cases shall be provided for multiuse containers or bottles.

(e) Containers shall be provided within all machines dispensing liquid food in bulk for the collection of drip, spillage, overflow, or other internal wastes. Such machines shall be equipped with an automatic shut-off device at the waste pail or other devices or valves which will place the machine out of operation before the waste pail overflows. Such devices shall prevent water or liquid product from continuously running in the event of the failure of any single control, high level control, or other flow control device in the liquid product or water system.

(f) Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion-resistant. If liquid wastes from drip, spillage, or overflow, which originate within the machine are discharged into a sewerage system, the connection to the sewer shall be through an air gap.

(12) [(10)] Delivery of food, equipment, and supplies to machine locations. Food, food-contact surfaces of containers, equipment and supplies, shall be protected from contamination while in transit to machine location. Potentially hazardous food, while in transit and in storage on location, shall be maintained at safe temperatures.

(13) [(11)] Personnel-cleanliness.

(a) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices while engaged in direct handling of foods, or food-contact surfaces of utensils or equipment.

(b) Employees shall thoroughly wash their hands with soap and warm water immediately prior to engaging in any vending machine servicing operation which may bring them into contact with food, or with food-contact surfaces of utensils, containers, or equipment. While engaged in such service operations, employees shall wear clean outer garments, shall not use tobacco in any form and shall keep their fingernails clean and trimmed.

Section 4. Health and Disease Controls. No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, a cold, diarrhea, gastrointestinal upsets, or a respiratory infection, shall work in any area of a commissary or vending operation in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the vending machine or commissary operation has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the cabinet immediately.

Section 5. Procedure When Infection is Suspected. When the cabinet has reasonable cause to suspect the possibility of disease transmission from any employee, the cabinet shall secure a morbidity history of the suspected employee or make such other investigation as may be indicated, and take appropriate action. The cabinet may require any or all of the following:

(1) The immediate exclusion of the employee from all commissaries and vending machine operations.

(2) The immediate closure of the commissaries and operations concerned until, in the opinion of the cabinet, no further danger of disease out-break exists.

(3) Restriction of the employee's services to some area of work where there would be no danger of transmitting disease.

(4) Adequate medical examination of the employee and of his associates, with such laboratory examinations as may be indicated.

Section 6. Issuance of Permits. (1) No person shall operate a vending machine company within the Commonwealth of Kentucky who does not possess a valid permit issued to him by the cabinet as provided by KRS 217.809. Only a person who complies with the requirements of this regulation shall be entitled to receive and retain such a permit. Permits shall not be transferable from one company to another company or place. A valid permit shall be conspicuously posted in the headquarters office of every food vending company.

(2) Any person desiring to operate one (1) or more vending machines in the Commonwealth of Kentucky shall make application in writing on forms provided by the cabinet. Such applicant shall provide the following information:

(a) The applicant's full name, post office address, and whether such applicant is an individual, firm or corporation. If any partnership exists, the names of the partners, together with their addresses, shall be included.

(b) The location of the commissary or commissaries and of other establishments where vending machines are repaired or renovated.

(c) The identity and form of the products to be dispensed through vending machines and the number of each such type vending machine in the applicant's [his] possession.

(d) [Submit initially with completed permit application and yearly thereafter] The company shall maintain and make available to the cabinet upon request, a list of the number of all vending machines operated by the company and their specific locations within each county served and of all commissaries or other establishments from which the machines are serviced.

(e) Accompany each application for a permit to operate a vending machine company with the correct fee as provided by KRS 217.811.

(f) The application shall contain the signature of the applicant or applicants.

(3) Upon receipt of such application, the cabinet shall make an inspection of the vending machine company to determine compliance with the provisions of this regulation. A numbered

operator's permit shall be issued to the applicant by the cabinet after compliance by the operator with the applicable provisions of this regulation.

(4) The company shall provide on each machine or on a wall placard placed at the location of the machine(s) the company's name, address and telephone number. This identification shall also contain the words "Cabinet [Department] for Human Resources Permit_____" or "CHR [DHR] Permit_____." Such information shall be readily visible after placement on the machine or at the machine location.

(5) Whenever a machine is no longer in service, is sold or transferred to another vending machine company, the company holding the permit for that machine shall remove the identification for such machine.

Section 7. Suspension of Permits. (1) Whenever the cabinet has reason to believe that an imminent public health hazard exists, or whenever the permit holder has interfered with the cabinet's personnel in the performance of their duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. In such event, the permit holder may request a hearing which shall be granted as soon as practicable.

(2) In all other instances of violation of the provisions of this regulation, the cabinet shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct same. Whenever a permit holder has failed to comply with any written notice issued under the provisions of this regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the cabinet by the permit holder within such ten (10) day period.

Section 8. Reinstatement of Suspended Permits. Any company whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the cabinet shall make a reinspection. If the applicant is complying with the requirements of this regulation, the permit shall be reinstated.

Section 9. Revocation of Permits. For serious or repeated violations of any of the requirements of this regulation, or for interference with the cabinet's personnel in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the cabinet. Prior to such action, the cabinet shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit shall be permanently revoked at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the cabinet, by the permit holder, within such ten (10) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

Section 10. Hearings. All hearings shall be conducted by the cabinet at a time and place designated by it. Based upon the record of such hearing, the cabinet shall make a finding of fact and conclusion of law. A transcript of the hearing shall not be made unless the interested party assumes the costs thereof and a request in writing is made therefor at the time a hearing is requested.

Section 11. Inspection Frequency. The cabinet shall inspect each new vending machine company [location] prior to its operation and as often as deemed necessary thereafter by the cabinet. The cabinet shall inspect commissaries preparing food for vending purposes at least once every six (6) months and shall make as many additional inspections or reinspections as are necessary to obtain compliance with established requirements.

Section 12. Access for Inspection. Representatives of the cabinet, after proper identification shall be permitted to enter at any reasonable time, upon any private or public property within the Commonwealth of Kentucky where vending machines or commissaries are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the vending machine law. The company shall make provisions for the cabinet's representatives to have access, either in company with an employee, or otherwise to the interior of all vending machines operated by the company.

Section 13. Inspection Records. Whenever the cabinet makes an inspection of a commissary or a vending machine location, they shall record their findings on inspection report forms provided for this purpose, and shall furnish a copy [the original] of such inspection report forms to the permit holder or his representative.

Section 14. Issuance of Notices. Whenever the cabinet makes an inspection of a commissary or a vending machine location and discovers that any requirements of this regulation have been violated, it shall notify the company of such violations by means of an inspection report form or other written notices. In such notification, the cabinet shall:

(1) Set forth the specific violations found;

(2) Establish a specific and reasonable period of time for the correction of the violations found;

(3) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in suspension of permit;

(4) State that an opportunity for appeal from any notice or inspectional findings will be provided if a written request for a hearing is filed with the cabinet within the period of time established in the notice for correction.

Section 15. Service of Notices. Notices provided for under this regulation shall be deemed to have been properly served when a copy [the original] of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of

the cabinet.

Section 16. Commissaries Located Outside of the Commonwealth of Kentucky. Food from commissaries located outside the jurisdiction of the Commonwealth of Kentucky may be sold within this state if such commissaries conform to the provisions of the state food service code or to substantially equivalent provisions of such state. To determine the extent of compliance for the issuance of a permit to a company located outside the state, the initial application for a permit and the application yearly thereafter shall be accomplished by a copy of the most recent sanitation inspection report from the responsible health authority having jurisdiction where such a commissary or commissaries are located. Out-of-state companies shall, upon request of the cabinet, submit copies of the most recent sanitation inspection report at other times during the permit year.

Section 17. Plan Review of Future Construction. Whenever a vending machine commissary is hereafter constructed or extensively remodeled, or whenever an existing structure is converted for use as a commissary, properly prepared plans and specifications for such construction, remodeling or alteration, showing layout, arrangements and construction materials of work areas, and the location, size and type of fixed equipment and facilities, and a plumbing riser diagram shall be submitted to and approved by the cabinet before work is begun.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 28, 1987
FILED WITH LRC: May 6, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23 at 9 a.m. in the Vital Statistics Conference Room, First Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dudley J. Conner
(1) Type and number of entities affected: 152
(a) Direct and indirect costs or savings to those affected:
1. First year: N/A
2. Continuing costs or savings: Same
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: Same
2. Continuing costs or savings: Same
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: No change
(3) Assessment of anticipated effect on state and local revenues: No change
(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:
(a) Necessity of proposed regulation if in conflict: None
(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. Inspections to be conducted at same minimum intervals for all establishments; however, permit/inspection fees vary depending upon number of machines and commissaries as presently required.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(Proposed Amendment)

904 KAR 2:006. Technical requirements; AFDC.

RELATES TO: KRS 205.010, 205.200(2),(3)
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility under the provisions of KRS Chapter 205 to administer the assistance program of Aid to Families with Dependent Children, hereinafter referred to as AFDC, in accordance with Title IV-A of the Social Security Act. KRS 205.200(2) requires that the conditions of eligibility to receive AFDC money grants be prescribed by regulations in conformity with the Social Security Act and federal regulations. This regulation sets forth the technical requirements of residence, deprivation, living with a relative, age, one (1) category of assistance, work registration, cooperation in child support activities and potential entitlement for other programs for eligibility for AFDC.

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

Section 2. Deprivation. (1) To be eligible for AFDC, a child must be in need and must be deprived of parental support or care due to the death, continued absence from the home or physical or mental incapacity of a natural or adoptive parent. A married child living with her/his spouse in the home of her/his parents is not deprived of parental support or care. A married child living in the home of her/his parents but divorced or legally separated from her/his spouse is deprived of parental support if she/he is dependent on the parent and a parent is dead, incapacitated or continually absent from the home.
(2) Continued absence from the home. To be eligible for AFDC, a needy child must be physically separated from the parent and the nature of the absence of the parent is such as

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

(3) Incapacity. All determinations regarding whether a child has been deprived of parental support or care by reason of the physical and/or mental incapacity of a natural, adoptive, or stepparent shall be in conformance with federal regulations found at 45 CFR §233.90(c)(1)(iv) and the criteria set forth in this subsection. Each determination shall be based on a full consideration and assessment of all medical, social, and economic factors involving a particular claimant. Should a verified medical condition exist, then all relevant social and economic factors will be considered to determine whether the parent's condition is the cause of and results in a parent's inability to support or care for the child(ren). [defined. Incapacity is any condition of mind or body which makes a parent physically or mentally unable to provide the necessities of life for his/her needy child.]

(a) Incapacity exists in each case when the following criteria are met:

1. It is medically determined that one (1) parent has a physical and/or mental defect, illness or impairment which was present at the time of application and which has continued or is expected to last for a period of at least thirty (30) calendar days, including a period, if any, in which the claimant is undergoing planned diagnostic studies and/or evaluation of rehabilitation potential; and

2. It is determined by non-medical evaluation that such defect, illness or impairment is of such debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for an otherwise eligible child.

(b) Factors to be considered in making the medical determination shall include:

1. The claimant's medical history and subjective complaints regarding an alleged physical and/or mental defect, illness or impairment; and

2. Competent medical testimony relevant to:

a. Whether a physical or mental defect, illness or impairment exists;

b. Whether the defect, illness or impairment is enough to reduce the parent's ability to support or care for a child; and

c. Whether the defect, illness or impairment is likely to last thirty (30) days. The thirty (30) days is not intended to be a "waiting period." Rather, expected duration is pertinent to causal relationship and substantially.

(c) Factors to be considered in making the non-medical evaluation shall include:

1. The claimant's age, employment history, vocational training, educational background, and subjective complaints regarding the alleged effect of the physical or mental condition on his/her ability to support or care for the child; and

2. The extent and accessibility of employment opportunities available in the claimant's area of residence.

(d) In determining the extent and accessibility of available employment opportunities, the limited employment opportunities of handicapped individuals shall be taken into account; and

1. Available printed materials that provide information regarding available employment opportunities shall be researched;

2. The local Department for Employment Service (DES) office shall be contacted regarding accessible employment opportunities within the claimant's area of residence; and

3. The claimant shall be referred, if necessary, for further appraisal of his/her abilities.

(e) A written report shall be made of the determination under this subsection.

(f) Each claimant shall be provided timely and adequate notice of and an opportunity for a fair hearing in accordance with federal regulations found at 45 CFR §205.10.

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

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

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

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

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

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

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

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

(3) Any person listed above if parent has had paternity established through the administrative determination process. An administrative determination of paternity is limited to situations in which the following types of evidence are present:

(a) A birth certificate listing the alleged parent; or

(b) Legal documents such as hospital records, juvenile court records, wills, and other court records which clearly indicate the relationship of the alleged parent or relative; or

(c) Receipt of statutory benefits as a result of the alleged parent's circumstances; or

(d) A sworn statement or affidavit of either parent acknowledging paternity plus one (1) of the following:

1. School records;
2. Bible records;
3. Immigration records;
4. Naturalization records;
5. Church documents, such as baptismal certificates;
6. Passport;
7. Military records;
8. U.S. Census records; or
9. Sworn statement or affidavit from an individual having specific knowledge about the relationship between the alleged parent and child.

(e) Effective April 1, 1987, in cases in which the parent or, in the absence of the parent, the caretaker relative alleges the evidence present in paragraphs (a) or (b) of this subsection is erroneous and provides substantiation of the erroneous information, the parent/caretaker relative shall provide a sworn statement or affidavit acknowledging the erroneous information and containing the correct information on the actual alleged parent. Presence of the sworn statement or affidavit will serve as rebuttal to the evidence present in paragraphs (a) or (b) of this subsection and a determination of paternity will not be acknowledged.

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

(5) Husband or wife of any persons listed above even if the marriage may have terminated, providing termination occurred after the birth of the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) An individual whose presence is required in the home to care for another member of the household who has been medically determined to be precluded from self-care and for whom alternate care arrangements are not feasible;

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

1. Employment by the caretaker relative of less than thirty (30) hours per week;
2. Less than full-time school attendance as specified in 904 KAR 2:016 by the caretaker relative;
3. Less than full-time attendance as specified in 904 KAR 2:016 and less than fifteen (15) hours per week employment by the caretaker relative;
4. Less than full-time attendance by the under six (6) year old child in a school or preschool;
5. Attendance by the under six (6) year old child in kindergarten;
6. Additionally, brief and infrequent absences include:

a. Visits by the under six (6) year old child with relatives, friends, the absent parent, neighbors, etc.;

b. Visits by the caretaker relative with relatives, friends, neighbors, etc.;

c. Routine shopping and errands;

d. Doctor's visits; and

e. Short-term hospitalization (less than thirty (30) days).

7. If a parent or other caretaker relative is absent from the child for reasons other than

these listed, the absence is not considered brief and infrequent.

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

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

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

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

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

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

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

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

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

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

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

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

(5) Specific requirements in determining the existence of good cause and the time limits for providing substantiation of claims are made pursuant to the regulation at 45 CFR 232.42 and 45 CFR 232.43.

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

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

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

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

[Section 13. Provisions contained in this regulation shall become effective November 1, 1986.]

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 16, 1987
FILED WITH LRC: April 20, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23, 1987 at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall
(1) Type and number of entities affected: Insignificant
(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:
(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: 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. Not applicable to this program.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(Proposed Amendment)

904 KAR 2:022. Kentucky administrative process for child support.

RELATES TO: KRS 405.400 to 405.530

PURSUANT TO: KRS 405.520

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility for administering the child support program in accordance with Title IV-D of the Social Security Act, Title 45 CFR Sections 301, 302, 303, 304, 305, 306, and 307 and KRS 205.710 to 205.800. In addition, KRS 405.400 to 405.530, the Kentucky Administrative Process for Child Support Act, provides for the establishment and enforcement of child support obligations through administrative process when paternity is not in question. The administrative process supplements existing judicial remedies for non-support. Administrative process can be used to establish and enforce support obligations for children receiving Aid to Families with Dependent Children benefits, hereinafter referred to as AFDC, as well as for non-AFDC children. This regulation sets forth the procedures the cabinet will employ in administratively establishing and enforcing child support obligations.

Section 1. Definitions. In addition to the terms defined in KRS 405.420, the following terms shall be defined as set forth below.

(1) "Administrative process" shall mean a method for establishing and enforcing child support obligations pursuant to KRS 405.400 to 405.530 and the provisions of this regulation.

(2) "Appointment letter" shall mean the cabinet's notification to the parent that the parent's liability for support of the child is being determined. A financial statement for the parent's completion will be included with the appointment letter.

(3) "Default" shall mean the parent's failure to return the financial statement and/or to keep an appointment to determine a support obligation under administrative process.

(4) "Notice of minimum monthly support obligation" shall mean an administrative order issued by the cabinet pursuant to KRS 405.440 notifying the parent of the amount of the child support obligation and of the parent's rights to request a hearing.

(5) "Dispute hearing" shall mean the process whereby the parent's objections to a notice of minimum monthly support obligation are heard by an impartial hearing officer upon a timely request.

(6) "Person in possession or control" shall mean the person who has custody of the earnings or property.

(7) "Order to withhold" shall mean an administrative order issued by the cabinet to a person in possession or control of the parent's earnings or property to withhold an amount equal to a stated arrearage to satisfy a delinquent child support obligation.

(8) "Order to deliver" shall mean an administrative order issued by the cabinet to have earnings or property, belonging to the parent, forwarded by the person in possession or control of the earnings or property to the cabinet to satisfy delinquent child support.

(9) "Delinquent support" shall mean past due and unpaid installments on an obligation determined under a court order or a Cabinet for Human Resources administrative order (KRS 405.430) for support of a dependent child, which is owed to or on behalf of the child, or for maintenance to the spouse (or former spouse) with whom the child is living, only if a maintenance obligation has been established with respect to the spouse and the support obligation established with respect to the child is being enforced under the state's IV-D plan.

(10) "Order to release withholding" shall mean an order to the person in possession or control of a parent's earnings or property notifying that person that the cabinet is releasing any claim to the designated earnings or property.

(11) "Order to withhold earnings" shall mean an administrative order issued by the cabinet to a parent's employer to withhold an amount equal to the current obligation plus an amount to be applied toward liquidation of the delinquent support.

(12) "Secretary" shall mean Secretary of the Cabinet for Human Resources or his designee.

Section 2. Administrative Establishment. The cabinet may administratively establish a child support obligation when paternity is not in question, there is no existing order for support of the child and the parent resides or is employed in Kentucky. The cabinet shall send an appointment letter and a financial statement to the parent to assure the parent's right to participate in the establishment of the support obligation. Additionally, the cabinet may administratively establish the debt which accumulated during the first ninety (90) days of AFDC eligibility as an arrearage due the cabinet. Pursuant to KRS 205.792, the ninety (90) days may be extended.

(1) The cabinet shall determine the minimum monthly support obligation in accordance with KRS 405.430. In default cases, the cabinet shall set the obligation at the minimum cost basis on the scale for the number of children in the case.

(a) The following steps shall be used in applying the scale:

1. The gross income, less allowable deductions, of the noncustodial parent shall be added to the gross income, less allowable deductions, of the custodial parent to determine the "Annual Family Gross Income."

2. At the annual family gross income level in the left hand column, the lower of the "income cap" or "cost basis" shall be selected for the number of children in the case.

3. The noncustodial parent's gross income shall be divided by the annual family gross income to obtain the percentage of support to be apportioned to the noncustodial parent.

4. The figure selected in subparagraph 2 of this paragraph shall be multiplied by the percentage from subparagraph 3 of this paragraph to obtain the minimum monthly support obligation.

(b) The scale is set forth below:

Annual Family Gross Income	One (1) Child Cost Basis	One (1) Child (20%) Income Cap	Two (2) Children Cost Basis	Two (2) Children (25%) Income Cap	Three (3) Children Cost Basis	Three (3) Children (30%) Income Cap	Four (4) Children Cost Basis	Four (4) Children (35%) Income Cap
$ 0-$ 1,000	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 60
$ 1,000-$ 1,250	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 60
$ 1,251-$ 1,500	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 60
$ 1,501-$ 1,750	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 60
$ 1,751-$ 2,000	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 60
$ 2,001-$ 2,250	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 62
$ 2,251-$ 2,500	$207	$ 60	$325	$ 60	$ 436	$ 60	$ 542	$ 69
$ 2,501-$ 2,750	$207	$ 60	$325	$ 60	$ 436	$ 66	$ 542	$ 77
$ 2,751-$ 3,000	$207	$ 60	$325	$ 60	$ 436	$ 72	$ 542	$ 84
$ 3,001-$ 3,250	$207	$ 60	$325	$ 65	$ 436	$ 78	$ 542	$ 91
$ 3,251-$ 3,500	$207	$ 60	$325	$ 70	$ 436	$ 84	$ 542	$ 98
$ 3,501-$ 3,750	$207	$ 60	$325	$ 76	$ 436	$ 91	$ 542	$ 106
$ 3,751-$ 4,000	$207	$ 65	$325	$ 81	$ 436	$ 97	$ 542	$ 113
$ 4,001-$ 4,250	$207	$ 69	$325	$ 86	$ 436	$ 103	$ 542	$ 120
$ 4,251-$ 4,500	$207	$ 73	$325	$ 91	$ 436	$ 109	$ 542	$ 128
$ 4,501-$ 4,750	$207	$ 77	$325	$ 96	$ 436	$ 116	$ 542	$ 135
$ 4,751-$ 5,000	$207	$ 81	$325	$ 102	$ 436	$ 122	$ 542	$ 142
$ 5,001-$ 5,250	$207	$ 85	$325	$ 107	$ 436	$ 128	$ 542	$ 149
$ 5,251-$ 5,500	$207	$ 90	$325	$ 112	$ 436	$ 134	$ 542	$ 157
$ 5,501-$ 5,750	$209	$ 94	$325	$ 117	$ 436	$ 141	$ 542	$ 164
$ 5,751-$ 6,000	$211	$ 98	$325	$ 122	$ 436	$ 147	$ 542	$ 171
$ 6,001-$ 6,250	$213	$102	$325	$ 128	$ 436	$ 153	$ 542	$ 179
$ 6,251-$ 6,500	$215	$106	$325	$ 133	$ 436	$ 159	$ 542	$ 186
$ 6,501-$ 6,750	$217	$110	$325	$ 138	$ 436	$ 166	$ 542	$ 193
$ 6,751-$ 7,000	$219	$115	$325	$ 143	$ 436	$ 172	$ 542	$ 201
$ 7,001-$ 7,250	$221	$119	$325	$ 148	$ 436	$ 178	$ 542	$ 208
$ 7,251-$ 7,500	$223	$123	$325	$ 154	$ 436	$ 184	$ 542	$ 215
$ 7,501-$ 7,750	$225	$127	$325	$ 159	$ 436	$ 191	$ 542	$ 222
$ 7,751-$ 8,000	$227	$131	$325	$ 164	$ 436	$ 197	$ 542	$ 230
$ 8,001-$ 8,250	$229	$135	$325	$ 169	$ 436	$ 203	$ 542	$ 237
$ 8,251-$ 8,500	$232	$140	$325	$ 174	$ 436	$ 209	$ 542	$ 244
$ 8,501-$ 8,750	$234	$144	$325	$ 180	$ 436	$ 216	$ 542	$ 252
$ 8,751-$ 9,000	$236	$148	$325	$ 185	$ 436	$ 222	$ 542	$ 259
$ 9,001-$ 9,250	$238	$152	$325	$ 190	$ 436	$ 228	$ 542	$ 266
$ 9,251-$ 9,500	$240	$156	$325	$ 195	$ 436	$ 234	$ 542	$ 273
$ 9,501-$ 9,750	$242	$160	$325	$ 201	$ 436	$ 241	$ 542	$ 281
$ 9,751-$10,000	$244	$165	$325	$ 206	$ 436	$ 247	$ 542	$ 288
$10,001-$10,250	$246	$169	$325	$ 211	$ 436	$ 253	$ 542	$ 295
$10,251-$10,500	$248	$173	$325	$ 216	$ 436	$ 259	$ 542	$ 303
$10,501-$10,750	$250	$177	$325	$ 221	$ 436	$ 266	$ 542	$ 310
$10,751-$11,000	$252	$181	$325	$ 227	$ 436	$ 272	$ 542	$ 317
$11,001-$11,500	$258	$188	$342	$ 234	$ 448	$ 281	$ 542	$ 328
$11,501-$12,000	$263	$196	$360	$ 245	$ 459	$ 294	$ 542	$ 343
$12,001-$12,500	$269	$204	$377	$ 255	$ 471	$ 306	$ 542	$ 357
$12,501-$13,000	$274	$213	$395	$ 266	$ 483	$ 319	$ 542	$ 372
$13,001-$13,500	$280	$221	$412	$ 276	$ 495	$ 331	$ 542	$ 386
$13,501-$14,000	$286	$229	$430	$ 287	$ 506	$ 344	$ 542	$ 401
$14,001-$14,500	$291	$238	$447	$ 297	$ 518	$ 356	$ 544	$ 416
$14,501-$15,000	$297	$246	$465	$ 307	$ 530	$ 369	$ 556	$ 430
$15,001-$15,500	$302	$254	$482	$ 318	$ 542	$ 381	$ 569	$ 445
$15,501-$16,000	$308	$263	$500	$ 328	$ 553	$ 394	$ 581	$ 459
$16,001-$16,500	$313	$271	$517	$ 339	$ 565	$ 406	$ 593	$ 474
$16,501-$17,000	$319	$279	$521	$ 349	$ 577	$ 419	$ 606	$ 489
$17,001-$17,500	$325	$288	$524	$ 359	$ 589	$ 431	$ 618	$ 503
$17,501-$18,000	$330	$296	$528	$ 370	$ 600	$ 444	$ 630	$ 518
$18,001-$18,500	$336	$304	$531	$ 380	$ 612	$ 456	$ 643	$ 532
$18,501-$19,000	$341	$313	$535	$ 391	$ 624	$ 469	$ 655	$ 547
$19,001-$19,500	$347	$321	$538	$ 401	$ 636	$ 481	$ 668	$ 561
$19,501-$20,000	$353	$329	$542	$ 411	$ 648	$ 494	$ 680	$ 576
$20,001-$20,500	$358	$338	$545	$ 422	$ 660	$ 506	$ 693	$ 591
$20,501-$21,000	$364	$346	$549	$ 432	$ 671	$ 519	$ 705	$ 605
$21,001-$21,500	$369	$354	$552	$ 443	$ 683	$ 531	$ 717	$ 620
$21,501-$22,000	$375	$363	$556	$ 453	$ 695	$ 544	$ 730	$ 634
$22,001-$22,500	$384	$371	$559	$ 464	$ 702	$ 556	$ 737	$ 649
$22,501-$23,000	$393	$379	$563	$ 474	$ 709	$ 569	$ 744	$ 664
$23,001-$23,500	$402	$388	$566	$ 484	$ 716	$ 581	$ 751	$ 678
$23,501-$24,000	$410	$396	$570	$ 495	$ 722	$ 594	$ 759	$ 693
$24,001-$24,500	$419	$404	$573	$ 505	$ 729	$ 606	$ 766	$ 707

$24,501-$25,000	$428	$413	$577	$ 516	$ 736	$ 619	$ 773	$ 722
$25,001-$25,500	$437	$421	$580	$ 526	$ 743	$ 631	$ 780	$ 736
$25,501-$26,000	$446	$429	$584	$ 536	$ 750	$ 644	$ 787	$ 751
$26,001-$26,500	$455	$438	$587	$ 547	$ 757	$ 656	$ 795	$ 766
$26,501-$27,000	$464	$446	$591	$ 557	$ 764	$ 669	$ 802	$ 780
$27,001-$27,500	$472	$454	$594	$ 568	$ 771	$ 681	$ 809	$ 795
$27,501-$28,000	$481	$463	$598	$ 578	$ 777	$ 694	$ 816	$ 809
$28,001-$28,500	$490	$471	$601	$ 589	$ 784	$ 706	$ 823	$ 824
$28,501-$29,000	$499	$479	$605	$ 599	$ 791	$ 719	$ 831	$ 839
$29,001-$29,500	$508	$488	$608	$ 609	$ 798	$ 731	$ 838	$ 853
$29,501-$30,000	$517	$496	$612	$ 620	$ 805	$ 744	$ 845	$ 868
$30,001-$30,500	$526	$504	$615	$ 630	$ 812	$ 756	$ 852	$ 882
$30,501-$31,000	$535	$513	$619	$ 641	$ 819	$ 769	$ 859	$ 897
$31,001-$31,500	$543	$521	$622	$ 651	$ 825	$ 781	$ 867	$ 911
$31,501-$32,000	$552	$529	$626	$ 661	$ 832	$ 794	$ 874	$ 926
$32,001-$32,500	$561	$538	$629	$ 672	$ 839	$ 806	$ 881	$ 941
$32,501-$33,000	$570	$546	$633	$ 682	$ 846	$ 819	$ 888	$ 955
$33,001-$34,000	$575	$558	$647	$ 698	$ 860	$ 838	$ 903	$ 977
$34,001-$35,000	$581	$575	$661	$ 719	$ 873	$ 863	$ 917	$1,006
$35,001-$36,000	$586	$592	$675	$ 740	$ 887	$ 888	$ 932	$1,035
$36,001-$37,000	$591	$608	$690	$ 760	$ 901	$ 913	$ 946	$1,065
$37,001-$38,000	$597	$625	$704	$ 781	$ 915	$ 938	$ 960	$1,094
$38,001-$39,000	$602	$642	$718	$ 802	$ 928	$ 963	$ 975	$1,123
$39,001-$40,000	$607	$658	$732	$ 823	$ 942	$ 988	$ 989	$1,152
$40,001-$41,000	$613	$675	$746	$ 844	$ 956	$1,013	$1,004	$1,181
$41,001-$42,000	$618	$692	$760	$ 865	$ 970	$1,038	$1,018	$1,210
$42,001-$43,000	$623	$708	$774	$ 885	$ 983	$1,063	$1,032	$1,240
$43,001-$44,000	$629	$725	$788	$ 906	$ 997	$1,088	$1,047	$1,269
$44,001-$45,000	$634	$742	$803	$ 927	$1,020	$1,113	$1,071	$1,298
$45,001-$46,000	$639	$758	$817	$ 948	$1,044	$1,138	$1,096	$1,327
$46,001-$47,000	$644	$775	$831	$ 969	$1,067	$1,163	$1,121	$1,356
$47,001-$48,000	$650	$792	$845	$ 990	$1,091	$1,188	$1,145	$1,385
$48,001-$49,000	$655	$808	$859	$1,010	$1,114	$1,213	$1,170	$1,415
$49,001-$50,000	$660	$825	$873	$1,031	$1,138	$1,238	$1,196	$1,444
$50,001-$51,000	$666	$842	$987	$1,052	$1,161	$1,263	$1,219	$1,473
$51,001-$52,000	$671	$858	$902	$1,073	$1,185	$1,288	$1,244	$1,502
$52,001-$53,000	$676	$875	$916	$1,094	$1,208	$1,313	$1,268	$1,531
$53,001-$54,000	$682	$892	$930	$1,115	$1,232	$1,338	$1,293	$1,560
$54,001-$55,000	$687	$908	$944	$1,135	$1,255	$1,363	$1,318	$1,590
$55,001 Plus	$676		$944		$1,255		$1,318	

(2) After the minimum monthly support obligation and arrearage due the cabinet have been determined, the cabinet shall serve the notice of minimum monthly support obligation upon the parent either in person or by certified mail, return receipt requested, in accordance with KRS 405.440.

(a) The effective date of the obligation is the first day of the month following the month the parent receives the notice of minimum monthly support obligation.

(b) In accordance with KRS 405.430(2), the cabinet may modify the minimum monthly support obligation as established by the cabinet.

1. If, while verifying the income information, the cabinet finds that the parent's earnings are greater than what was previously reported, the cabinet may increase the support obligation. The cabinet may recover additional support which should have been paid under the correct obligation.

2. The cabinet shall not modify any obligation which was established by a court of competent jurisdiction.

Section 3. Appeal Procedures. The parent may request a dispute hearing in accordance with KRS 405.440. An impartial hearing officer shall conduct the dispute hearing in the county of the child's or parent's residence. The hearing shall be scheduled within sixty (60) days of the parent's request. The parent may request a hearing pursuant to the instructions in the notice of minimum monthly support obligation.

(1) The request for a dispute hearing will be considered timely if:

(a) Made within twenty (20) days of receipt of a notice of minimum monthly support obligation;

(b) Made within twenty (20) days after the parent is notified that a request for modification of the obligation will not be honored; or

(c) Made after thirty (30) days but before fifty (50) days have passed since the parent requested a modification of the obligation, but the cabinet has not acted upon the request.

(2) If the request is not made within the time period specified in subsection (1) of this section, the parent must show good cause for the late request. Good cause reasons may include, but are not limited to:

(a) The parent's being away from home during the entire filing period;

(b) The parent's inability to read the notice of minimum monthly support obligation; or

(c) The parent's incapacity due to a serious illness during the entire filing period.

(3) The parent or his/her authorized representative may review case material pertinent to the reason for the dispute and may present witnesses at the hearing.

(4) If the objection is being filed on an original notice of minimum monthly support obligations, the obligation shall be stayed pursuant to KRS 405.450(2).

(5) If the objection is being filed on a request for modification of obligation, the amount on the prior notice is enforceable and

that amount must be paid while the hearing is pending.

(a) If the parent prevails, the cabinet shall promptly return to the parent any overpayments made since the hearing was requested.

(b) If the cabinet prevails, the obligation will be retroactive to the effective date on the notice of minimum monthly support obligation.

(6) The parent may withdraw the hearing request by writing to the local IV-D office or the Hearing Branch in the Department for Social Insurance's Division of Administrative Review.

(7) The parent or the cabinet may file an appeal to the circuit court within twenty (20) days after receipt of the hearing officer's decision pursuant to KRS 405.450.

Section 4. Mandatory Withholding of Earnings. The cabinet shall initiate withholding of earnings procedures when a delinquency equal to the amount of support payable for one (1) month is identified. The cabinet will issue advance notice to the parent prior to the implementation of the withholding.

(1) The advance notice to the parent, to be sent by certified mail, return receipt requested, shall contain at a minimum the following information:

(a) The amount of the delinquent support and the amount to be withheld, including the amount to be applied toward the liquidation of overdue support;

(b) Notification that the order to withhold earnings applies to the parent's current and any subsequent employers;

(c) That only mistakes of fact, i.e., wrong person identified or incorrect amount of overdue or current support, may be contested;

(d) Procedures for contesting the order; and

(e) Notification that the parent must contact the cabinet within ten (10) days from the date the notice was received to contest the order. Failure to contact the cabinet in a timely fashion will result in the implementation of the withholding.

(2) If the parent contests the withholding of earnings, he/she must be given an opportunity to state and defend his case, including the right to present to the cabinet copies of subsequent support orders and/or payment records.

(a) Within forty-five (45) days of the date of the advance notice, the cabinet must determine whether withholding of earnings is appropriate and notify the parent of the results of the case review.

(b) If withholding is to begin, a copy of the order to withhold earnings shall be sent to the parent.

(3) The order to withhold earnings shall be served on the employer by certified mail, return receipt requested. It shall include at a minimum the following information:

(a) The parent's Social Security Number;

(b) The amount to be withheld, including amounts to be applied toward delinquent support;

(c) Notification that the total withheld cannot exceed the maximum permissible under the Consumer Credit Protection Act;

(d) Notification that withholding must begin no later than the first pay period that occurs after fourteen (14) days following the date the order to withhold earnings was mailed;

(e) That the employer must send the remittance to the agency designated by the cabinet within ten (10) days of date the employee is paid;

(f) That the employer may combine amounts due the agency designated by the cabinet into one (1) transmittal provided that the employer identifies by IV-D account number and/or Social Security Number the amount attributable to each parent;

1. If more than one (1) order against the parent exists, the cabinet will allocate the payments among the parent's cases;

2. Payments will first be applied toward the current month's support obligation(s);

3. In cases where there are multiple orders being enforced by the cabinet against the parent, payments will be credited first to the account of the case containing the oldest [support] order <u>to withhold earnings</u>;

(g) That the order to withhold earnings is binding until further notice and that the employer will be liable for the accumulated amount if he fails to abide by the order;

(h) That pursuant to KRS Chapter 405, the employer will be subject to a fine and/or a jail sentence for discharging, refusing to employ, or taking disciplinary action against the parent because of the withholding of earnings; and

(i) That the employer must notify the cabinet when the parent's employment is terminated, giving the cabinet the new employer's name and address and the parent's last known address, if known.

(4) The order to withhold earnings may be terminated as deemed appropriate by the secretary; however, payment of the delinquent support shall not constitute the sole basis for the prevention or termination of the order to withhold earnings.

(5) The cabinet may initiate withholding of earnings procedures prior to the accumulation of one (1) month's arrearage upon the request of the parent obligated to pay the support.

Section 5. Additional Administrative Enforcement Remedies. Whenever the cabinet determines that the parent owes delinquent support, the cabinet may implement administrative enforcement remedies to collect the delinquent support amounts. Personal property shall be exempted from attachment as specified in KRS Chapter 427.

(1) Order to withhold. When a delinquency equal to the amount of support payable for one (1) month is identified, the cabinet shall determine the total amount of support owed. The cabinet shall serve an order to withhold to the person(s) in possession or control of the parent's earnings or property. A copy of the order to withhold shall be provided to the parent. The order shall state the basis for and the amount of the delinquent support and shall state that the parent may offer a bond satisfactory to the cabinet to avoid losing possession of the property.

(a) When one (1) or more person(s) in possession or control of the parent's earnings or property is identified, the cabinet may issue and serve an order to withhold for each person in possession or control. When more than one (1) person in possession or control answers the order to withhold and the combined assets exceed the amount of the delinquent support, the cabinet shall:

1. Decide which person in possession or control to serve with an order to deliver. The cabinet may take into consideration the parent's request as to which source to withhold.

2. Send an order to release withholding to any person in possession or control not being served with an order to deliver.

3. Request only a portion of an asset to satisfy the delinquent support when the total asset exceeds the amount of delinquent support.

(b) The parent may contact the cabinet for an explanation of administrative enforcement. The cabinet may accept partial payment sufficient to release the order to withhold when deemed appropriate by the secretary.

(2) Order to deliver. When the employer or the person in possession or control of the earnings or property responds to the order to withhold, the cabinet may complete and serve on the person in possession or control an order to deliver the earnings and/or property to the cabinet. Earnings or property delivered to the cabinet in accordance with an order to deliver shall be applied to the amount of delinquent support pursuant to federal law.

(3) Order to release withholding. The cabinet shall issue and serve an order to release withholding on its claim on the parent's earnings or property when the stated delinquent support is satisfied.

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 14, 1987
FILED WITH LRC: April 20, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23, 1987 at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall
(1) Type and number of entities affected: Employed absent parents.
(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:
(2) Effects on the promulgating administrative body: No fiscal impact - easier for employers to implement and for cabinet to monitor.
(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:
(4) Assessment of alternative methods; reasons why alternatives were rejected:
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. Not applicable.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(Proposed Amendment)

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

RELATES TO: KRS 194.030(6), Chapter 205
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: KRS 194.010 designates the Cabinet for Human Resources as the primary state agency responsible for the development and operation of assistance programs, and KRS 194.050 empowers the secretary of the Cabinet for Human Resources to adopt, administer and enforce regulations sufficient to operate the programs and fulfill the responsibilities vested in the cabinet. This regulation states the general policy of the cabinet with regard to program materials incorporated into regulatory form by reference for use by the Department for Social Insurance, and incorporates by reference materials related to the programs of aid to families with dependent children, medical assistance, home energy assistance, refugee assistance, food stamps, state supplemental payments for the aged, blind or disabled, and collections which are essential for the implementation of those programs.

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

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

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

(1) Department for Social Insurance Manual of Forms, effective <u>May</u> [February] 1, 1987. The Manual of Forms provides forms with instructions for completion, usage, distribution and files maintenance for use of the department's field staff in implementing programs under the authority of the department, including: aid to families with dependent children; refugee assistance; home energy assistance; state supplementary payments; medical assistance; and the food stamp program.

(2) Department for Social Insurance Income and Eligibility Verification System (IEVS) Manual, effective February 1, 1987. The IEVS manual provides operating instructions, procedural detail, and technical clarification for use by the department's field staff in implementing this federally mandated social security account

number (SSAN) matching system.

(3) Department for Social Insurance Field Services Operation Manual, effective May 1, 1987 [November 1, 1986]. The operation manual provides instructions, procedural detail, and technical clarification for use by the department's field staff in implementing the Kentucky Automated Management and Eligibility System (KAMES). The programs included are aid to families with dependent children (AFDC), food stamps, and medical assistance eligibility.

(4) Federal regulations at 45 CFR Parts 16, 74, and 95, effective May 1, 1987 [1986]. Part 16, Procedures of the Departmental Grant Appeals Board, provides requirements and procedures applicable to resolution of certain disputes arising under several assistance programs funded by the United States Department of Health and Human Services. Part 74, Administration of Grants, establishes uniform requirements for the administration of grants provided under the authority of the United States Department of Health and Human Services, and principles for determining costs applicable to activities assisted by Department of Health and Human Services grants. Part 95, General Administration - Grant Programs (Public Assistance and Medical Assistance), establishes requirements of the United States Department of Health and Human Services for various administrative matters relating to grant programs, including time limits for states to file claims, cost allocation plans, and conditions for federal financial participation for automatic data processing equipment and services.

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

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 29, 1987
FILED WITH LRC: May 6, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23 at 9 a.m. in the Vital Statistics Conference Room, First Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall
(1) Type and number of entities affected: Complete analysis done when primary regulation amended.
(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:
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:
(4) Assessment of alternative methods; reasons why alternatives were rejected:
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. Not applicable.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(Proposed Amendment)

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

RELATES TO: KRS 194.030(6), 205.200, 205.220, 205.231
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility under the provisions of KRS Chapter 205 to administer public assistance programs under Title IV-A of the Social Security Act, namely Aid to Families with Dependent Children, herein referred to as AFDC. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the AFDC program.

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

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

(1) Federal regulations at 45 CFR Parts 200-299, which set forth the federal requirements and guidelines for the administration of the Aid to Families with Dependent Children Program, effective May 1, 1987 [November 1, 1986]; and

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

81-16, 81-17, 81-18, 81-23, 81-29, 81-31, 81-33, 81-34, 81-35, 81-36, 81-37, 82-1, 82-5, 82-6, 82-9, 82-11, 82-13, 82-15, 82-16, 82-17, 82-18, 82-19, 82-20, 82-28, 82-33, 82-34, 83-6, 83-7, 83-10, 83-11, 83-13, 83-14, 83-17, 83-18, 83-21, 83-22, 83-23, 83-25, 83-27, 84-2, 84-3, 84-5, 84-6, 84-7, 84-8, 84-9, 84-13, 84-16, 84-25, 85-10, 85-27, 86-1, 86-13, [and] 86-14, and FSA-AT-86-23, effective May 1, 1987 [November 1, 1986].

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

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 29, 1987
FILED WITH LRC: May 6, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23 at 9 a.m. in the Vital Statistics Conference Room, First Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall
(1) Type and number of entities affected: AFDC recipients
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(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 AFDC regulations.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(Proposed Amendment)

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

RELATES TO: KRS 205.795
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility for administering the Child Support Program in accordance with Title IV-D of the Social Security Act and KRS 205.710 to 205.800, 205.992, and KRS 405.400 to KRS 405.530. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Child Support Program.

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

Section 2. Listing of Incorporated Materials. The following listed materials are hereby incorporated by reference, effective on the date shown:
(1) Federal child support regulations at 45 CFR Parts 300-399, which set forth the requirements and guidelines for the administration of the Child Support Program, effective May [February] 1, 1987;
(2) Federal Office of Child Support Enforcement Action Transmittals, which provide federal program instructions for the implementation of the child support enforcement program in accordance with federal laws and regulations, as follows: OCSE-AT-75-5, 75-6, 76-1, 76-2, 76-5, 76-7, 76-8, 76-9, 76-14, 76-21, 76-22, 76-23, 77-3, 77-14, 78-2, 78-5, 78-6, 78-8, 78-16, 78-18, 79-2, 79-3, 79-6, 79-7, 79-8, 80-5, 80-9, 80-11, 80-17, 81-7, 81-12, 81-26, 82-17, 83-15, 83-18, 84-05, and 86-04, effective May 1, 1986;
(3) Department for Social Insurance Child Support Manual of Procedures, which provides operational instructions and procedural detail for the implementation of the child support enforcement program, effective May [February] 1, 1987;
(4) Department for Social Insurance Child Support System Handbook, which provides systems and data processing instructions for the implementation of the child support enforcement program, effective October 1, 1985;
(5) Department for Social Insurance Child Support Action Memorandums, which provide program clarifications, instructions, and procedural detail for the implementation of the child support enforcement program, as follows: DCSE-AM-82-07, 82-36, 83-16, 83-21, 83-30, 83-31, 83-38, 83-39, 84-10, 84-16, 84-18, 84-19, [84-29,] 84-36, 85-19, 85-30, [85-32 and errata,] 85-36, [85-39,] 85-42, [86-09,] 86-12, 86-14, 86-15 and 86-25, effective May [February] 1, 1987; and
(6) Department for Social Insurance Child Support Manual of Forms, which provides forms with instructions for completion, distribution, and files maintenance for use in implementing

the child support enforcement program, effective May [February] 1, 1987.

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

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 29, 1987
FILED WITH LRC: May 6, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23 at 9 a.m. in the Vital Statistics Conference Room, First Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall
(1) Type and number of entities affected: Recipients of IV-D services (clients, absent parents and children).
(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:
(2) Effects on the promulgating administrative body: Negligible
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected:
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(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 program.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(Proposed Amendment)

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

RELATES TO: KRS 194.030(6)
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1977 as amended, and 7 CFR Parts 251-282. KRS 194.050 authorizes the Secretary, Cabinet for Human Resources, to issue regulations necessary for the operation of the cabinet's programs. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Food Stamp Program.

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

Section 2. Listing of Incorporated Materials. The following materials are hereby incorporated by reference, effective on the date shown:
(1) Federal food stamp regulations at 7 CFR Parts 250, 251 and 271-282, which set forth the federal requirements and guidelines for the administration of the Food Stamp Program and federal food stamp general notices published through the Federal Register, effective May [March] 1, 1987;
(2) Department for Social Insurance KAMES-FS Implementation Handbook [Food Stamp Handbook], which provides operating instructions, procedural detail and technical clarification for use by the department's field staff in implementing [administering] the KAMES-FS system [Food Stamp Program], effective May [March] 1, 1987; and
(3) Federal food stamp regional letters, which set forth federal clarification of federal food stamp regulations, as follows: 80-5, 80-5.1, 80-6, 80-7, 80-8, 80-9, 80-10, 80-11, 80-13, 80-15, 80-16, 80-17, 80-19, 80-21, 80-22.1, 80-23, 80-30, 80-31, 80-32, 80-33, 80-34, 80-36, 80-38, 80-39, 80-41.1, 80-42, 80-43, 80-44, 80-47, 80-48, 80-49, 80-50, 80-51, 80-52, 80-53, 80-54, 80-58, 80-58.1, 80-58.2, 80-59, 80-62, 80-67, 80-71, 80-72, 80-73, 80-76.1, 80-77, 80-78, 80-79, 80-80, 80-81, 80-82, 80-83, 80-85, 80-86, 80-87, 80-88, 80-89, 80-91, 80-92, 80-93, 80-96, 80-98, 80-99, 80-100, 80-101, 80-102, 80-103, 80-105, 80-106, 81-3, 81-3.1, 81-3.2, 81-4, 81-4.1, 81-4.2, 81-4.3, 81-5, 81-6, 81-8, 81-9, 81-10, 81-10.1, 81-10.2, 81-11, 81-12, 81-13, 81-14, 81-15, 81-16, 81-17, 81-18, 81-20, 81-20.1, 81-20.2, 81-21, 81-22, 81-23, 81-24, 81-26, 81-27, 81-28, 81-29, 81-30, 81-30.1, 81-33, 81-34, 81-34.1, 81-36, 81-37, 81-38, 81-40, 81-41, 81-42, 81-43, 81-44, 81-45, 81-46.1, 81-47, 81-48, 81-49, 81-50, 81-51, 81-52, 81-53, 81-54, 81-55, 81-57, 81-57.1, 81-58, 81-60, 81-62, 81-64, 81-66, 81-67, 81-68, 82-3, 82-4, 82-5, 82-6, 82-7, 82-8, 82-9, 82-10, 82-11, 82-12, 82-13, 82-14, 82-15, 82-16, 82-17, 82-18, 82-18.1, 82-19, 82-20, 82-21, 82-23, 82-25, 82-25.1, 82-26, 82-27, 82-29, 82-29.1, 82-30, 82-31, 82-32, 82-35, 82-36, 82-37, 82-38, 82-39, 82-40, 83-1, 83-1.1, 83-1.2, 83-2, 83-2.1, 83-3, 83-4, 83-5, 83-6, 83-7, 83-9, 83-12, 83-15, 83-17, 83-19, 83-21, 83-22, 83-24, 83-25, 83-26, 83-27, 83-28, 83-30, 83-31, 83-33, 83-36, 84-1, 84-2, 84-3, 84-4, 84-5, 84-6, 84-7, 84-8, 84-9, 84-10, 84-12, [84-14,] 84-15, 84-16, 84-17, 84-18, 84-19, 84-20, 84-22, 84-23, 84-24, 84-26, 84-27, 84-30, 84-32, 84-33, 84-34, [84-35,] 84-36, 84-37, 84-38, 84-40, 84-41, 84-42, 84-43, 84-45, 84-46, 84-47, 84-48, and

84-49, effective January 1, 1985.
(4) Federal Food and Nutrition Service South East Regional Office (SERO) regulations supplement which sets forth federal policy clearances of federal regulations specified in subsection (1) of this section, effective May 1, 1987 [November 1, 1986].

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

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: April 29, 1987
FILED WITH LRC: May 6, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23 at 9 a.m. in the Vital Statistics Conference Room, First Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected: Not significant
1. First year: Unknown
2. Continuing costs or savings: Unknown
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: The revisions will keep the state practices in compliance with federal regulations.
(a) Direct and indirect costs or savings:
1. First year: Minimal
2. Continuing costs or savings: Unknown
3. Additional factors increasing or decreasing costs: Insignificant
(b) Reporting and paperwork requirements: Insignificant
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Changes are in compliance with federal regulations.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. N/A to these changes as federal requirements mandate uniform statewide implementation/application of policies.

PROPOSED REGULATIONS RECEIVED THROUGH MAY 15

GENERAL GOVERNMENT CABINET
Board of Accountancy

201 KAR 1:062. Certification standards.

RELATES TO: KRS 325.261, 325.265, 325.270, 325.280
PURSUANT TO: KRS 325.240
NECESSITY AND FUNCTION: To promulgate administrative regulations of the State Board of Accountancy of Kentucky. This regulation pertains to granting certificates.

Section 1. The board shall issue a certificate as a certified public accountant to any person who meets the qualifications as set forth in KRS 325.261.

Section 2. (1) The educational requirements of KRS 325.261(3)(a) and (b) referring to a baccalaureate degree and/or masters degree "conferred by a college or university recognized by the board," is defined as a degree from an institution whose credits would be accorded full recognition upon transfer to a state-supported institution in the Commonwealth of Kentucky whose undergraduate business program is accredited by the American Assembly of Collegiate Schools of Business (AACSB). Evidence that the applicant possesses the educational qualifications prescribed herein shall consist of an official transcript(s) issued by the institution(s) granting the degree(s) claimed. Such transcripts shall be submitted with an application for examination, or an application for certificate by waiver of examination, and remain a part thereof.
(2) Effective with initial applications for admission to the November 1988 examination, a major or concentration program in accounting is defined as a minimum of thirty-nine (39) semester hours in business related subjects of which a minimum of twenty-seven (27) semester hours must be in accounting subjects. Prior to September 1, 1988 a major or concentration program in accounting is defined as a minimum of thirty (30) semester hours in business related subjects, of which a minimum of twenty (20) semester hours must be in accounting subjects.

Section 3. (1) Effective September 1, 1988, applicants for a CPA certificate shall show, to the satisfaction of the board, that they have achieved a portfolio of qualifying experience. This demonstration of experience shall have as its objective that the applicant has obtained sufficient, diversified experience to enable him/her to conduct an audit or a review of financial statements of an entity and report thereon with a minimum of supervision.
(2)(a) The experience described in KRS 325.261(3)(a) and (b) must include at least one (1) year of full-time employment in a public accounting firm or, in the case of KRS 325.261(3)(e) and (f), must include one (1) year of full-time employment as an auditor or accountant in a state government agency applying the attest function using standards adopted by the American Institute of Certified Public Accountants.
(b) Full-time employment with a public accounting firm or a government agency must

include a minimum of 500 verifiable hours of participation in the examination or review of financial statements and the preparation of reports thereon in accordance with Generally Accepted Accounting Principles (GAAP) or other comprehensive bases of accounting.

(3) Third-party reliance as used in KRS 325.261(3)(a) and (b), means the trust, dependence or confidence placed by a third-party reader of statements upon the report issued by an independent certified public accountant.

Section 4. (1) Experience of a quality satisfactory to the board including the minimum of 500 hours of participation in the examination or review of financial statements and the preparation of reports thereon, shall be defined to include a portfolio of experience that would indicate participation in an appropriate variety of analytical procedures and techniques and may include the following which is neither all inclusive or exclusive:

(a) Review, testing and evaluation of internal control policies and procedures related to sales and revenue, costs and expenses, and payroll;

(b) Verification of accounts receivable;

(c) Review of inventory procedures and verification of physical inventories;

(d) Review of reconciliation of client bank accounts;

(e) Testing inventory valuation and pricing;

(f) Testing cost and depreciation of fixed assets;

(g) Testing prepaid and intangible assets and deferred charges;

(h) Review and verification of accounts payable;

(i) Review of the adequcy of accrual and allowance provisions;

(j) Review of preparation of income tax provision;

(k) Search for unrecorded liabilities;

(l) Analysis and verification of changes in equity accounts or fund balances;

(m) Application of appropriate analytical review procedures to revenue and expenses;

(n) Testing of revenue and purchase cut-off;

(o) Review for significant subsequent events;

(p) Review of pertinent legal documents; and

(q) Evaluations of disclosures relating to commitments and contingencies.

An applicant who has not achieved a portfolio of experience of the variety and diversity set forth in the preceding list shall bear the burden of demonstrating to the board that the portfolio of experience submitted is of sufficient quality and diversity that it fulfills the entry requirement objective as set forth in this regulation. An application for CPA certificate shall not be considered complete until such time as a minimum of ten (10) of the seventeen (17) aforementioned procedures shall be recorded affirmatively in the Certificate of Experience completed on the applicant's behalf.

(2) "Supervision" is defined as the condition where there is a clear connection between the supervisor and the person being supervised in terms of planning, coordinating, guiding, inspecting, controlling and evaluating activities of the employee. The supervisor must be a licensed certified public accountant of any state or a public accountant registered with the board as specified in KRS 325.220(3).

(3) In the case of experience as a field audit agent with the Internal Revenue Service specified in KRS 325.261(3)(d), the Chief of the Examinations Division shall recommend to the board whether or not the applicant has met the requirements of KRS 325.261(3)(d) and this regulation.

Section 5. (1) Any licensee who signs a certificate of experience shall, when requested by the board, explain in writing or in person the information contained therein.

(2) The board shall consider any false or misleading statement made by the licensee in the verification of an applicant's experience to be a violation of KRS 325.340(1)(a).

(3) Inspection of supporting documentation pertaining to an applicant's fulfillment of the experience requirements set forth in KRS 325.261(3) and this regulation may be made by the board or its designee.

Section 6. (1) The experience, referred to in KRS 325.261(3)(a), (b), (d), (e), and (f), attained after receiving a baccalaureate degree shall be considered full time provided such employment is on a full-time basis and is for a period of at least ninety (90) consecutive calendar days. A minimum of one (1) year of the experience must be obtained through full-time work.

(2) The experience referred to in KRS 325.261(3)(a) and (e) may be partially fulfilled by employment on a part-time basis. Any experience attained before the awarding of a baccalaureate degree shall be considered part-time. In the case of part-time experience, one-half (1/2) hour credit will be given for each hour worked, such credit being limited to twenty (20) hours per week. Each applicant who relies on experience gained through part-time work shall cause to be filed over the signature of the certified public accountant or public accountant supervising such experience, a schedule of part-time hours worked by week, not to exceed forty (40) hours per week.

(3) Each applicant who relies in whole or in part on the experience described in KRS 325.261(3)(a), (b), (e) and (f), shall cause to be filed with the board the notarized Certificate of Experience, signed by a licensed certified public accountant or a public accountant as described in KRS 325.220.

(4) Any applicant who applies for a Kentucky CPA certificate after July 1, 1987 but before September 1, 1988 may apply either under the experience rules in effect on June 30, 1987 or under the new experience rules to be effective on July 1, 1987. After September 1, 1988, all applicants for a Kentucky CPA certificate must satisfy the experience rules described in this regulation.

Section 7. 201 KAR 1:061, Standards of certification, is hereby repealed.

JAMES T. AHLER, Executive Director
APPROVED BY AGENCY: March 27, 1987
FILED WITH LRC: May 12, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on Monday, June 29, 1987 at 10 a.m. EST in the Administrative Offices of the Board located at 332 W. Broadway, Suite 310, Louisville, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 24, 1987 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, KY 40202.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Ahler
(1) Type and number of entities affected: Approximately 300 firms and 300 candidates for a CPA certificate each year.
(a) Direct and indirect costs or savings to those affected:
1. First year: A marginal cost increase may result in the area of recordkeeping on employees.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: The proposed changes will increase the amount of documentation required to demonstrate completion of the experience requirement.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: N/A
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: This proposed change will marginally increase the volume of paperwork received by this agency.
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: No other suitalbe alternatives were available.
(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. This regulation is applied equally to all candidates for a CPA certificate.

GENERAL GOVERNMENT CABINET
Board of Accountancy

201 KAR 1:068. 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 the Commonwealth 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) "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.
(4) "Reports," as used in this regulation, refers to legible copies of an audit, a review and a compilation issued by the practice unit in the twelve (12) months prior to submission to the board for a desk review. Reports to be submitted shall be year-end financial reports and not quarterly statements. The reports may have the identity of the client and the issuer obscured or deleted to preserve confidentiality prior to submission to the board for evaluation. The QEP transmittal form, prepared by the board, shall be used to identify the issuer and to forward said reports for review.
(5) "Issuer" means individuals, partnerships, professional service corporations, associations or other entities.
(6) "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 approval of the board.
(7) "Transmittal form," when used in this regulation, shall mean the document distributed by the board to be used in submitting copies of reports for evaluation or to advise the board that no reports were issued by the practice unit in the prior fiscal year.

Section 2. Report Submission Cycle. (1) Beginning with renewals of firm registrations and/or individual permits for fiscal year 1987-88, the quality enhancement program will adopt a three (3) year cycle in reviewing reports for adherence to standards. One-third (1/3) of all practice units registered with the board will be selected to submit their reports for evaluation at the time renewal forms are filed with the board.
(2) One-half (1/2) of the remaining practice units will be assigned to the second year of the three (3) year cycle and the balance scheduled to file reports in the third year of the three (3) year cycle.
(3) Practice units registered or licensed with the board for the first time will not be expected to file sample reports until renewal forms are filed for the next fiscal year.
(4) Branch offices of a practice unit which issue reports separately from the main office shall be expected to forward reports during the year in which the main office of the firm is required to submit reports. If the branch office is not responsible for the issuance of reports, such office shall be exempt from the report submission requirements of this program.
(5) 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.
(6) Practice units not issuing a particular level of report may be exempted from the report submission requirements for that level by filing statements to that effect on the QEP transmittal form prepared by the board.
(7) The three (3) year cycle described in subsections (1) and (2) of this section shall have no effect on the annual firm registration

and permit renewal requirements specified in KRS 325.330.

(8) To assist practice units in complying with the report submission requirements, a reminder notice shall be forwarded prior to the license renewal process.

Section 3. Subsequent Years. (1) Practice units notified that the reports submitted for review were classified as acceptable or marginal shall not be required to submit reports for review for three (3) years.

(2) Practice units receiving a substandard classification on the reports submitted shall be required to submit reports the following year. If the subsequent reports result in an acceptable or marginal classification, the practice unit would then be placed in the three (3) year cycle described in Section 2 of this regulation.

(3) Practice units no longer issuing reports, as defined in Section 1 of this regulation, shall report that fact to the state board on the QEP transmittal form and will be exempted from the report submission requirements for that particular level of reporting.

Section 4. Desk Reviews. (1) Upon receipt of the reports by the board, file numbers will be assigned and the QEP transmittal form, containing the identify of the issuer, will be separated from the report.

(2) A desk review will be conducted on all reports received and will consist of an in-depth analysis 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.

(3) The initial review and all subsequent reviews shall seek to determine adherence or lack thereof with applicable standards of reporting.

(4) Upon completion of the desk reviews, the volunteer reviewer shall submit his comments to the program coordinator and the steering committee for consideration.

(5) Reports determined to contain no deficiencies or only minor deficiencies shall be classified as acceptable. If the steering committee deems it appropriate, suggestions for corrective action may be transmitted to the issuer.

(6) Reports which contain more serious deficiencies such as departures from technical reporting or accounting standards, but are of the type that will not render the statements materially inaccurate or misleading shall be classified as marginal.

(7) Reports which are materially inaccurate or misleading will be classified as substandard. Such statements violate one (1) or more significant reporting standards, seriously depart from generally accepted accounting principles or do not include material disclosures necessary for fair presentation.

Section 5. Steering Committee Critique. (1) The steering committee shall review the comments recorded by the reviewers for materiality and substance and determine what comments will be forwarded to the issuer.

(2) 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. Issuers shall be encouraged to communicate their disagreement with the findings.

Section 6. Disposition of Files. (1) Issuers of reports deemed by the steering committee to adhere to applicable standards of reporting will be so notified.

(2) A response to the letter of constructive comment where the report was classified as marginal will be optional.

(3) Issuers receiving notification that their report was classified as substandard shall be required to respond to the findings, providing documentation to support areas of disagreement, and proposing means to improve their financial reporting if they agree with the findings of the steering committee.

(4) The steering committee shall review responses from the issuers and determine whether or not the areas of disagreement warrant an adjustment in classification or a field review of the supporting workpapers and documentation.

(5) 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 conducted.

(6) Should a field review be deemed necessary procedures contained in KRS 325.360 will be followed. 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 discussion concerning remedies to upgrade the reporting of the practice unit.

(7) Failure of a practice unit to submit the reports required by this regulation shall not prevent the annual 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.

Section 7. 201 KAR 1:067, Quality enhancement program, is hereby repealed.

JAMES T. AHLER, Executive Director
APPROVED BY AGENCY: March 27, 1987
FILED WITH LRC: May 12, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on Monday, June 29, 1987 at 10 a.m. EST in the Administrative Offices of the Board located at 332 W. Broadway, Suite 310, Louisville, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 24, 1987 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, KY 40202.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Ahler

(1) Type and number of entities affected: Approximately 600 practice units registered with this agency issuing audits, reviews or compilations will be affected.

(a) Direct and indirect costs or savings to those affected: All 600 practice units will

enjoy reduced costs in connection with their participation in this program. The program begins cycle on July 1, 1987 with one-third of the practice units reporting each year. Most of the firms will not submit samples for three years.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: The affected entities will experience a slight reduction in paperwork associated with the program.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: The board will save substantially from the reduction in the number of reports to be evaluated each year.
2. Continuing costs or savings: Same
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: A small decrease in paperwork requirements is anticipated.
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative of requiring reports to be submitted by all practice units was dropped because of the heavy burden placed on the agency and the unnecessary costs imposed on the practice units each year.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. This regulation is applied equally to all licensees of this agency.

GENERAL GOVERNMENT CABINET
Board of Physical Therapy

201 KAR 22:135. Fees.

RELATES TO: KRS 327.040(12), 327.050
PURSUANT TO: KRS 327.040
NECESSITY AND FUNCTION: The purpose of this regulation is to establish fees required of applicants for licensure or certification by endorsement, examination, reinstatement, renewal and re-examination. Fees are set to reflect the revenue required to permit the board to fulfill its statutory obligations. Personal checks are permitted only for license, temporary permit, or certificate renewal applications. Personal, cashier's or certified checks or money orders are to be made payable to the Kentucky State Treasurer, sent to the executive secretary of the board, and are not refundable.

Section 1. An application fee, except for re-examination and renewal is prorated according to the time within a biennial licensure term it is received by the executive secretary of the board. Fees submitted for application received in the first year of a biennial licensure term shall be greater by one-half the renewal fee than a fee received in the second year of a biennial licensure term. This fee and application could result in a permit and/or license valid for more than one (1) year.
(1) The fees for application for licensure or certification in the first year of the biennial licensure term are:
(a) Physical therapists and physical therapist's assistants:
1. Application for licensure/certification by endorsement fee is $140.
2. Application for license/certificate reinstatement fee is $105.
(b) Physical therapist application for licensure by examination fee is $205.
(c) Physical therapist's assistant application for certification by examination fee is $200.
(2) The fee for application for licensure or certification in the second year of the biennial licensure term are:
(a) Physical therapists and physical therapist's assistants:
1. Application for licensure/certification by endorsement fee is $100.
2. Application for license/certificate reinstatement fee is sixty-five (65) dollars.
(b) Physical therapist application for licensure by examination fee is $165.
(c) Physical therapist's assistant application for certification by examination fee in $160.

Section 2. The renewal application fee for physical therapists and physical therapist's assistants shall be eighty (80) dollars.

Section 3. The fee for application for re-examination shall be the cost of the examination to the board plus an administrative fee of forty-seven (47) dollars and fifty (50) cents.

DEBORAH BRYANT THARP, Chairman
APPROVED BY AGENCY: March 21, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on June 22, 1987 at 10 a.m. in room 109 of the Capitol Annex. Anyone interested in attending this hearing shall contact in writing by June 17, 1987: Nancy Brinly, Executive Secretary, Kentucky State Board of Physical Therapy, 1614 Dunbarton Wynde, Louisville, Kentucky 40205-2778.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nancy Brinly
(1) Type and number of entities affected: 680 Physical Therapists, 190 Assistants.
(a) Direct and indirect costs or savings to those affected:
1. First year: No cost factors.
2. Continuing costs or savings: No cost factors.
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: No cost factors.
2. Continuing costs or savings: No cost factors.
3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: No change.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: This proposed regulation has been written in anticipation of implementation of HB 310. The board has been granted maximum allowable fees in KRS 327. Actual fees, set by regulation are lower than allowed. Because costs to the board change, the board needs to retain the flexibility in fees charged. Fees were deleted from the regulations which will be submitted for implementation of HB 310.
TIERING: Was tiering applied? No. All physical therapists and physical therapist's assistants are treated uniformly under the law.

GENERAL GOVERNMENT CABINET
Board of Psychology

201 KAR 26:130. Complaint procedure.

RELATES TO: KRS 319.082
PURSUANT TO: KRS 319.032
NECESSITY AND FUNCTION: KRS 319.082 delineates the causes for which disciplinary action may be taken against a licensee, or certificate holder. KRS 319.092 delineates the conduct of hearings. This regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

Section 1. Unless exceptional circumstances require otherwise, all complaints shall be in writing and shall bear the date and signature of the person making the complaint.

Section 2. Unless exceptional circumstances require otherwise, before a complaint is investigated it shall present evidence of a specific violation.

Section 3. Complaints may be received by any board member, psychologist designated by the board, the Attorney General, or by any board staff member.

Section 4. If the complaint warrants a formal hearing, the board shall provide the respondent with:
(1) A formal written presentation of charges;
(2) A notice of the right to be represented by counsel;
(3) A reasonable time to prepare any defense;
(4) The right to answer charges;
(5) The right to subpoena witnesses in his or her behalf; and
(6) The notice of the right to appeal after an adjudication against them.

Section 5. Any board member who has participated in the preliminary investigations shall not participate in the hearing process.

Section 6. All subpoenas shall be issued in the name of the board and shall be signed by the chairman of the board or a designated hearing officer. The person requesting the subpoena shall bear the cost of serving the subpoena, paying the witness fees and expenses. The board shall bear the cost of witnesses subpoenaed in the board's behalf.

Section 7. The board shall notify the person making the complaint and the person against whom the complaint was made of the final disposition of the matter.

STEPHEN T. DeMERS, Chairman
APPROVED BY AGENCY: April 24, 1987
FILED WITH LRC: May 7, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 10 a.m., Eastern Standard Time, at the Board of Examiners of Psychologists, Berry Hill Annex, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 17, 1987 of their desire to appear and testify at the hearing: Mr. David L. Nicholas, Director, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Board of Examiners of Psychologists.
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Psychology

201 KAR 26:140. Procedures for disciplinary hearings.

RELATES TO: KRS 319.092
PURSUANT TO: KRS 319.032
NECESSITY AND FUNCTION: KRS 319.092 mandates a

hearing upon the filing of a complaint alleging a violation of KRS Chapter 319. This regulation establishes procedures for the conduct of administrative hearings held pursuant to KRS 319.092.

Section 1. Purpose and Rule of Construction. The purpose of this regulation is to enable the board to conduct an orderly and reasonably expeditious search for the truth while ensuring that due process is afforded to the licensee, certificate holder or applicant. Accordingly, this regulation shall be liberally construed so as to aid in that process.

Section 2. Composition of the Tribunal. (1) Disciplinary actions will be heard by a tribunal consisting of at least a quorum of the board, the board's designated hearing officer, or both.

(2) A board member who has participated in the investigation of a disciplinary action or who for other reasons is unable to render a fair and impartial decision will not sit as a member of the board hearing that particular action.

Section 3. Rights of the Licensee, Certificate Holder, or Applicant. The licensee, certificate holder or applicant shall have the right to be present and to be heard at the hearing, to be represented by legal counsel, to present evidence, to cross-examine witnesses presented by the attorney prosecuting the matter before the board, and to make both opening and closing statements. The licensee, certificate holder or applicant shall also have the right to have appropriate subpoenas issued in accordance with KRS 319.092.

Section 4. Prehearing Disclosure of Evidence. (1) The licensee, certificate holder or applicant shall have the right to inspect the investigative file relating to a disciplinary action either in person or by legal counsel. The licensee, certificate holder or applicant shall have the right to such other information as the board or the hearing officer deems appropriate within ten (10) days of the hearing. Nothing in this section shall be construed as giving the licensee, certificate holder or applicant the right to examine or copy the personal notes, observations, conclusions, or work product of legal counsel prosecuting the allegations of the complaint or the Attorney General. An appointment for the examination of an investigative file must be made upon reasonable notice, during regular office hours, and at a time acceptable to the staff members involved in the investigation. The licensee, certificate holder or applicant shall be allowed to examine any items of tangible evidence in the possession of the board.

(2) At least ten (10) days prior to the scheduled hearing date the licensee, certificate holder or applicant shall furnish to the investigator or legal counsel prosecuting the allegations of the complaint copies of any documents which the licensee, certificate holder or applicant intends to introduce at the hearing, and such other information as the board or the hearing officer deems appropriate. The licensee, certificate holder or applicant shall also produce for inspection any items or tangible evidence within its possession or control which it intends to introduce at the hearing.

(3) At least ten (10) days prior to the scheduled hearing date the licensee, certificate holder or applicant shall file with the board a written response to the specific allegations contained in the notice of charges. The tribunal may for good cause permit the late filing of a response.

(4) After disclosure has been completed each party shall remain under an obligation to disclose any new or additional items of evidence which may come to its attention. Such additional disclosure shall take place as soon as practicable. Failure to disclose may result in the exclusion of the new evidence or testimony from the hearing.

Section 5. Order of Proceeding. (1) The presiding officer will call the meeting to order and will identify the parties to the action and the persons present. The presiding officer will rule upon any objections or motions, subject to being overruled by a vote of the board. Opening statements will be made, with the attorney prosecuting the allegations of the complaint proceeding first. Either side may waive opening statement.

(2) The taking of proof will commence with the calling of witnesses on behalf of the attorney prosecuting the matter before the board. Such witnesses will be examined first by the attorney prosecuting the allegations of the complaint, then by the licensee, certificate holder or applicant or that person's attorney, and finally by the hearing officer or members of the board. Rebuttal examination of witnesses will proceed in the same order. Documents or other items may be introduced into evidence as appropriate.

(3) Upon conclusion of the case for the attorney prosecuting the matter before the board the licensee, certificate holder or applicant will call its witnesses. Such witnesses will be examined first by the licensee, certificate holder or applicant or that person's attorney, then by the attorney prosecuting the allegations of the complaint, and finally by the hearing officer or members of the board. Rebuttal examination of those witnesses will proceed in the same order. Documents or other evidence may be introduced as appropriate.

(5) The presiding officer will be responsible for enforcing the general rules of conduct and decorum and expediting the hearing by keeping the testimony and exhibits relevant to the complaint.

Section 6. Rules of Evidence. (1) The tribunal shall not be bound by the technical rules of evidence. Subject to the discretion of the board or the hearing officer, the tribunal may receive any evidence which it considers to be reliable, including testimony which would be hearsay if presented in a court of law. Documentary evidence may be admitted in the form of copies or excerpts, and need be authenticated only to the extent that the tribunal is satisfied of its genuineness and accuracy. Tangible items may be received into evidence without the necessity of establishing a technical legal chain of custody so long as the board is satisfied that the item is what it is represented to be and that it is in substantially the same condition as it was at the time of the events under consideration.

(2) The tribunal retains the discretion to exclude any evidence which it considers to be unreliable, incompetent, irrelevant, immaterial

or unduly repetitious. Rulings on objections to evidence will be made by the presiding officer but may be overruled by a vote of the board.

Section 7. Decisions by the Tribunal. Upon the conclusion of the hearing, the board and the hearing officer, if any, will retire into closed session for the purpose of deliberations.

Section 8. It is the policy of the board not to postpone cases which have been scheduled for hearing absent good cause. A request by a licensee, certificate holder or applicant or attorney prosecuting the allegations of the complaint for a continuance may be considered if communicated to the staff reasonably in advance of the scheduled hearing date and based upon good cause. The decision whether to grant a continuance will be made by the hearing officer or chairman of the board. Failure to appear at a scheduled hearing for which a continuance has not been granted in advance will be deemed a waiver of the right to appear and the hearing will be held as scheduled.

STEPHEN T. DeMERS, Chairman
APPROVED BY AGENCY: April 24, 1987
FILED WITH LRC: May 7, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 10 a.m., Eastern Standard Time, at the Board of Examiners of Psychologists, Berry Hill Annex, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 17, 1987 of their desire to appear and testify at the hearing: Mr. David L. Nicholas, Director, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Board of Examiners of Psychologists.
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Psychology

201 KAR 26:170. Requirements for supervision of candidates for licensure.

RELATES TO: KRS 319.082
PURSUANT TO: KRS 319.082
NECESSITY AND FUNCTION: KRS 319.082 requires regulations governing the supervision of candidates for licensure. This regulation acts out the requirement for such supervision.

Section 1. Certified Psychologists. (1) Approval of supervision. The applicant for certification and the proposed supervisor must apply to the board, in writing, for approval of supervision. Upon approval by the board of the application and the supervision, the applicant may perform certain functions within the practice of psychology until the results of the examination are known. Following successful completion of the certification requirements, the supervisory relationship will continue as required by law. The licensed psychologist may not supervise a total of more than six (6) applicants for licensure or certification, certified psychologists, or psychological assistants at one (1) time.
(2) Direct supervision. One (1) hour of face-to-face supervision on a weekly basis is required for the first year. Thereafter, the contact must be sufficient to allow the supervisor time to be familiar with the skills of the certified psychologist. In addition, this time must be of a frequency ample to meet the needs of both parties.
(3) Reports of supervision. The supervisor must submit a written report describing the progress of the certified psychologist on an annual basis for the first two (2) years. Thereafter, the reports may be less frequent and after five (5) years may be on the a three (3) year basis. The reports should include a description of the functions, the frequency of supervision, strengths, weaknesses, and any other information which may be relevant to an adequate assessment of the practice of the certified psychologist.
(4) Responsibilities of the supervisor. The licensed psychologist must be available to the certified psychologist and to serve as a mentor for professional growth and development. This role demands attentiveness, responsiveness, and mutual respect. The supervisor must provide reports of supervision to the board in a timely manner. The supervisor is required to inform the board of any change in the ability to supervise or the ability of the certified psychologist to practice. Failure to carry out the responsibilities of supervision may result in the board withdrawing approval of the licensed psychologist as a supervisor.
(5) Responsibilities of the certified psychologist. The certified psychologist must keep the supervisor adequately informed at all times. This may require actively seeking supervision at times in addition to those regularly scheduled supervisory sessions. The certified psychologist must follow-up with the supervisor to insure that reports of supervision have been sent to the board. Copies of these reports may be made available to the certified psychologist by the supervisor or to the board office by written request.

Section 2. Psychological Assistants. (1) Approval of supervision. The applicant for certification and the proposed supervisor must apply to the board, in writing, for approval of supervision. Upon approval by the board of the application and the supervision, the applicant may perform certain functions within the practice of psychology until the results of the examination are known. Following successful completion of the certification requirements, the supervisory relationship will continue as required by law. The licensed psychologist may supervise a total of no more than six (6) applicants for licensure or certification, certified psychologists, or psychological assistants at one (1) time.

(2) Direct supervision. One (1) hour of face-to-face supervision on a weekly basis is required. This contact must be sufficient to allow the supervisor time to be familiar with the skills of the assistant.

(3) Reports of supervision. The supervisor must submit a written report describing the progress of the psychological assistant on an annual basis for the first two (2) years. Thereafter, the reports may be less frequent and after five (5) years may be on a three (3) year basis. The reports should include a description of the functions, the frequency of supervision, strengths, weaknesses, and any other information which may be relevant to an adequate assessment of the practice of the assistant.

(4) Responsibilities of the supervisor. By accepting the legal responsibility to serve as a supervisor, the licensed psychologist acknowledges a duty to be available to the assistant and to serve as a mentor for professional growth and development. This role demands attentiveness, responsiveness, and mutual respect. The supervisor recognizes that the assistant is prohibited from functioning autonomously. The supervisor agrees to provide reports of supervision to the board in a timely manner. The supervisor accepts the responsibility to inform the board of any change in the ability to supervise or the ability of the assistant to practice. Failure to carry out the responsibilities of supervision may result in the board withdrawing approval of the licensed psychologist as a supervisor.

(5) Responsibilities of the psychological assistant. The psychological assistant recognizes the need to keep the supervisor adequately informed at all times. This may require actively seeking supervision at times in addition to those regularly scheduled supervisory sessions. The assistant accepts the responsibility to follow-up with the supervisor to insure that reports of supervision have been sent to the board. Copies of these reports may be made available to the assistant by the supervisor or to the board office by written request. The psychological assistant acknowledges the prohibition against practicing autonomously.

Section 3. Candidates for Licensure. (1) Approval of supervision. The candidate for licensure and the proposed supervisor must apply to the board, in writing, for approval of supervision. Upon approval by the board of the application and the supervision, the candidate may practice until the results of the examination are known.

(2) Direct supervision. One (1) hour of face-to-face supervision on a weekly basis is required until the candidate passes all tests for the granting of licensure.

(3) Reports of supervision. The supervisor must submit a minimum of one (1) written report describing the skills of the candidate. The board may request additional reports if needed to assess the candidate's functioning. The reports should include a description of the functions, the frequency of supervision, strengths, weaknesses, and any other information which may be relevant to an adequate assessment of the practice of the candidate.

(4) Responsibilities of the supervisor. By accepting the legal responsibility to serve as a supervisor, the licensed psychologist acknowledges a duty to be available to the candidate and to serve as a mentor for professional growth and development. This role demands attentiveness, responsiveness, and mutual respect. The supervisor agrees to provide reports of supervision to the board in a timely manner. The supervisor recognizes the responsibility to inform the board of any change in the ability to supervise or the ability of the candidate to practice. Failure to carry out the responsibilities of supervision may result in the board withdrawing approval of the licensed psychologist as a supervisor.

(5) Responsibilities of the candidate for licensure. The candidate recognizes the responsibility for keeping the supervisor adequately informed at all times. The candidate accepts the responsibility to follow-up with the supervisor to insure that reports of supervision have been sent to the board. Copies of these reports may be made available to the candidate by the supervisor or to the board office by written request.

STEPHEN T. DeMERS, Chairman
APPROVED BY AGENCY: April 24, 1987
FILED WITH LRC: May 7, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 10 a.m., Eastern Standard Time, at the Board of Examiners of Psychologists, Berry Hill Annex, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 17, 1987 of their desire to appear and testify at the hearing: Mr. David L. Nicholas, Director, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Board of Examiners of Psychologists.
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Psychology

201 KAR 26:180. Requirements for granting licensure or certification in psychology by reciprocity.

RELATES TO: KRS 319.032
PURSUANT TO: KRS 319.032
NECESSITY AND FUNCTION: KRS 319.032 requires the adoption of regulations for the granting of licenses and certificates through reciprocity. This regulation establishes the requirements for such licensure or certification.

Section 1. The applicant for licensure or certification in psychology by reciprocity must hold a current valid license/certificate to practice psychology in at least one (1) state or the District of Columbia or a Canadian province which maintains a psychology registration board that is a constituent member of the American Association of State Psychology Boards.

Section 2. The board will consider the following criteria in determining if licensure or certification will be granted by reciprocity:
(1) Requirements for licensure in KRS 319.050 or certification in KRS 319.058 or KRS 319.064 and related regulations.
(2) Standards for admission to examination including training, experience, and references.
(3) Examination procedures including criteria for passing each portion.
(4) Applicant's professional experience including review of credentials (e.g., possession of Diplomate from the American Board of Professional Psychology), complaints, or hearings held in previous jurisdictions.
(5) Applicant's professional references.

Section 3. Portions of the examination for licensure or certification may be required if the applicant did not take such a portion for licensure or certification in another state or recognized jurisdiction or if the applicant's score was not at a passing level according to Kentucky standards. Portions of the examination may be waived if in the judgment of the board the applicant has met an equivalent standard or examination. However, the board must have at least one (1) face-to-face interview with such applicant for licensure or certification as a certified psychologist who must pass an oral examination on ethical principles, professional practice, and Kentucky mental health law administered by an authorized examination team.

Section 4. The board may require documented evidence or copies of examinations completed by the applicant as well as work samples of recent services provided in the practice of psychology.

Section 5. An application fee equal to that required by other applicants for licensure (KRS 319.050(1)(a)) or certification (KRS 319.059(1)(a) or KRS 319.064(1)(a)) must accompany the application in order for it to be considered regardless of the number or type of examination portions that may be waived.

STEPHEN T. DeMERS, Chairman
APPROVED BY AGENCY: April 24, 1987
FILED WITH LRC: May 7, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 10 a.m., Eastern Standard Time, at the Board of Examiners of Psychologists, Berry Hill Annex, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 17, 1987 of their desire to appear and testify at the hearing: Mr. David L. Nicholas, Director, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Board of Examiners of Psychologists.
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Psychology

201 KAR 26:190. Requirements for supervised professional experience.

RELATES TO: KRS 319.050
PURSUANT TO: KRS 319.032
NECESSITY AND FUNCTION: Certain terms are used in the statute regulating the requirements for

supervised professional experience. This regulation defines those terms.

Section 1. Those applying for licensure must complete one (1) year of supervised professional experience defined as 2,000 hours with at least fifty (50) hours of supervisory sessions distributed over the year. The supervisor must be licensed and must be approved by the board.

Section 2. For purposes of this regulation, the designation "health service provider" shall be made on the license of those psychologists who perform activities which include the delivery or supervision of direct health-care services to individuals or groups of individuals who are the intended beneficiaries of such services.

Section 3. No one who does not have the designation "health service provider" may provide or supervise direct health-care services. Those persons applying for licensure in the specialty areas of clinical, counseling, or school psychology shall have the designation "health service provider."

Section 4. Those persons applying for licensure with the designation "health service provider," excluding those applying in the specialty area of school psychology, must complete one (1) year of supervised professional experience defined as follows:

(1) The experience occurs within an organized training program, in contrast to supervised experience or on-the-job training and has a planned, programmed sequence of training experiences.

(2) The training program, typically called an internship, has a clearly designated staff psychologist who is responsible for the integrity and quality of the training program and who is actively licensed by the Board of Examiners in Psychology.

(3) The internship agency has two (2) or more psychologists on the staff as supervisors, at least one (1) of whom is actively licensed as a psychologist by the Board of Examiners in Psychology.

(4) Internship supervision is provided by a staff member of the internship agency or by an affiliate of that agency who carried clinical responsibility for the cases being supervised. At least half of the internship supervision is provided by one (1) or more psychologists with an appropriate doctorate degree.

(5) The internship provides training in a range of assessment and treatment activities conducted directly with clients seeking psychological services.

(6) At least twenty-five (25) percent of the trainee's time is in direct client contact (minimum 375 hours).

(7) The internship includes a minimum of two (2) hours per week of regularly scheduled, formal, face-to-face individual supervision. There must also be at least two (2) additional hours per week in learning activities such as case conferences, seminars dealing with clinical issues, group supervision.

(8) Training is post-clerkship, post-practicum and post-externship level.

(9) The internship has a written statement or brochure which describes the goals and content of the internship, stated clear expectations for quality and quantity of trainee's work and which is made available to prospective interns.

(10) The internship experience (minimum 2000 hours) is completed within twenty-four (24) months.

Section 5. Those persons applying for licensure with the designation "health service provider" in the specialty area of school psychology, shall have completed one (1) year of supervised professional experience defined as follows:

(1) The experience occurs within an organized training program which provides a sequence of experiences, including practica and field experiences.

(2) The training program, typically called an internship, provides training in a range of assessment and intervention activities conducted with and for children and youth needing school psychological services.

(3) The internship agency has a clearly designated staff member who is responsible for the integrity and qualify of the internship program, but who does not necessarily provide the supervision.

(4) Internship supervision is provided by a professional psychologist who is currently licensed by State/Provincial Board of Examiners in Psychology. The supervisor is a staff member of the internship agency but may be an affiliate of that unit who carries responsibility for cases being supervised, and when necessary, can change procedures and techniques for the intern and provide input to the agency staff. The affiliate may be provided by the school (agency), the intern, or the sending graduate program. When internship supervision is provided by an affiliate of that agency, a regular member of the agency staff must be responsible for providing administrative review.

(5) The internship includes an average of at least two (2) hours per week of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with school psychological services rendered directly by the intern. The mentor must provide an average of one (1) hour a week of supervision but may delegate other supervision to appropriate members of the psychological service unit.

(6) In addition to individual supervision there is an additional average of at least two (2) hours per week in scheduled learning activities such as: case conferences involving a case in which the intern is actively involved, seminars dealing with professional issues, inservice training. These activities may be in conjunction with professionals other than school psychologists.

(7) Supervision and education will account for at least ten (10) percent (150 hours) of the intern's time. Some of the activities may occur at times other than the "regular" work day.

(8) The total internship experience may occur in more than one (1) setting but must include a minimum of 1500 hours and must be completed within twenty-four (24) months.

(9) At least twenty-five (25) percent (375 hours) of the trainee's time is in direct client contact.

(10) The intern may spend up to twenty-five (25) percent (375 hours) of the time in research activity.

(11) The intern shall have scheduled and

unscheduled opportunities to interact with interns, school psychologists, and/or other psychologists. It is desirable for the internship agency to have two (2) or more such persons on the staff, but small agencies may meet this criterion by planning meetings with appropriate personnel in the area.

(12) The intern shall have the opportunity to interact professionally with persons from other disciplines and other agencies.

(13) The trainee has a title such as "intern," "resident," "fellow," or other designation of trainee status.

(14) The internship agency, preparing institution, and intern have a written agreement that describes the goals and content of the internship including clearly stated expectations for the nature of experiences offered in the agency and for the quantity and quality of the work.

Section 6. For psychologists licensed in the specialty areas of clinical, counseling, or school psychology prior to the adoption of this regulation, the board shall issue a stamp designating "health service provider" at the regular renewal time of each license. The designating seal may be obtained at an earlier date by paying a fee of ten (10) dollars to the state board.

Section 7. Applicants wishing to obtain the designation "health service provider" whose license was granted prior to the adoption of this regulation, in specialty areas other than clinical, counseling, or school psychology may apply for a review of their record by the board as to whether their supervised experience meets the criteria specified by the board. A non-refundable fee of fifty (50) dollars must accompany the application for review.

STEPHEN T. DeMERS, Chairman
APPROVED BY AGENCY: April 24, 1987
FILED WITH LRC: May 7, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 10 a.m., Eastern Standard Time, at the Board of Examiners of Psychologists, Berry Hill Annex, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 17, 1987 of their desire to appear and testify at the hearing: Mr. David L. Nicholas, Director, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Board of Examiners of Psychologists.
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Psychology

201 KAR 26:200. Definitions of terms used by the Board of Examiners of Psychologists for meeting educational requirements.

RELATES TO: KRS 319.050
PURSUANT TO: KRS 319.032
NECESSITY AND FUNCTION: Certain terms are used in the statute regulating educational requirements for psychologists. This regulation defines those terms.

Section 1. A regionally accredited educational institution means accreditation by any one (1) of the following: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Colleges and Schools, North Central Association of Colleges and Schools, North Western Association of Schools and Colleges, and Western Association of Schools and Colleges.

Section 2. Accreditation means accreditation by one (1) of the aforementioned associations at Level 4 (doctoral degree granting accreditation) or at Level 5 (graduate or professional degree granting accreditation).

Section 3. A doctoral degree in psychology means:
(1) A doctoral degree from a recognized institution of higher learning as defined above; and
(2) The program, wherever it may be administratively housed, is clearly identified by the granting institution as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists; and
(3) Any dissertation required for the degree is psychological in method and content and an expected product of doctoral training in psychology; and
(4) The program stands as a recognizable, coherent, organized entity within the institution; and
(5) Within the psychology faculty there is a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines; and
(6) The program is an integrated, organized sequence of study; and
(7) There is an identifiable psychology

faculty and a psychologist responsible for the program; and

(8) The program has an identifiable body of students who are matriculated in that program for a degree; and

(9) In areas of clinical, counseling, and school psychology the program includes educational experiences with titles such as practicum, internship or field training.

(10) In determining the acceptability of curricular experiences and course work, the following factors shall be considered: The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study. In addition to instruction in scientific and professional ethics and standards, research design, methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following content areas. This typically will be met by including a minimum of three (3) or more graduate semester hours (five (5) or more graduate quarter hours) in each of these four (4) areas:

(a) Biological bases of behavior, such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

(b) Cognitive-affective bases of behavior, such as learning, thinking, motivation, emotion.

(c) Social bases of behavior, such as social psychology, group process, organizational and systems.

(d) Individual differences, such as personality theory, human development, abnormal psychology.

(11) The applicant shall provide any documentation required by the board in the manner and form prescribed by the board to confirm compliance with or satisfaction of the requirements of this law.

STEPHEN T. DeMERS, Chairman
APPROVED BY AGENCY: April 24, 1987
FILED WITH LRC: May 7, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 22, 1987 at 10 a.m., Eastern Standard Time, at the Board of Examiners of Psychologists, Berry Hill Annex, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 17, 1987 of their desire to appear and testify at the hearing: Mr. David L. Nicholas, Director, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Board of Examiners of Psychologists.
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Kentucky Athletic Commission

201 KAR 27:017. Promoters to tender compensation for officials prior to commencement of match or exhibition.

RELATES TO: KRS 229.081, 229.091(1)
PURSUANT TO: KRS 229.180
NECESSITY AND FUNCTION: This regulation is designed to ensure that boxing officials are fully and promptly compensated for their work.

Section 1. Before the commencement of any boxing match or exhibition the promoter of such match or exhibition shall tender to the commission or a representative thereof a check or money order made payable to each official who will officiate at such match or exhibition in the amount prescribed by the schedule of compensation for officials set forth in 201 KAR 27:015.

FRED H. LAMPSON, Chairman
APPROVED BY AGENCY: April 27, 1987
FILED WITH LRC: May 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this proposed regulation will be held on June 22, 1987 at the hour of 10:30 a.m. EDT at the offices of the Kentucky Athletic Commission, 430 Kentucky Towers, Louisville, Kentucky 40202. Any person interested in commenting on this regulation at that hearing should contact Ms. Mary Abel, Executive Secretary, Kentucky Athletic Commission, 430 Kentucky Towers, Louisville, Kentucky 40202 in writing, by June 17, 1987.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary Abel
(1) Type and number of entities affected: Approximately 12 boxing promoters.
(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: No significant effect.
(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: 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: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. N/A

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance

806 KAR 5:050. Motor vehicle warranties.

RELATES TO: KRS 304.5-070
PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.5-070
NECESSITY AND FUNCTION: KRS 304.2-110 authorizes the Commissioner of Insurance to adopt regulations necessary for or as an aid of the effectuation of any provision of the Kentucky Insurance Code. KRS 304.5-070(1)(p) authorizes the Commissioner of Insurance to adopt regulations to interpret the provisions of KRS 304.5-070(1)(p). This regulation interprets the 1986 amendment to KRS 304.5-070(1)(p) (1986 Ky. Acts c. 146).

Section 1. Definitions. As used in this regulation:
(1) "Authorized insurer" means an insurer holding a certificate of authority from the Commonwealth of Kentucky to transact insurance to indemnify motor vehicle dealers for the cost of repairs under motor vehicle warranties.
(2) "Motor vehicle dealer" means a motor vehicle dealer licensed pursuant to KRS Chapter 190.
(3) "Motor vehicle warranty" means automobile guaranty insurance as defined in KRS 304.5-070(1)(p).
(4) "Person" has the meaning set forth in KRS 304.1-020.

Section 2. Only the following may issue motor vehicle warranties covering Kentucky risks:
(1) Authorized insurers; or
(2) Motor vehicle dealers who meet the conditions of KRS 304.5-070(1)(p) and this regulation.

Section 3. Motor vehicle dealers are permitted to sell motor vehicle warranties only if the sale of the motor vehicle warranty is merely incidental to the sale or lease of motor vehicles.
(1) A motor vehicle dealer shall not solicit or sell motor vehicle warranties as to motor vehicles not sold or leased by the motor vehicle dealer.
(2) No person (other than an authorized insurer) may solicit the general public for the sale of motor vehicles warranties.

Section 4. Motor vehicle dealers are permitted to sell motor vehicle warranties if they obtain from an authorized insurer an insurance policy which meets the requirements of KRS 304.5-070(1)(p).
(1) Motor vehicle dealers which have obtained the appropriate insurance policy from an authorized insurer and have complied with all other requirements of KRS 304.5-070(1)(p) and this regulation are deemed to have received a permit to sell motor vehicle warranties.
(2) Motor vehicle dealers which have not obtained the appropriate insurance policy from an authorized insurer and are not in compliance with the other provisions of KRS 304.5-070(1)(p) and this regulation are deemed to have been denied a permit to sell motor vehicle warranties.

Section 5. Nothing in this regulation shall affect warranties provided by motor vehicle manufacturers.

Section 6. Effective Date. (1) This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.
(2) As a courtesy to the Legislative Research Commission, the Department of Insurance states that this regulation is intended to be permanent.

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: May 7, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: Persons with an interest in the subject matter of the proposed regulation may appear and make comments at a public hearing scheduled for June 22, 1987, at 9 a.m. in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Gil McCarty, Commissioner, Kentucky Department of Insurance, P. O. Box 517, Frankfort, Kentucky 40602. Written comments will be given consideration equal to testimony at the public hearing if such written comments are received by the close of business on June 22, 1987.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts
Need for the Proposed Regulation: The proposed regulation is necessary to interpret the 1986 amendment to KRS 304.5-070(1)(p) (1986 Ky. Acts c. 146). Prior to this 1986 amendment, KRS 304.5-070(1)(p) provided that the definition of "Casualty insurance" included "insurance of the mechanical condition or, freedom from defective or worn parts of motor vehicles, other than as provided by manufacturer's warranty." This was interpreted to mean that so-called automobile or motor vehicle warranty contracts issued by what have loosely been referred to as "warranty companies" were merely unauthorized insurance. See OAG 76-696. The Department of Insurance has had many problems with automobile warranty contracts. The department has found that such contracts may or may not be backed by insurance. In the early 1980s, holders of such warranty contracts lost much money because the "warranty company" backing the group of automobile dealers' warranties took bankruptcy. The department consistently informed automobile dealers that the sale of automobile warranties was considered to be unauthorized insurance, but due to the income generated by such warranties, automobile dealers ignored or attempted to evade

department directives concerning the matter.

In 1986, the Kentucky General Assembly adopted House Bill 332 (1986 Ky. Acts c. 146, eff. July 15, 1986). Under the legislation, motor vehicle warranty contracts are not considered casualty insurance if the following conditions are met:

1. The contract is merely incidental to the sale or lease of motor vehicles;
2. The contract covers only defects in material or workmanship;
3. There is a separate charge for the contract;
4. The maker of the contract (i.e., the motor vehicle dealer) must have an insurance policy with an authorized motor vehicle insurer to assure performance of the duties of the maker, except if the maker is a "manufacturer, distributor, or importer of motor vehicles;"
5. If the maker is unable to perform its duties under the contract, the buyer of the contract becomes a policyholder of the insurer. If the maker of the contract does not perform its duties within 60 days of filing or proof of loss with the maker, the buyer of the contract may file the claim directly with the insurer;
6. The insurance policy assuring performance of the maker's duties must contain a loss payable clause naming any lending institution loss payee as its interest appears; and
7. The name of the insurer issuing the policy assuring performance of the maker's duties must appear in the automobile warranty contract.

The commissioner of insurance is authorized to promulgate regulations to interpret the legislation.

The legislation resolves many problems the Department of Insurance has had with motor vehicle warranty contracts. Under the legislation, the warranty contract is always backed by an authorized insurer. If the motor vehicle dealer issuing the warranty fails to perform, the contract holder is an insured of an authorized insurer. If the insurer becomes insolvent, claims against it would become claims covered by the Kentucky Insurance Guaranty Association.

The proposed legislation provides clarifying interpretations of several aspects of the legislation. The proposed regulation makes it clear that only authorized insurers or motor vehicle dealers who meet the conditions of the statute can issue motor vehicle warranties. Further, motor vehicle dealers are permitted to sell motor vehicle warranties only if such warranty sales are merely incidental to the sale or lease of motor vehicles.

Section 4 of the proposed regulation provides that motor vehicle dealers which have complied with the statute and regulation are deemed to have received a permit to sell motor vehicle warranties. Motor vehicle dealers which have not complied with the statute or regulation are deemed to have been denied a permit to sell motor vehicle warranties. This provision is intended to make it clear that procurement of an insurance policy from an authorized insurer is necessary to receive a permit to engage in this activity. However, no actual permits will be issued. The provision will assure that no unauthorized insurers are used to back motor vehicle warranties. If this occurs, the intent of the General Assembly to provide guaranty association protection for purchasers of motor vehicle warranties will be defeated.

(1) Type and number of entities affected: The proposed regulation will affect all motor vehicle dealers issuing motor vehicle warranties. The number of such persons is unknown.

(a) Direct and indirect costs or savings to those affected: The proposed regulation interprets the 1986 amendment to KRS 304.5-070(1)(p). As an interpretative regulation, it is not intended to impose cost or savings beyond costs or savings imposed by the statutory provision. For example, the statute provides that motor vehicle dealers may sell motor vehicle warranties if this is done incidental to the sale or lease of motor vehicles. Thus, Section 3(2) of the proposed regulation, which prohibits persons other than authorized insurers from soliciting the general public for the sale of motor vehicle warranties, imposes costs on persons other than authorized insurers only if such persons intend to violate the statute by selling motor vehicle warranties without doing so in a manner merely incidental to the sale or lease of motor vehicles.

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: There will be no fiscal impact. The proposed regulation will be used to provide guidelines for enforcement.

(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: In considering methods of enforcement, the Department of Insurance realized that the assistance of other law enforcement agencies must be obtained. In discussing enforcement efforts with other law enforcement agencies, the other law enforcement agencies requested an interpretative 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:

TIERING: Was tiering applied? Tiering was difficult to apply because the statute is written to apply to all marketing of motor vehicle warranties. The proposed regulation does follow the distinctions set forth in the statute (e.g., exemptions for warranties provided by manufacturers).

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance

806 KAR 9:200. Volume of insurance agent exchange of business.

RELATES TO: KRS 304.9-030, 304.9-080, 304.9-410
PURSUANT TO: KRS 304.2-110, 304.9-410
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make

reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.9-410 requires the Commissioner of Insurance to adopt a regulation establishing the amount or volume of business that constitutes the occasional placement of business with insurers the agent is not appointed to represent, as permitted by KRS 304.9-080(5) and 304.9-410(1)(a) and (2). This regulation defines what constitutes occasional placement of business with insurers an agent is not appointed to represent.

Section 1. Definitions. As used in this regulation:

(1) "General lines insurance agent" has the meaning set forth in KRS 304.9-030 and includes any persons holding limited insurance agent licenses pursuant to KRS 304.9-230 and acting as agent as to any kind of insurance described in KRS 304.9-030(1).

(2) "Life and health insurance agent" has the meaning set forth in KRS 304.9-030(2), (3), and (4) and any person holding a limited insurance agent license pursuant to KRS 304.9-230 and acting as agent in relation to any kind of insurance described in KRS 304.9-030(2), (3), and (4).

(3) "Total premium" means all payments received from insureds or prospective insureds as consideration for insurance, including, but not limited to, all taxes and surcharges imposed by Kentucky law.

Section 2. Volume of Insurance Agent Exchange of Business. (1) A general lines insurance agent shall not place insurance with a premium of more than ten (10) percent of the agent's total premium for the preceding calendar year with insurers for which the agent holds no appointment.

(2) A life and health insurance agent shall not place insurance with a premium of more than ten (10) percent of the agent's total premium for the preceding calendar year with insurers for which the agent holds no appointment.

Section 3. Corporate or Partnership Licensees and Sole Proprietors. For agents designated to act under a corporate or partnership insurance agent license or agents who are employees of a sole proprietor who is licensed as insurance agent, the percentage limitations of Section 2 of this regulation shall be measured by the total premium received by the corporate or partnership agent or the sole proprietor. Thus, persons designated to act under a corporate or partnership insurance agent license or employed by a sole proprietor licensed as insurance agent are subject to a single overall limit and may not use their separate licenses to increase the volume of permissible exchange of business.

Section 4. Effective Date. (1) This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

(2) As a courtesy to the Legislative Research Commission, the Department of Insurance states that this regulation is intended to be permanent.

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: May 7, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: Persons with an interest in the subject matter of the proposed regulation may appear and make comments at a public hearing scheduled for June 22, 1987, at 9 a.m. in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Gil McCarty, Commissioner, Kentucky Department of Insurance, P. O. Box 517, Frankfort, Kentucky 40602. Written comments will be given consideration equal to testimony at the public hearing if such written comments are received by the close of business on June 22, 1987.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts

Need for the Proposed Regulation: KRS 304.9-410(3) requires the commissioner of insurance to adopt a regulation establishing the amount or volume of business that constitutes the occasional placement of business with insurers an agent is not appointed to represent. The 1986 amendment to KRS 304.9-410 was part of 1986 Ky. Acts c. 307, which was House Bill 524 during the 1986 General Assembly. The purpose of HB 524 is to regulate so-called "brokered business," that is, business placed by agents with insurers for which the agents hold no appointments. KRS 304.9-105(6) requires all agents to hold appointments from insurers they represent. However, KRS 304.9-080(5) and 304.9-410 provide exemptions to this requirement to the effect that an agent may place business with an insurer the agent holds no appointment to represent, but such placements are limited to an occasional basis. The purpose of this exemption is to allow agents to provide necessary insurance coverage to their customers while assuring that the state receives its appointment fees ($40 per insurer represented, biennially - see KRS 304.4-010(6)) and also assuring that there are recognized lines of authority and responsibility between agents and insurers. KRS 304.9-410(3) provides specific authority for the commissioner of insurance to define what constitutes the "occasional" placement of business. The proposed regulation defines the "occasional" placement of business as 10% of an agent's total premium for the preceding calendar year. The proposed regulation also prohibits agents from avoiding the limitations described above through the use of corporate or partnership insurance agents or employees under the license of a sole proprietor. Persons designated to act under corporate or partnership insurance agent licenses or employed by sole proprietor licensed as insurance agent are subject to a single overall limit for the corporation, partnership, or sole proprietorship and may not use their separate licenses to increase the volume of permissible exchange of business.

(1) Type and number of entities affected: The proposed regulation applies to approximately 40,000 licensees of the Department of Insurance.

(a) Direct and indirect costs or savings to those affected: The proposed regulation will limit the business of those agents who are transacting business with insurers they are not appointed to represent.

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: The proposed regulation will assist the Department of Insurance in determining who is in violation of KRS 304.9-410.
(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: The proposed regulation will assist in making sure that agents are paying the appointment fees imposed by the insurance code.
(4) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative to adoption of the proposed regulation because KRS 304.9-410(3) requires the commissioner of insurance to adopt a 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:
TIERING: Was tiering applied? The proposed regulation has been applied to all licensees. The Department of Insurance has been unable to develop any rational basis for distinguishing between types of licensees. If any such distinctions are developed in the public hearing concerning this regulation, appropriate amendments will be filed.

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance

806 KAR 9:210. Time limit for replacement of evidence of licensee financial responsibility.

RELATES TO: KRS 304.9-105, 304.9-330, 304.9-430
PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.9-105
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.9-105(5)(d) requires the Commissioner of Insurance to establish a time limit for licensees to replace evidence of financial responsibility which has been terminated. This regulation establishes a time limit for licensees to replace evidence of financial responsibility which has been terminated.

Section 1. Definitions. As used in this regulation:
(1) "Commissioner" means the Commissioner of the Kentucky Department of Insurance.
(2) "Evidence of financial responsibility" means the documents described in KRS 304.9-105(5), 304.9-330, 304.10-140, and 806 KAR 9:030, Section 1.
(3) "Licensee" means agents, solicitors, consultants, surplus lines brokers, and adjusters required by the Kentucky Insurance Code or regulations of the commissioner to maintain evidence of financial responsibility on file with the Department of Insurance.

Section 2. Time Limit for Replacement of Evidence of Licensee Financial Responsibility. (1) A licensee shall replace evidence of financial responsibility on or before thirty (30) days from the date notice is mailed by the commissioner to the licensee's address of record filed with the commissioner.

Section 3. Effective Date. (1) This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.
(2) As a courtesy to the Legislative Research Commission, the Department of Insurance states that this regulation is intended to be permanent.

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: May 7, 1987
FILED WITH LRC: May 14, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: Persons with an interest in the subject matter of the proposed regulation may appear and make comments at a public hearing scheduled for June 22, 1987, at 9 a.m. in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Gil McCarty, Commissioner, Kentucky Department of Insurance, P. O. Box 517, Frankfort, Kentucky 40602. Written comments will be given consideration equal to testimony at the public hearing if such written comments are received by the close of business on June 22, 1987.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts
Need for the Proposed Regulation: KRS 304.9-105(5), 304.9-330, 304.10-140 and 806 KAR 9:030, Section 1, require agents, solicitors, consultants, surplus lines brokers, and adjusters licensed by the Kentucky Department of Insurance to have on file in the Department evidence of financial responsibility. Evidence of financial responsibility takes several forms: A certificate of errors and omissions insurance, a surety bond, a letter of credit, or an agreement to assume insurance agent financial responsibility by an insurer or group of affiliated insurers for which the agency is an exclusive agent. In 1986, the legislature amended KRS 304.9-105(5)(d) to require the Commissioner of Insurance to prescribe by regulation the time limit licensees have to replace evidence of financial responsibility which has been terminated (1986 Ky. Acts c. 437, §12, eff. July 15, 1986).
The proposed regulation prescribes the time limit for department licensees to replace evidence of financial responsibility that has been terminated. The proposed regulation requires a new filing on or before thirty (30) days from the date notice is mailed by the commissioner to the licensee's address of record as filed with the commissioner. Cf. KRS 304.2-120(3). Use of the thirty day period is necessary because evidence of financial responsibility may terminate thirty days after notice is filed with the commissioner of insurance. If the time for replacement of evidence of financial responsibility is more than thirty days, the licensee will be left "bare," to the potential detriment of consumers.
(1) Type and number of entities affected: The proposed regulation applies to approximately

40,000 licensees of the Department of Insurance.
(a) Direct and indirect costs or savings to those affected: The proposed regulation will not impose any substantial cost or yield any substantial savings. The proposed regulation merely codifies current procedures of the department.
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: KRS 304.9-105 and other financial responsibility statutes create several reporting and paperwork requirements. The proposed regulation merely prescribes a time limit for meeting those reporting and paperwork requirements.
(2) Effects on the promulgating administrative body: None. The proposed regulation merely codifies current department procedures.
(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: There is no alternative to adoption of the proposed regulation because KRS 304.9-105(5)(d) requires the commissioner to adopt a 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:
TIERING: Was tiering applied? The proposed regulation has been applied to all licensees required to maintain evidence of financial responsibility. No distinctions were made between the type of license because such distinctions are unnecessary.

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings and Construction
Office of State Fire Marshal

815 KAR 35:015. Certification of electrical inspectors.

RELATES TO: KRS Chapter 227
PURSUANT TO: KRS 12.080, 227.489, 227.830
NECESSITY AND FUNCTION: The Commissioner of Housing is required by KRS 227.489 to certify electrical inspectors based on standards of the National Electrical Code. This regulation is needed to establish the procedures for achieving and maintaining such certification.

Section 1. Definitions. The following words and terms, when used in this regulation shall have the meanings indicated:
(1) "Applicant" means the person seeking to be certified as an electrical inspector.
(2) "Authority having jurisdiction" as used in the National Electrical Code means the Department of Housing, Buildings and Construction.
(3) "Certified electrical inspector" means any person who has met the criteria established by the commissioner, has satisfactorily passed the examination as required by this regulation, and has received a certificate attesting thereto. The categories are:
(a) One (1) and two (2) family - persons who have passed the NCPCCI examination and persons classified as residential inspectors on the effective date of this regulation. These inspectors are deemed qualified to perform electrical inspections and approve electrical installations related to one (1) and two (2) family dwellings and mobile homes only.
(b) General - persons who have passed the NCPCCI examination of the same name and persons classified as commercial inspectors on the effective date of this regulation. These inspectors are deemed qualified to inspect and approve all types of residential, commercial, industrial and other properties which require electrical inspection.
(4) "Code" means the National Electrical Code (NEC) and any amendments thereto which are adopted by the department.
(5) "Commissioner" means the Commissioner of Housing, Buildings and Construction.
(6) "Department" means the Department of Housing, Buildings and Construction.
(7) "Electrical" means the installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.
(8) "Electrical industry" means those engaged in the generation, transmission and distribution of electricity; the design, manufacture, construction, installation, alteration or repair of electrical wiring facilities and apparatus for the utilization of electricity.
(9) "Employee" means one who is employed on a full-time, part-time, or contractual basis.
(10) "Temporary certification" means a certificate issued by the department which is valid for a limited period of time. The department may issue such temporary certification to qualified persons under the conditions of Section 4 of this regulation.
(11) "NCPCCI" means National Certification Program for Construction Code Inspectors and are examinations developed by national code enforcement organizations in collaboration with the Educational Testing Service for the purpose of providing nationally recognized evidence of competence and professionalism in construction code enforcement.

Section 2. Applicability. This regulation shall apply to all electrical inspectors in the Commonwealth of Kentucky, and to applicants for certification as electrical inspectors.

Section 3. Responsibilities of the Commissioner of Housing, Buildings and Construction. (1) The Commissioner of Housing shall require inspectors to be certified. Examinations shall be based on the National Electrical Code.
(2) The commissioner shall administer this regulation and provide for continuing education of certified electrical inspectors and schedule examinations at regular intervals.
(3) It shall be the duty of the commissioner to investigate all complaints of alleged

misconduct of any electrical inspector as certified under this regulation when, in the opinion of the commissioner, there is sufficient evicence to suggest that such misconduct exists.

Section 4. Applications Requirements for Temporary Certification. Prior to being examined by the commissioner for "temporary certification" as an electrical inspector, the applicant shall meet the following requirements:

(1) An applicant for temporary certification: "one (1) and two (2) family dwelling" shall meet the following requirements:

(a) Applicant shall either have had not less than five (5) years of current experience in the installation and/or design, of all types of residential wiring systems, installed in accordance with the National Electrical Code; or he shall be a registered professional electrical engineer, and shall have been registered and engaged in the practice of his profession for not less than three (3) years.

EXCEPTION: In circumstances where an applicant cannot show the precise experience required above, the applicant may request to appear before the electrical advisory committee to establish his background in electrical construction familiarity through other means. The electrical advisory committee shall review such documentation and approve the applicant under this section if it is satisfied that the level of exposure to construction practices is substantially equivalent.

(b) The applicant shall possess the ability to read and write the English language and possess a general educational level satisfactory to perform his duties.

(c) The applicant shall submit a duly notarized application, which shall be supplied by the department on request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the next scheduled electrical advisory committee meeting.

(d) Application for temporary certification shall be accompanied by a written statement of need for such certification from the local official responsible for the electrical or building inspection program.

(e) A fee of twenty-five (25) dollars shall accompany the application, consisting of a check or money order payable to the Treasurer, Commonwealth of Kentucky.

(2) An applicant for temporary certification: "general" shall meet the following requirements:

(a) Applicant shall either have not less than five (5) years of current experience in the installation and/or design of all types residential, commercial and industrial wiring systems installed in accordance with the National Electrical Code; or he shall be a registered professional electrical engineer, and shall have been engaged in his profession for not less than three (3) years.

EXCEPTION: In circumstances where an applicant cannot show the precise experience required above, the applicant may request to appear before the electrical advisory committee to establish his background in electrical construction familiarity through other means. The electrical advisory committee shall review such documentation and approve the applicant under this section if it is satisfied that the level of exposure to construction practices is substantially equivalent.

(b) The applicant shall possess the ability to read and write the English language and possess a general educational level satisfactory to perform his duties.

(c) The applicant shall submit a duly notarized application, which shall be supplied by the department on request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the next scheduled electrical advisory committee meeting.

(d) Application for temporary certification shall be accompanied by a written statement of need for such certification from the local official responsible for the electrical or building inspection program.

(e) A fee of twenty-five (25) dollars shall accompany the application, consisting of a check or money order payable to the Treasurer, Commonwealth of Kentucky.

(3) Any applicant may receive credit earned for any electrical courses satisfactorily completed from any accredited vocational school or college on a year-for-year basis. Credit for education to replace applicant's experience requirements shall be limited to a total of two (2) years.

(4) The electrical advisory committee will review all applicants to determine their eligibility to sit for the examination.

(5) Temporary certification shall expire at the end of eighteen (18) months from the time of initial certification and shall not be reissued after that period of time has expired.

Section 5. Examinations for Temporary Certification. (1) Following the review and acceptance of the applicant's qualifications by the electrical advisory committee, the applicant must pass the department's written examination for the class of temporary certification.

(2) Examinations for qualified applicants shall be administered within thirty (30) days after acceptance by the electrical advisory committee. Examinations required under this section will be administered at the department's office in Frankfort, Kentucky, unless another location is specifically designated.

(3) Examinations shall be based on the National Electrical Code and shall be open book.

(4) A grade of seventy (70) percent shall be considered passing. An applicant, otherwise qualified, who fails to make a passing score shall, upon request, be scheduled for the next examination date upon payment of an additional fee of ten (10) dollars.

Section 6. Requirements for Full Certification as an Electrical Inspector: General and One (1) and Two (2) Family. (1) The applicant shall possess the ability to read and write the English language and possess a general educational level satisfactory to perform his duties.

(2) Applicant shall either have had not less than five (5) years of current experience in the installation and/or design, of all types of residential, commercial and industrial wiring systems installed in accordance with the National Electrical Code; or he shall be a registered professional electrical engineer, and shall have been engaged in his profession for not less than three (3) years.

EXCEPTION: In circumstances where an applicant cannot show the precise experience required by this subsection, the applicant may request to appear before the electrical advisory committee to establish his background in electrical construction familiarity through other means. The electrical advisory committee shall review such documentation and approve the applicant under this section if it is satisfied that the level of exposure to electrical construction practices is substantially qualitatively equivalent.

(3) The applicant shall submit a duly notarized application, which shall be supplied by the department on request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the next scheduled electrical advisory committee meeting.

(4) A fee of twenty-five (25) dollars shall accompany the application, consisting of a check or money order payable to the Treasurer, Commonwealth of Kentucky.

(5) Applicant shall provide proof of successful completion of the NCPCCI examination for electrical inspector general or the NCPCCI examination for electrical inspector one (1) and two (2) family.

(6) Following review and approval of the applicant's qualifications and examination results by the electrical advisory committee, the department shall issue certification for the appropriate electrical inspector classification and the inspector shall be authorized to conduct inspections as specified in Section 1(3) of this regulation.

(7) Certificates issued pursuant to this section shall run from July 1 to June 30.

(8) Fully certified inspectors may, upon request, be placed on "inactive" status upon payment of fees and otherwise complying with this regulation. Such "inactive" certificate shall be converted to "active" in order to be authorized to make electrical inspections.

(9) All certified electrical inspectors holding a valid certification under previous law shall be exempt from the testing requirements of this regulation.

Section 7. Renewals of General and One (1) and Two (2) Family Certificates. (1) Certification will be issued to individuals and not to corporations, partnerships, companies or any other entities.

(2) All electrical inspector certifications, except temporary certificates, shall expire on June 30 every year. The department shall mail to each certified inspector, prior to the date of expiration, a renewal application form and the certification shall be renewed subject to the terms and conditions of this regulation.

(3) A renewal fee in the sum of twenty-five (25) dollars shall be paid by each certified electrical inspector. Such fee shall be paid before June 30 in each succeeding year in order to maintain certification.

Section 8. Duties and Responsibilities of a Certified Electrical Inspector. (1) Each certified electrical inspector shall attend at least one (1) continuing education program each year. Such programs shall be acceptable only if approved by the electrical advisory committee.

(2) All electrical inspections shall be made in compliance with the National Electrical Code, the Kentucky Building Code and any amendments to such code as may be adopted by the department.

(3) In addition to the National Electrical Code, the electrical inspector shall familiarize himself with the applicable building codes or fire safety codes governing buildings in the area where he/she performs inspections, to the extent that it is necessary to determine the occupancy load of a facility.

(4) The electrical inspector shall make a minimum of two (2) inspections.

(a) When an inspector makes a rough-in inspection, he/she shall attach a sticker with his/her signature and certification number on the main service equipment or at some other appropriate location.

(b) When an inspector approves a final inspection, he/she shall attach a sticker to the main service equipment with his signature and certification number, name of the project and location, stating that the system is in compliance with the National Electrical Code. The inspector shall also provide the owner or the owner's agent with a certificate of compliance.

(5) All stickers and certificates of compliance to be used by the electrical inspector shall be issued or approved by the department.

(6) Each electrical inspector shall make and retain for a minimum of three (3) years a complete record of each inspection. Such records shall contain, as a minimum, sufficient information to identify the location of the structure inspected, the date of the inspection, the type of structure, whether residential, commercial, industrial or other, the designation of any required permits and the agency(s) granting same, the size and complexity of the structure, and deficiencies in meeting code requirements and any action required to comply, and any other pertinent information considered necessary to allow for a review of the inspection.

(7) Such records shall be available for examination by any authorized representative of the department upon request.

Section 9. Complaints and Grievances Procedures. (1) Any person who believes that any act or omission of any electrical inspector certified by the commissioner has worked an undue hardship on him as a result of alledged misconduct in the performance of his/her duties, may file a complaint against the inspector.

(2) All complaints or allegations of misconduct shall be submitted in writing to the commissioner, and shall include the nature of the alleged misconduct, with specific details as to acts, names, dates and witnesses and specify the action desired on the part of the commissioner.

(3) After any investigation, the commissioner may, at his discretion, cause the matter to be heard and a recommendation rendered by the electrical advisory committee, or he may set the matter for public hearing or take any other appropriate action to resolve or correct the matter.

Section 10. Suspension and Revocation of Certification. The commissioner may revoke, suspend or refuse to renew the certificate of an electrical inspector who is determined by the

commissioner, after a departmental hearing, to have:

(1) Engaged as an electrical contractor, worked as an electrician or engaged in any other activity in the electrical industry or has pecuniary or associational interests therein which constitutes a conflict of interest.

(2) Engaged in fraud, deceit or misrepresentation in obtaining certification.

(3) Been guilty of negligence, incompetence, or misconduct, as set forth by this regulation, in the field of electrical inspection.

(4) Affixed or caused to be affixed a seal of approval of issuing certificates of approval for any electrical installation subject to his/her inspection when he/she has not personally inspected such installation and found it to be satisfactory in accordance with the code.

(5) Operated as an electrical inspector in any locality where a court of competent jurisdiction has adjudged him to be in conflict with state or local laws, ordinances, or regulations.

(6) Knowingly overruled the proper findings of another electrical inspector or attempted to supplant, overrule or otherwise invalidate the judgement of another electrical inspector without first obtaining express written consent from the original inspector.

(7) Maintained inaccurate or inadequate recordkeeping as required by Section 8 of this regulation.

Section 11. Electrical Inspections by State Employed Certified Electrical Inspectors. (1) All state-owned and state-leased property including all buildings being constructed by the state under the authority of the Department of Finance shall be inspected by a certified electrical inspector who is an employee of the Department of Housing, Buildings and Construction.

(2) State inspectors may also inspect, for a fee, wherever a certified electrical inspector has not been made available by the local government.

(3) State employed certified electrical inspectors may assert jurisdiction for the electrical inspection of any project subject to state plan review under the Kentucky Building Code.

Section 12. Interpretations. Where any provision of the National Electrical Code can be shown to be clearly unreasonable or impractical as applied to a particular installation and if deviation from strict compliance would not create a safety hazard because of a particular use or condition, any person may request to appear before the electrical advisory committee of the Department of Housing, Buildings and Construction. After advice from the committee, the department shall render its decision in the matter and said decision shall be appealable to the Board of Housing, Buildings and Construction where appropriate.

Section 13. 815 KAR 35:010 is hereby repealed.

CHARLES A. COTTON, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: May 14, 1987
FILED WITH LRC: May 15, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on June 23, 1987 at 11 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by June 18, 1987, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden
(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: N/A
(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: 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: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? N/A

COMPILER'S NOTE: Executive Order 86-978 authorizes that the regulation of the design and construction of water distribution and treatment systems for swimming pools be moved from the Natural Resources and Environmental Protection Cabinet to the Cabinet for Human Resources. Therefore, the following regulation will supersede 401 KAR 6:030.

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 10:120. Kentucky public swimming and bathing facilities regulation.

RELATES TO: KRS 211.180, 211.990(2)
PURSUANT TO: KRS 194.050, 211.090(3), Executive Order 86-978
NECESSITY AND FUNCTION: Executive Order 86-978 directs the Cabinet for Human Resources to regulate the design and construction of water distribution and treatment systems for swimming pools. KRS 211.180 directs the Cabinet for Human Resources to adopt regulations relating to public facilities, and their operation and maintenance in a safe, sanitary manner to protect public health and prevent health hazards. This regulation establishes uniform standards for public swimming pools and other swimming or bathing facilities. The function of

this regulation is to assure the proper design and construction of new facilities as related to water distribution and treatment systems, and the proper operation and maintenance of all such facilities in a manner which will protect the public health.

Section 1. Citation of Regulation. This regulation may be cited as the "Kentucky Public Swimming and Bathing Facilities Regulation."

Section 2. Definitions. As used in this regulation the following terms shall have the meanings set forth below:

(1) "Accessible" means, when applied to a fixture, connection, appliance or equipment, having access thereto, but may require the removal of an access panel, door or similar obstruction. "Readily accessible" means direct access without the necessity of removing any panel, door, or similar obstruction.

(2) "Agitation" means the mechanical or manual movement to dislodge the filter aid and dirt from the filter element.

(3) "Air gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor or other device, and the flood level rim of the receptacle.

(4) "Air induction system" means a system whereby a volume of air (only) is induced into hollow ducting built into a spa floor, bench, or other location. The air induction system is activated by a separate air power unit (blower).

(5) "Alkalinity or total alkalinity" means the amount of carbonates or bicarbonate present in water solution as expressed in parts per million (p.p.m.).

(6) "Approved" means accepted or acceptable under the applicable specifications stated or cited in the regulation or accepted as suitable for the proposed use by the State Building Code.

(7) "Backwash" means the flow of water through the filter element or media in the reverse direction sufficient to dislodge the accumulated dirt and/or filter aid and remove them from the filter tank.

(8) "Backwash cycle" means the time required to backwash the filter system thoroughly.

(9) "Backwash rate" means the rate of application of water through a filter during the backwash cycle expressed un U.S. gallons per minute per square foot (liters per minute per square meter) of effective filter area.

(10) "Bather" means any person using a public swimming and bathing facility, and adjoining deck or beach area for the purpose of therapy, relaxation, recreation, competitive water sports or events, or related activities.

(11) "Bather load" means the maximum number of persons which may use the swimming and bathing facility as defined in the State Building Code.

(12) "Body feed" means the continuous addition of controlled amounts of filter aid during the operation of a diatomite type filter to maintain a permeable filter cake. If added as a slurry, this may be referred to as a slurry feed.

(13) "Cabinet" means the Cabinet for Human Resources and its authorized agents.

(14) "Cartridge" means a replaceable porous filter element which can be the depth type or the surface type:

(a) "Depth type cartridge" means a filter cartridge with media not less than 3/4" (.18 cm) thick which relies on penetration of particulates into the media to achieve their removal and to provide adequate holding capacity for the cartridge; and

(b) "Surface type cartridge" means a filter cartridge with media less than 3/4" (.18 cm) thick which relies on retention of particulates on the surface of the cartridge to achieve their removal.

(15) "Chemical feeder output rate" means the weight or volume of active ingredients delivered by a chemical feeder expressed in units of time.

(16) "Chemical feed rate indicator" means a mechanism which will produce reproducible results expressed in units of weight or volume of chemical per unit of time, or per unit of volume of water; said mechanism may be a direct reading instrument, or may require the use of a reference chart.

(17) "Circulation piping system" means the piping between the facility structure and the mechanical equipment.

(18) "Corrosion resistant" means capable of maintaining original surface characteristics under the prolonged influence of the environment in which it is used.

(19) "Design head" means the total head requirement of the circulation system at the design rate of flow.

(20) "Design rate of flow (design filter rate)" means the rate of flow in a system which is used for design calculation. (The volume of the facility in gallons divided by the number of minutes in the turnover time.)

(21) "Diving pool" means a pool designed and intended for use exclusively by divers.

(22) "Effective filter area" means:

(a) "Permanent media type" - The effective filter area is the cross-section area of the filter surface that is perpendicular to the flow direction;

(b) "Diatomaceous earth type" - The effective filter area of the septum is that part of the septum which will accept the full thickness of precoat and through which the design filter flow will be maintained during filtration; and

(c) "Cartridge filter" - The total effective filter area is that cartridge area which is exposed to the direct flow of water. This excludes cartridge ends, seals, supports, and other areas where flow is impaired.

(23) "Factor of safety" means the ultimate load divided by the safe load or the ultimate strength divided by the allowable stress.

(24) "Filter" means a device that separates solid particles from water by recirculating it through a porous substance (a filter media or element):

(a) "Permanent media filter" means a filter that utilizes a media that can be backwashed and reused;

(b) "Diatomaceous earth filter" means a filter that utilizes a thin layer of diatomaceous earth as its filter media that must be periodically replaced; and

(c) "Cartridge filter" means a filter that utilizes a porous cartridge as its filter media.

(25) "Filter aid" refers to any means used to enhance the efficiency of the filter media. Alum, as used on the bed of a sand filter, is also referred to as a filter aid.

(26) "Filter cycle" means the operating time between cleaning or replacing the filter media and/or backwash cycles.

(27) "Filter element" means a device within a

filter tank designed to entrap solids and conduct water to a manifold, collection header, pipe, or similar conduit. Filter elements usually consist of a septum and septum support:

(a) "Permanent filter media" means finely graded material (such as sand, anthracite, etc.) which removes suspended filterable particles from the water.

(b) "Non permanent filter media" means any type of finely graded media used to coat a septum type filter usually diatomaceous earth, processed perlite or similar material for the purpose of removing fine particulates from the water.

(28) "Filter waste discharge piping" means piping that conducts wastewater from a filter to a drainage system. Connection to drainage system is made through an air gap or other approved method.

(29) "Filtration rate" means the rate of water flow through a filter while in operation, expressed in U.S. gallons per minute per square foot (liters per minute per square meter) of effective filter area.

(30) "Flow balance valve" means a device to regulate the effluent from the skimmer housing of each of a combination of two (2) or more surface skimmers.

(31) "Flume" means an inclined channel which conveys the water and the bather from the top of the slide to the plunge pool of a water slide.

(32) "Friction loss" means the pressure drop expressed in feet (meters) of water or psi (pascals) caused by liquid flowing through the piping and fittings.

(33) "Head loss" means the total pressure drop in psi (kilopascals) or feet (meters) or head between the inlet and the outlet of a component.

(34) "Hydrojet booster pump system" means a system whereby one (1) or more hydrojets are activited by the use of a pump which is completely independent of the filtration and heating system of a spa.

(35) "Hydrojets" means a fitting which blends air and water creating a high velocity, turbulent stream of air enriched water.

(36) "Indirect waste pipe" means a pipe that does not connect directly with the drainage system, but conveys liquid wastes by discharging into a plumbing fixture, interceptor, or receptacle which is directly connected to the drainage system.

(37) "Inlet fitting" means a fitting or fixture through which filtered water enters a pool or spa.

(38) "Listed" means equipment or materials included in a list published by a listing agency that maintains periodic inspection on current production of listed equipment or materials, and whose listing states either that the equipment or material complies with approved standards or has been tested and found suitable for use in a specified manner.

(39) "Main outlet" means the outlet fitting(s) at the bottom of a facility through which passes water to a recirculating pump. It is often referred to as a "main drain."

(40) "Multiport valve" means a valve for various recirculation related operations, which combines in one (1) unit the function of two (2) or more single direct flow valves.

(41) "National Sanitation Foundation (NSF)" is based at 3475 Plymouth Road, P.O. Box 1468, Ann Arbon, MI 48106. It publishes a list of manufacturers and their equipment which has been approved as having satisfied NSF standards.

(42) "Perimeter overflow systems" means a channel at normal water level which normally extends completely around the pool perimeter. Also, known as an overflow or scum gutter.

(43) "Person" means any individual, firm, association, club, organization, partnership, business trust, corporation, company, or any state or local governmental agency.

(44) "Precoat" means the process of depositing a layer of diatomaceous earth on filter septa at the start of a filter cycle.

(45) "Public swimming and bathing facilities" or "facility" means any natural or artificial body or basin of water which is modified, improved, constructed, or installed for the purpose of public swimming or bathing under the control of any person and includes, but is not limited to, the following:

(a) Beaches;

(b) Swimming pools, wading pools, wave pools;

(c) Competition swimming pools and diving pools;

(d) Water slides and spray pools; and

(e) Spas, therapeutic pools, hydrotherapy pools, and whirlpools.

It includes those used by communities, subdivisions, apartment complexes, condominiums, clubs, camps, schools, institutions, parks, mobile home parks, hotels, recreational areas, etc. It does not include any of the above facilities which are at private single family residences intended only for the use of the owner and guests.

(46) "Public swimming and bathing facilities operator" means any "person" as defined above and/or any employees of that person who are delegated responsibility for the proper operation and maintenance of the facility.

(47) "Pump discharge pressure" means the actual gauge reading measured in psi taken at the discharge outlet of a pump.

(48) "Receptor" means an approved plumbing fixture or device of such material, shape, and capacity as to adequately receive the discharge from indirect waste piping, so constructed and located as to be readily cleaned.

(49) "Recirculation system" means the interconnected system traversed by the recirculated water from the pool until it is returned to the pool.

(50) "Residual chlorine" shall mean the amount of measurable chlorine remaining in water following chlorination and is composed of the following components:

(a) Free available residual chlorines shall mean the amount of chlorine which is available to inactivate microorganisms and which has not reacted with ammonia, nitrogenous material, and other material in swimming pool water;

(b) Combined residual chlorine (also called "chloramine") shall mean the amount of chlorine which has reacted and combined with ammonia and other nitrogenous material to form chloro-ammonia compounds;

(c) Total residual chlorine shall mean the arithmetic sum of free available residual chlorine and combined residual chlorine; and

(d) The word "disinfectant" may be substituted for "chlorine" in the above.

(51) "Return piping" means that part of the piping between the filter and the facility through which passes the filtered water.

(52) "Separation tank" means a device used to clarify filter rinse or wastewater.

(53) "Septum" means that part of the filter element consisting of cloth, or closely woven fabric or other porous material on which the filter cake is deposited.

(54) "Spa" shall mean a special facility designed for recreational and therapeutic use, and which is not drained, cleaned, or refilled after each individual use. It may include, but not be limited to, units designed for hydrojet circulation, hot water, cold water, mineral bath, air induction bubbles, or any combination thereof. Common terminology for a spa includes, but is not limited to, "therapeutic pool," "hydrotherapy pool," "whirlpool," "hot spa."

(55) "Static suction lift" means the vertical distance in feet (meters) from the center line of the pump impeller to the level of water in the pool.

(56) "Spray pool" means an artificially constructed area over which water is sprayed but is not allowed to pool. Sprayed water flows to waste and is not recirculated.

(57) "Strainer" means a device used to remove hair, lint, leaves, or other coarse material on the suction side of a pump.

(58) "Suction piping" means that portion of the circulation piping located between the facility structure and the inlet side of the pump and usually includes the following: main outlet piping, skimmer/gutter piping, vacuum piping, and surge tank piping.

(59) "Superchlorinate" means the addition to facility water of an amount of chlorine sufficient to produce a free available residual which is at least equal to ten (10) times the amount of combined residual chlorine plus the required minimum level of free available residual chlorine in order to oxidize the ammonia and nitrogenous materials which may be dissolved in the facility water.

(60) "Surface skimmer" means a device designed to continuously remove surface film and water (and return it through the filter) as part of the recirculation system, usually incorporating a self-adjusting floating weir, strainer basket, a collection tank, and a means to prevent air lock of the pump. It is sometimes referred to as a "recirculating overflow," a "mechanical" or an "automatic skimmer."

(61) "Total dynamic head" means the arithmetical difference between the total discharge head and total suction head (a vacuum reading is considered as a negative pressure). This value is used to develop the published performance curve.

(62) "Total discharge head" means the value in feet (meters) of water that a pump will raise water above its center line.

(63) "Total suction head" means the value in feet (meters) of water that a pump will lift by suction.

(64) "Total dynamic suction lift (TDSL)" means the arithmetical total of static suction lift, friction head loss, and velocity head loss working on the suction side of the pump.

(65) "Trimmer valve" means a flow adjusting device which is used to proportion flow among multiple skimmers on a single line.

(66) "Turnover time" means the time in hours or minutes, required for the circulation system to filter and recirculate a volume of water equal to the facility volume.

(67) "Vacuum piping" means the piping from the suction side of a pump connected to a vacuum fitting located at the facility and below the water level to which underwater cleaning equipment may be attached.

(68) "Velocity" means a measurement of the motion of liquids expressed in feet per second.

(69) "Wading pool" means a pool intended only for small children. The maximum depth is less than twenty-four (24) inches.

(70) "Water slide" means a slide which consists of one (1) or more flumes, a plunge pool, a pump reservoir, and water treatment facilities, where water is pumped to the top of the slide and allowed to flow down the flume to the plunge pool.

(71) "Wave pool" means a swimming pool designed for the purpose of producing wave action in the water.

(72) "Working pressure" means the normal operating pressure recommended by the manufacturer.

Section 3. Submission of Plans and Specifications for Approval. (1) No person shall begin construction, or construct, or substantially change, alter or reconstruct any public swimming and bathing facility until plans and specifications, with such supporting design data as may be required for the proposed review of the plans, have first been submitted in quintuplicate (five (5) sets) to the cabinet through the Department of Housing, Buildings and Construction and have been approved in writing by all state or local agencies having jurisdiction. All construction shall be in accordance with approved plans. The front page of the plans shall contain the name of the swimming and bathing facility, location by city and county, name of its owner and name of the engineer, architect, or person preparing the plans. Plans submitted by an engineer or architect shall bear his seal. Plans and specifications on public swimming and bathing facilities constructed by the state or political subdivision thereof, or on facilities designed for a bather load of 100 or more, shall be prepared by an engineer or architect registered in the State of Kentucky and comply with the provisions of KRS 322.010 and 323.010. Plans and specifications, reports and other information shall be submitted in such form and contents as may be specified by the cabinet.

(2) The plans shall be drawn to scale and accompanied by proper specifications so as to permit a comprehensive engineering review of the plans including the piping and hydraulic details and shall include:

(a) A site plan of the general area with a plan and sectional view of the facility complex with all necessary dimensions;

(b) A piping diagram showing all appurtenances including treatment facilities in sufficient detail, as well as pertinent elevation data, to permit a hydraulic analysis of the system;

(c) The specifications shall contain details on all treatment equipment, including performance ranges of pumps, chlorinators, chemical feeders, filters, strainers, lights, skimmers, inlet and outlet fittings, diving boards, safety equipment and other related equipment;

(d) A statement of the design, bather load expected to use the facility at any given time; and

(e) Drawing of equipment room showing placement of equipment.

(3) Owners shall keep one (1) set of approved

plans available for inspection at job site.

(4) Upon completion of enough piping and prior to such piping being covered with dirt and/or concrete, the owner/builder shall contact affected agencies for inspection.

(5) Upon completion of the swimming and bathing facility, a notarized statement certifying completion of the facility in accordance with the approved plans and specifications and this regulation shall be submitted to the cabinet by the engineer, architect, or person who prepared plans, and shall be accompanied by a request for inspection prior to occupancy. The facility shall not be used until final inspection by affected agencies demonstrates compliance with this regulation.

(6) Unless construction is begun within one (1) year from date of approval, the approval shall expire. Extension of approval may be granted upon written request to the cabinet.

(7) No change in location, construction, design, materials, or equipment shall be made to approved plans or the facility without the written approval of the cabinet and all other agencies having jurisdiction.

Section 4. Water Supplies. (1) Potable water from an approved municipal water system or water district shall be supplied to all public swimming and bathing facilities. In the event such supplies are not available, a potable water supply meeting the approval of the Natural Resources and Environmental Protection Cabinet shall be provided.

(2) The water supply shall be capable of providing sufficient quantities of water under pressure to all water-using fixtures and equipment at the facility, and be capable of providing enough water to raise the water level in swimming, diving, or wave pools, and water slide plunge pools at least one (1) inch in three (3) hours.

Section 5. Water Quality and Sanitary Requirements for Bathing Beaches. (1) Prior to the issuance of plan and construction approval, the cabinet shall conduct a sanitary survey of the proposed beach. This survey shall include an evaluation of the physical, chemical, and bacteriological characteristics of the bathing beach area and the watershed.

(2) Physical quality. The following characteristics shall not be present in the beach area or watershed:

(a) Sludge deposits, solid refuse, floating waste solids, oils, grease, and scum; and

(b) Hazardous substances being discharged into bathing beach water or watershed.

(3) Bacteriological quality. The bacteriological quality of water at bathing beaches shall comply with the following criteria:

(a) Coliform bacteria counts of 1,000 per 100 ml or fecal coliform bacteria counts of 100 per 100 ml in any two (2) samples shall be considered sufficient grounds to require additional investigation, survey, special analyses, and correction of any problems determined to be causing the high counts. Subsequent evaluation and satisfactory bacteriological results must be obtained before approval for construction will be issued; and

(b) There shall be no sanitary or combined sewer discharges or other raw or partially treated sewage discharges to the bathing beach area or immediate watershed.

(4) Chemical quality. There shall be no discharges of chemical substances other than disinfecting agents capable of creating toxic reactions, or irritations to the skin or mucous membranes of a bather.

Section 6. Sewage and Wastewater Disposal. (1) Sewage and/or wastewater generated from the operation of a public swimming and bathing facility shall discharge to a public sanitary sewer. Where a public sanitary sewer is not available, such sewage and/or wastewater shall be discharged to a system which complies with the cabinet's onsite sewage disposal systems regulation.

(a) Outdoor deck or surface area drainage water may be discharged directly to storm sewers, natural drainage areas, or to the ground surface without additional treatment. Such drainage shall not result in nuisance conditions, which create an offensive odor, or which produce a stagnant wet area, or which produce an environment for the breeding of insects;

(b) Wash or backwash water from sand filters shall be discharged to public sanitary sewers, or if unavailable to a system approved by the cabinet; and

(c) Diatomaceous earth filter wash or backwash water shall be discharged to one of the above, or by a disposal method approved by the cabinet.

Section 7. Refuse Disposal. (1) All refuse at a public swimming and bathing facility shall be disposed of at a facility in a manner approved by the Natural Resources and Environmental Protection Cabinet.

(2) Refuse containers of approved design and construction, with tight fitting lids, adequate in number, shall be provided at readily accessible locations at all public swimming and bathing facilities. Such containers shall be mounted upon an approved rack or holder in all outdoor locations, and shall be maintained so as to prevent the creation of a health or safety hazard.

(3) Refuse containers in rest rooms or bather preparation and dressing areas may be of open-top or swing-lid design, except in women's rest rooms where swing-lid or other covered top containers shall be required.

(4) Bulk refuse storage areas shall be designed, constructed, drained, and maintained so as to prevent rodent and vermin harborage, breeding sites, or insanitary conditions. Bulk refuse containers shall be of approved design and construction, with tight fitting lids, adequate in number, and shall be placed upon an impervious surface within a suitable enclosure to prevent access by animals.

(5) When the facility is not in use after seasonal operation or for any other reason, the facility shall not be allowed to accumulate debris, give off objectional odors, become a breeding site for insects, or create any other nuisance situation.

Section 8. Facility Design and Construction. (1) All public swimming and bathing facilities and attendant structures such as bathhouses, dressing rooms, rest rooms, etc., except for beach areas at bathing beaches, shall meet the design, materials, fixture, and construction requirements of the latest edition of the Kentucky State Building Code and the State

Plumbing Code of the Department of Housing, Buildings, and Construction, Public Protection and Regulation Cabinet.

(2) The wading and swimming areas at beaches where the water is less than five (5) feet deep shall be separated from swimming and diving areas by lines securely anchored and buoyed. Safe limits of swimming shall be marked by buoys, poles, or other markers located not over 100 feet apart and visible to bathers from a distance of at least 100 feet. Within such limits of safe swimming there shall be no boating, underwater obstructions, or other hazards which may be dangerous or cause injury to swimmers. Signs shall be provided on the beach describing such markers and stating that they indicate the limits of safe bathing. The bottom of the swimming area shall consist of sand or gravel and be of a uniform slope.

(3) Where diving facilities are provided at beaches, the design and layout of the facilities and associated unobstructed water depths shall be in accordance with the State Building Code requirements for swimming and diving pools. The water surrounding any floats where diving is permitted shall be at least nine (9) and one-half (1/2) feet deep.

(4) Depth markings and lane lines.

(a) On all facilities other than beaches, the depth of the water shall be marked plainly at or above the water surface on the vertical wall of the facility where possible and on the edge of the deck next to the facility. Depth markers shall be placed at the following locations:

1. At the points of maximum and minimum depths;
2. At the point of change of slope between deep and shallow portions (transition point);
3. At intermediate two (2) feet increments of water depth; and
4. If the facility is designed for diving, at appropriate points to denote the water depths in the diving area.

(b) Depth markers shall be so spaced that the distance between adjacent markers is not greater than twenty-five (25) feet or seven and five-tenths (7.5) m when measured peripherally.

(c) Depth markers shall be in arabic numerals at least four (4) inches (ten (10) cm) high and of a color contrasting with the background. Where depth markers cannot be placed on the vertical walls at or above the water level, other means shall be used, provided said markings shall be visible plainly to persons in the facility.

(d) Lane lines or other markings on the bottom of the facility shall be a minimum of ten (10) inches in width and be of a contrasting color.

(e) A safety line supported by buoys shall be provided across the section of the pool where the break between the shallow and deep water occurs (five (5) feet). The line shall be placed one (1) foot toward the shallow end from where the break occurs.

Section 9. Facility Water Treatment Systems. (1) A recirculation system, consisting of pumps, piping, filters, water conditioning, disinfection equipment, and other accessory equipment shall be provided to clarify, chemically balance and disinfect the water for all swimming and bathing facilities except bathing beaches. All system components shall meet the latest requirements of Standard 50 of the National Sanitation Foundation (NSF) and bear their seal of approval. (Pumps greater than seven and five-tenths (7.5) HP which are not required to meet NSF testing standards shall be considered on a case-by-case basis.)

(2) Pumping equipment.

(a) The recirculation pump and motor shall deliver the flow necessary to obtain the turnover required in the chart below of this section. A valve for flow control shall be provided in the recirculation pump discharge piping.

Turnover Rate. The turnover rate shall be as shown in the following table:

Type of Facility	Turnover Required
Diving Pools	8 hours or less
Wading Pools, Spas	30 minutes or less
Water Slides, Handicap Pools	2 hours or less
All Other Pools	6 hours or less

Higher flow rates may be necessary in pools with skimmers so that each skimmer will have a minimum flow rate of thirty 30 gallons per minute.

(b) The pump shall be of sufficient capacity to provide a minimum backwash rate of fifteen (15) gallons per square foot of filter area per minute in sand filter systems. The pump or pumps shall supply the required recirculation rate of flow to obtain the turnover rate required at a total dynamic head of at least:

1. Fifty (50) feet for all vacuum filters;
2. Seventy (70) feet for pressure sand or cartridge filters; or
3. Eighty (80) feet for pressure diatomaceous earth filters, unless lower or higher heads are shown by the designer to be hydraulically appropriate.

(c) If the pump is located at an elevation higher than the facility water line, it shall be self-priming.

(d) Where vacuum filters are used, a vacuum limit control shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of eighteen (18) inches of mercury.

(e) A compound vacuum-pressure gauge shall be installed on the pump suction line. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump.

(f) Valves shall be installed to allow the flow to be shut off during cleaning, switching baskets, or inspection of hair and lint strainers.

(g) A hair or lint strainer with openings no more than one-eighth (1/8) inch is required except for pumps that are located downstream of the filter.

(3) Water heaters shall be installed at all indoor swimming and bathing facilities. Where a water heater is installed, the following shall apply:

(a) A water heater piping system shall be equipped with a bypass. A valve shall be provided at the bypass and on the influent and effluent heater piping. The influent and effluent heater piping shall be metallic in accordance with heater manufacturer's recommendations;

(b) A heating coil, pipe, or steam hose shall not be installed in any swimming and bathing facility;

(c) Thermometers shall be provided in the piping to check the temperature of the water

returning from the facility and the temperature of the blended water returning to the facility;

(d) An automatic temperature limiting device with thermostatic control, which will prevent the introduction of water in excess of 100° Fahrenheit to swimming and diving pools and in excess of 104° Fahrenheit for spas shall be provided, and be accessible only to the facility operator;

(e) A pressure relief valve shall be provided and shall be piped to within six (6) inches of the floor;

(f) Venting of gas or other fuel burning water heaters shall be provided in accordance with the applicable State Building Codes;

(g) Heaters for indoor swimming and diving pools shall be capable of maintaining an overall pool water temperature between seventy-six (76°) Fahrenheit and eighty-four (84°) Fahrenheit;

(h) Combustion and ventilation air shall be provided for fuel burning water heaters in accordance with manufacturer's recommendations or the State Building Code;

(i) Heaters for indoor swimming and diving pools shall be sized on a basis of 150 B.T.U.'s/hour input per square foot of pool water surface area; and

(j) All heaters shall meet the latest standards of applicable recognized testing agencies.

(4) A flow meter shall be located so that the rate of recirculation may be easily read. Flow meters shall be installed on a straight length of pipe at a distance of at least ten (10) pipe diameters downstream, and five (5) pipe diameters upstream from any valve, elbow, or other source of turbulence.

(5) Vacuum cleaning system.

(a) A vacuum cleaning system shall be provided for all facilities except beaches, and small spas designed for six (6) or less bathers. A vacuum cleaning system capable of reaching all parts of the facility bottom shall be provided;

(b) A vacuum system may be provided which utilizes the attachment of a vacuum hose to the suction piping through the skimmer. Vacuumed water must pass through the skimmer's strainer basket;

(c) When the vacuum cleaning system is an integral part of the facility recirculation system, a wall fitting(s) shall be provided eight (8) to twelve (12) inches below the normal water level and be provided with a cap or plug. Piping from this connection shall be to the suction side of the pump ahead of the hair and lint strainer, shall be at least one and one-half (1 1/2) inches in diameter and be equipped with a control valve near the junction with the pump suction line. The size of the vacuum hose shall be at least one and one-half (1 1/2) inches in diameter and be of sufficient strength to prevent collapsing and allow adequate flow for proper cleaning;

(d) Automatic vacuum systems may be used to supplement the built-in vacuum system provided they are capable of removing all debris from the facility bottom; and

(e) Vacuum systems are to be used only when the facility is closed to bathers.

(6) Piping, skimmer and overflow system.

(a) Piping shall be in accordance with the material specifications listed in the Kentucky State Plumbing Code for potable water. All piping, valves, fittings, etc., shall be color coded or suitably labeled, or marked to denote its purpose within the facility water treatment system.

(b) The piping shall be designed to carry the required quantities of water at velocities not exceeding five (5) feet per second in suction piping, and ten (10) feet per second in pressure piping. Gravity piping shall be sized so that the head loss in piping, fittings, valves, etc., does not exceed the difference in water levels between the facility and the maximum operating level in the surge or filter tank.

(c) The following waste lines shall be provided with six (6) inch air gaps at their points of discharge to the waste pump or sewer:

1. Main outlet bypass or other connections to waste;
2. Surge tank drain and overflow lines;
3. Pump discharge to waste lines; and
4. Gutter bypass to waste lines.

(7) Inlets.

(a) Each inlet shall be flow adjustable.

(b) The velocity of flow through any inlet orifice shall be in the range of five (5) to twenty (20) feet per second, except in facilities equipped with skimmers it shall be in the range of ten (10) to twenty (20) feet per second.

(c) Inlets shall be located and permanently directed to produce uniform circulation of water, to facilitate the maintenance of a uniform disinfectant residual throughout the entire facility without the existence of dead spots. Inlets in facilities with skimmers shall be twelve (12) inches below the mid-point on the skimmer throat. Inlets in facilities with a prefabricated perimeter overflow system shall be eight (8) inches or more below the lip of the gutter.

(d) Inlets for swimming and diving pools, wave pools, large spas, and water slide plunge pools shall be spaced as follows:

1. Inlets shall be placed completely around the pool, each serving a linear distance of not more than fifteen (15) feet on center. The pipe serving the inlets shall form a loop completely around the pool; and

2. If inlets are to be placed on the bottom of the pool, the number of inlets shall be determined by dividing the perimeter of the pool measured in feet, by fifteen (15), any fraction thereof would represent one (1) additional inlet.

(e) Inlets for wading pools, and small spas for six (6) or less bathers, shall be at least two (2) in number, and placed so as to meet the requirements of paragraph (c) of this subsection.

(f) At least one (1) inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.

(g) A continuous flume, tubing, or other arrangement near the pool water surface which serves as inlet supply piping and employs multiple "jet" inlets is approved provided the individual components of the system meet the requirements of paragraphs (a), (b) and (c) of this subsection and subsections (9)(a), (b) and (10) of this section.

(h) Prefabricated perimeter overflow systems shall be approved on a case-by-case basis by the cabinet.

(8) Outlets.

(a) All facilities shall be provided with a main outlet at the deepest point to permit the facility to be completely and easily drained. Openings must be covered by a proper grating which is not removable by bathers without the

use of tools, and which cannot entrap their fingers. Openings of the grating shall be at least four (4) times the area of the main outlet pipe or have sufficient area so that the maximum velocity of the water passing through the grate does not exceed one and one-half (1 1/2) feet per second at maximum flow. The maximum width of grate openings shall be one-fourth (1/4) inch;

(b) Multiple outlets shall be provided in all facilities where the width of the facility is more than thirty (30) feet. In such cases, outlets shall be spaced not more than thirty (30) feet apart, nor more than fifteen (15) feet from side walls, and shall be connected in parallel, not series. All spas and wading pools shall have at least two (2) outlets;

(c) A hydrostatic relief valve may be provided for in-ground swimming and diving pools, wave pools, and water slide plunge pools. Subsurface drainage, if provided, shall not be directly connected to a sanitary sewer; and

(d) Main outlet piping shall be sized for removal of the water through it at a rate of at least 100 percent of the design recirculation flow rate at velocities specified in subsection (6)(b) of this section. The piping system shall be valved to permit adjustment of flow through it.

(9) Perimeter overflow systems.

(a) Swimming and bathing facilities other than pools designed and used exclusively for diving, having a water surface area greater than 1,600 square feet shall have a continuous perimeter overflow system. Swimming and bathing facilities less then 1,600 square feet in area and thirty (30) feet or less in width may use surface skimmers.

(b) A perimeter overflow system shall:

1. Extend completely around the facility;

2. Permit inspection, cleaning, and repair;

3. Be designed so that no ponding or retention of water occurs within any portion of the system; or the passage of small children into an enclosed chamber;

4. Be designed to prevent the entrapment of bather's arms, legs, and feet;

5. Have an overflow lip which is rounded, provides a good handhold, and is level within two-tenths (0.2) inch;

6. Provide for the rapid removal of all water and debris skimmed from the pool's surface;

7. Be designed for removal of water from the pool's upper surface at a rate equal to 100 percent of the design turnover flow rate. When the surge volume is to be stored in the perimeter overflow system, the system shall have the capacity to carry fifty (50) percent of the design flow while maintaining the surge storage capacity;

8. Discharge to the recirculation system;

9. Be provided with sufficient drains and piping which will not allow the overflow channel to become "flooded" when the facility is in normal use; and

10. Have drain gratings with surface area at least equal to two (2) times the area of the outlet pipe.

(10) All facilities which have perimeter overflow systems shall be provided with a net surge capacity of at least one (1.0) gallon per square foot of water surface area. Surge capacity shall be provided either in a vacuum filter tank, in the perimeter overflow system, in a surge tank, or a combination of these. Valving shall be provided where necessary, to automatically retain water during periods of facility use and to discharge water during the periods of non-use such that the proper operating water level in the facility is maintained at all times.

(11) Skimmers are permitted on facilities whose width does not exceed thirty (30) feet and whose water surface area is 1,600 square feet or less. Where skimmers are provided, the following shall be met:

(a) At least one (1) skimmer shall be provided for each 500 square feet of water surface area or fraction thereof; with a minimum of two (2) skimmers provided, except for small spas, or wading pools with a water surface area of 144 square feet or less, where a minimum of one (1) skimmer shall be required.

(b) Skimmers shall be so located as to minimize interference with each other;

(c) The rate of flow per skimmer shall not be less than thirty (30) gallons per minute, and all skimmers shall be capable of handling at least eighty (80) percent of required flow rate;

(d) The surface skimmer piping shall have both a trimmer valve and a separate valve in the equipment room to permit adjustment of flow;

(e) Each skimmer shall be provided with an equalizer line at least one and one-half (1 1/2) inches in diameter, located at least one (1) foot below the lowest overflow level of the skimmer, and be provided with a self-closing valve;

(f) A basket which can be removed without the use of tools and through which all overflow water must pass, shall be provided; and

(g) Skimmer equipped swimming and diving pools, wave pools, water slide plunge pools, and large spas shall have a smoothly contoured handhold consisting of a bull-nosed coping not over two and one-half (2 /12) inches thick for the outer two (2) inches or an equivalent approved handhold. The handhold shall be no more than nine (9) inches above the normal water line.

(12) All facilities shall be equipped for the addition of make-up water from a potable water source in accordance with the following:

(a) Discharge through an air gap of at least six (6) inches to the facility to a surge tank, or a vacuum filter tank. When make-up water is added directly to the facility, the fill-spout shall be located under or immediately adjacent to a ladder rail, grab rail, or lifeguard platform. When added to a surge tank or vacuum filter tank, the six (6) inch air gap shall be measured above the top lip of the tank; and

(b) Through piping with vacuum breaker, anti-siphon or other protection as specified by th State Plumbing Code.

(13) Filtration.

(a) Filters shall comply with the following:

1. Pressure filters shall have pressure gauges;

2. Pressure filters shall have an observable free-fall, or a sight glass shall be installed on the backwash discharge line;

3. Pressure filters shall have a manual air-relief valve at the the high point;

4. The filter backwash disposal facility shall have sufficient capacity to prevent flooding during the backwash cycle;

5. All filters shall be designed so that they can be completely drained. Filters shall be drained through a six (6) inch air gap to a pump or sanitary sewer;

6. Filter media shall meet NSF specifications;

7. Each facility shall have separate

filtration and treatment systems;

8. Filter equipment and treatment systems shall operate continuously twenty-four (24) hours per day except when the facility is closed for repairs or at the end of the swimming season; and

9. Individual filters shall be designed with necessary valves and piping to permit isolation of individual filters for repairs while other units are in service.

(b) Rapid sand or gravity sand filters:

1. Rapid sand filters shall be designed for a filter rate not to exceed three (3) gallons per minute per square foot of bed area at time of maximum head loss with sufficient area to meet the design rate of flow required by the prescribed turnover. Open gravity type filters shall be designed for a filter rate not exceeding two (2) gallons per square foot per minute.

2. Filtering media shall consist of at least twenty (20) inches of graded, sharp filter sand with an effective size between four-tenths (0.4) and fifty-five/hundredths (0.55) mm and a uniformity coefficient not exceeding one and seventy-five/hundredths (1.75), supported by at least ten (10) inches of graded filter gravel. Anthracite with effective size of six-tenths (0.6) to eight-tenths (0.8) mm with a uniformity coefficient of not greater than one and eight-tenths (1.8) may be used in lieu of the sand. A reduction in gravel depth or an elimination of gravel may be permitted where equivalent performance and service are demonstrated.

3. At least twelve (12) inches of freeboard shall be provided between the upper surface of the filter media and the lowest portion of the pipes or drains which serve as overflows during backwashing.

4. The filter system shall be designed with necessary valves and piping to permit:

(i) Filtering to pool; and

(ii) Individual backwashing of filters to waste at a rate of not less than fifteen (15) gallons per minute per square foot of filter area. A backwash rate of eight (8) gallons per square foot per minute shall be provided for anthracite filters;

5. Each filter shall be provided with an access opening of not less than a standard eleven (11) inch by fifteen (15) inch manhole and cover.

6. The filter tank and its integral parts shall be constructed of substantial material capable of withstanding continuous anticipated usage and shall be designed for a pressure safety factor of four (4) based on the maximum shutoff head of the pump. This shutoff head for design purposes shall in no case be considered less than fifty (50) pounds per square inch.

(c) High rate sand filters. The design filtration rate shall be a minimum of five (5) gallons per minute per square foot of filter area. The maximum design filtration rate shall be the lesser of fifteen (15) gallons per minute per square foot of filter area or seventy-five (75) percent of the NSF listed filtration rate. The backwash rate shall be fifteen (15) gallons per minute per square foot of filter area.

(d) Diatomaceous earth filters.

1. The design filtration rate shall not exceed one and one-half (1 1/2) gallons per minute per square foot of filter area on diatomaceous earth filters, except that the rate of filtration may be increased to two (2) gallons per minute per square foot of filter area when continuous feeding of diatomaceous earth is employed;

2. A precoat pot shall be provided on the pump suction line for pressure diatomaceous earth systems. All diatomaceous earth filter systems shall have piping arranged to allow recycling of the filter effluent during precoating;

3. Where equipment is provided for the continuous feeding of diatomaceous earth to the filter influent, such equipment shall have a capacity to feed at least one and one-half (1 1/2) ounces of this material per square foot of filter area per day;

4. Overflow piping on vacuum diatomaceous earth filters shall be provided on the filter tank to discharge overflow water; and

5. All filters shall be equipped for cleaning by one (1) or more of the following methods: backwashing; air-pump assist backwashing; spray wash; water pressure to wash vacuum filter; or agitation.

(e) Vacuum sand filters.

1. The design filtration rate shall be seventy-five (75) percent of that listed by NSF or fifteen (15) gallons per minute whichever is lesser. The backwash rate shall be at fifteen (15) gallons per minute per square foot of filter area; and

2. Overflow piping shall be provided in order to drain overflow water.

(f) Cartridge Filters.

1. Cartridge filters shall not be used on facilities with a capacity larger than 80,000 gallons;

2. Cartridge filters shall only be used on indoor pools;

3. The design filtration rate shall not exceed fifteen-hundredths (0.15) gallons per minute per square foot of filter surface area; and

4. Duplicate cartridges. A clean duplicate set of cartridges shall be maintained at the facility.

(14) Disinfectant and chemical feeders.

(a) The minimum chemical feed equipment required at any facility shall include a unit for feed of a disinfectant and a unit for feed of a chemical for pH control, except as stated in paragraph (e) of this subsection.

(b) Equipment capacity.

1. Equipment for supplying chlorine or compounds of chlorine shall be of sufficient capacity so that it is possible to feed the chlorine at a rate of eight (8) p.p.m. for outdoor facilities and a three (3) p.p.m. for indoor facilities based on the flow rates specified in subsection (2)(a) of this section;

2. The equipment for supplying chlorine shall not be controlled by a day-date clock;

3. The injection point for chlorine shall be placed on the discharge side of the pump;

4. Pot feeders for supplying bromo-chloro-dimethylhydantoin sticks shall contain at least 0.50 pounds of bromo-chloro-dimethylhydantoin per thousand gallons of facility capacity, or fraction thereof. The feeder shall have a method of feed rate adjustment;

5. Ozone may be used as a supplement to chlorination or bromination as required in subparagraph 1 or 4 of this paragraph. Ozonation equipment will be considered by the cabinet on a case-by-case basis for experimental use; and

6. No more than one (1) gram per day of ozone per ten (10) gallons per minute of flow rate will be allowed. The ambient air ozone

concentration shall be less than five-hundredths (.05) p.p.m. at all times either in the vicinity of the ozonator or at the pool water surface.

(c) Where positive displacement pumps (hypochlorinators) are used to inject the disinfectant solution into the recirculation line, they shall be of variable flow type and shall be of sufficient capacity to feed the amount of disinfectant required by paragraph (b)1 of this subsection. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed five (5) percent. The solution container shall have a minimum capacity equal to the volume of solution required per day at the feed rate required in paragraph (b)1 of this subsection.

(d) Gas chlorinators.

1. The chlorine supply and gas feeding equipment shall be housed in a separate, relatively air-tight room. The room shall be provided with an exhaust system which takes its suction not more than eight (8) inches from the floor and discharges out-of-doors in a direction to minimize exposure to toxic fumes. The fan shall run continuously and be capable of producing one (1) air change per minute. Means for introducing a fresh air supply to the enclosure through appropriate openings such as filters, grill openings, etc., at a high point opposite the exhaust fan intake shall be provided. The room shall have a window at least eighteen (18) inches square, and shall have artificial lighting. Electrical switches for lighting and ventilation shall be outside and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided. Automatic changeover chlorinators may be substituted for scales.

2. Chlorine cylinders either full or empty shall be anchored, or chained in a vertical position. The valve protection hoods shall be kept in place, except when the cylinders are connected. Chlorine feed devices should be located directly on the tank wherever practical;

3. The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. In addition, the release of chlorine shall be terminated when the recirculation pump is shut off. Where other than facility recirculated water is used, the supply line shall be equipped with an electric shut off valve wired to the recirculation pump and shall be equipped with an approved backflow preventer. Where two (2) or more cylinders are in use, an automatic changeover valve shall be used;

4. Chlorinator vent lines shall be conducted to the out-of-doors similar to the chlorinator room exhaust system;

5. The gas chlorinator shall be the solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere;

6. The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment;

7. A self-contained breathing apparatus (SCBA) designed for use in a chlorine atmosphere and of a type approved by the Mine Safety and Health Administration (MSHA) and/or the National Institute for Occupational Safety and Health (NIOSH), shall be provided. This SCBA shall have sufficient capacity for the purpose intended. In addition a written respirator program shall be provided and employees shall be trained in the use and maintenance of such equipment to insure operability and safety. The SCBA shall be kept in a closed cabinet, accessible without a key, and located outside of the chlorine room. Installation of chlorinator equipment, and operation thereof, shall be carried on by and under the supervision of personnel experienced with installation and operation of such equipment. A chlorine valve shut off wrench shall be kept on the cylinder valve stem that is in use; and

8. In the event of a chlorine leak, the fire department or an agency trained in the handling of chlorine spills, must be immediately contacted. The phone numbers of the fire department or above agency must be posted on the outside of the chlorine room door.

(e) pH control feeders. At facilities with a volume greater than 100,000 gallons, or at facilities utilizing gas chlorine as a disinfectant, a chemical feeder of positive displacement type shall be installed for the purpose of applying chemicals to maintain pH of facility water within the range of seven and two-tenths (7.2) to seven and eight-tenths (7.8). A solution tank of at least forty (40) gallons capacity shall be provided.

(f) Erosion type chlorine feeders shall be prohibited.

(15) Testing equipment shall be provided at all swimming and bathing facilities, maintained with fresh reagents, and consist of at least the following:

(a) A DPD (Diethyl-P-Phenylene Diamine) colorimetric test kit shall be provided, which will determine free disinfectant residual, combined disinfectant residual, total alkalinity, and pH of the facility water. Test kits using orthotolidine reagents are not acceptable;

(b) There shall be at least five (5) chlorine color standards and at least five (5) pH color standards. Chlorine standards shall range from one-tenth (0.1) to three (3.0) p.p.m. and pH standards shall range from six and eight-tenths (6.8) to eight and four-tenths (8.4), as a minimum. Both tests shall be accurate to within two-tenths (0.2) units; and

(c) Facilities using cyanurates for stabilization shall have a test kit to measure the cyanuric acid concentration. The cyanuric acid test kit shall permit readings up to 100 p.p.m.

Section 10. Operational Water Quality Standards. (1) Disinfectant residuals for swimming and diving pools, wading pools, water slides, and wave pools:

(a) Chlorine residual shall be maintained between one (1.0) p.p.m. and two and five-tenths (2.5) p.p.m. as free available chlorine.

(b) Bromine residual shall be maintained between one (1.0) p.p.m. and two and five-tenths (2.5) p.p.m. as free available disinfectant.

(c) Pools stabilized with cyanuric acid shall meet the following criteria:

1. Be an outdoor facility;

2. Maintain one and five-tenths (1.5) to two and five-tenths (2.5) p.p.m. free available chlorine residual; and

3. Cyanuric acid concentration twenty-five (25) p.p.m. to fifty (50) p.p.m.

(d) When the presence of chloramines is

determined, superchlorination is required, and the chloramine level shall not exceed two-tenths (0.2) p.p.m.

(2) Disinfectant residuals for spas:

(a) Chlorine residual shall be maintained between two (2.0) p.p.m. and three (3.0) p.p.m. as free available chlorine;

(b) Bromine residual shall be maintained between two (2.0) p.p.m. and three (3.0) p.p.m. as free available disinfectant; and

(c) When the presence of chloramines is determined, superchlorination is required, with closing of spa until a free disinfectant residual of two (2.0) - three (3.0) p.p.m. is attained.

(3) pH. The pH of the facility water shall be maintained in a range of seven and two-tenths (7.2) to seven and eight-tenths (7.8). For corrosive water supplies, the alkalinity level shall be suitably adjusted to allow maintenance of the pH level.

(4) Turbidity. Facility water shall have sufficient clarity at all times to meet one (1) of the following:

(a) A black disc, six (6) inches in diameter, is readily visible when placed on a white field at the deepest point of the pool;

(b) The openings of the main outlet grate are clearly visible by an observer on the deck; and

(c) For wading pools the bottom of the pool should be clearly visible.

(5) Total alkalinity. The alkalinity of the facility water shall not be less than fifty (50) nor more than 180 p.p.m., as determined by suitable test kits.

(6) Temperature. The water temperature for indoor swimming and bathing facilities other than spas shall not be less than seventy-six (76) degrees Fahrenheit nor more than eighty-four (84) degrees Fahrenheit. The cabinet may allow variances from the above temperature limits for special use purposes such as competition, physical therapy, or instruction of children. Variances may be approved provided proof is presented showing that a variance from the temperature requirements is necessary for the special uses stated, and that the variance will not jeopardize public health. Air temperature at an indoor facility shall be higher than the water temperature, except for spas. In no instance will water temperatures for any facility including spas be permitted to exceed 104° Fahrenheit. All facilities with heated water shall be provided with at least one (1) breakproof thermometer located within the facility water in a conspicuous location. Such thermometer shall be securely mounted to prevent tampering by bathers.

(7) The facility operator shall perform tests for each of the above water quality characteristics before opening and during all hours of operation based on the frequency schedule listed below, and record all test results on a daily operational log sheet:

(a) Disinfectant residual and pH shall be checked at least three (3) times daily with a greater frequency when bather load or climatic conditions warrant.

(b) Turbidity - daily, or more often as needed.

(c) Alkalinity, cyanuric acid (if used) - weekly, or more often as needed.

(d) Temperature:

1. Spas - daily, or more often as needed; and

2. All other indoor facilities - daily.

(8) All spas shall be completely drained, thoroughly cleaned, and refilled with potable water at least once per week. Cleaners used shall be compatible with facility wall and bottom finishes.

Section 11. General Facility Operation and Maintenance. (1) Facility and facility area.

(a) All facilities shall be maintained free from sediment, lint, dirt, and hair. Cracks and other defects in the facility shall be repaired. The walls, ceilings, floors, and equipment shall be painted as often as necessary so that they are protected from deterioration. The bottom and sides of the facility shall be maintained so that they are free from deterioration;

(b) Decks shall be rinsed as necessary to be kept clean. Indoor decks shall be disinfected at least weekly. The walk areas, overflow gutters, counters, lockers, equipment, furniture, interior partitions, and walls shall be kept in good repair, clean, and sanitary; and

(c) Food and/or drinks. Management of each facility shall adopt rules for controlling of food, drink, and smoking in the facility and surrounding areas.

(2) Perimeter overflow and skimmers. The perimeter overflow system or automatic surface skimmers shall be clean and free of leaves or other obstacles which would restrict flow. The strainer baskets for skimmers shall be cleaned daily. The flow through each skimmer shall be adjusted as often as necessary to maintain a vigorous skimming action. The facility water shall be maintained at an elevation so that effective surface skimming is accomplished. The flow returning from the facility shall be balanced or valved such that the majority of flow is returned through the perimeter overflow or skimmer system.

(3) Inlet fittings. Inlets shall be checked frequently to insure that the rate of flow through each inlet is such that a uniform distribution pattern is established.

(4) Bather preparation facilities.

(a) The floors of dressing rooms, shower stalls, and other interior rooms shall be cleaned and disinfected daily; and

(b) Toilet rooms and fixtures shall be kept clean, free of dirt and debris, and in good repair. Floors shall be maintained in a non-slip condition. Soap dispensers shall be filled and operable. Adequate supplies of toilet tissue, disposable hand drying towels, roll type cloth towels, or suitable hand drying devices shall be maintained.

(5) Street attire. Street shoes shall not be worn on the facility decks or wet areas of the bather preparation facilities, except for those engaged in official duties.

(6) Security. Doors or gates in the facility enclosure shall be kept closed and locked when the facility is closed.

(7) Bather loads.

(a) The number of persons in bathing attire within a facility enclosure shall not exceed the permissible bather load established by the State Building Code (with an exception for spectator areas); and

(b) The permissible bather load shall be posted at the entrance to the facility or at a conspicuous location where it can be seen by all bathers.

(8) Electrical systems. Repairs to any electrical system shall be made by an electrician. Such repairs shall be in accordance

with the National Electrical Code and shall be approved by a certified electrical inspector.

(9) Diving equipment, ladders, hand rails, etc., shall be maintained in good repair, be securely anchored, and have a non-slip surface.

(10) Operation of mechanical equipment.

(a) Manufacturers' instructions for operation and maintenance of mechanical and electrical equipment, as well as pump performance curves, shall be kept available at the facility;

(b) Pumps, filters, disinfectant feeders, pH controls, flow indicators, gauges, and all related components of the facility water recirculation system shall be kept in continuous operation twenty-four (24) hours a day; and

(c) Recirculation pumps. The pump shall not be throttled on the suction side (except the bottom drain line valve) during normal operation, shall be kept in good repair and condition. The flow control valve on the discharge side shall be adjusted as necessary to maintain the design flow rate.

(11) Filtration.

(a) Sand Filters.

1. The filter air release valve shall be opened as necessary, to remove air which collects in the filter, and following each backwash; and

2. The filter shall be backwashed when the design flow rate can no longer be achieved, or when specified by the filter manufacturer, whichever occurs first.

(b) Diatomaceous earth filters.

1. The dosage of diatomaceous earth precoat shall be at least one and one-half (1 1/2) ounces per square foot of element surface area. Pressure diatomaceous earth filters shall be backwashed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Whenever the recirculation pump stops or is shut off, the filter shall be thoroughly backwashed and the elements shall be precoated before placing the pump back into operation. Vacuum diatomaceous earth filters shall be washed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first;

2. Following the precoating operation, the initial filter effluent shall be either recirculated through the filter until the filter effluent is clear, or the initial filter effluent shall be discharged to waste until properly clarified water is produced; and

3. When continuous diatomaceous earth feed is required (filter loading rate exceeds one and five-tenths (1.5) gallons per minute per square foot of filter surface area), it shall be applied at a rate of one-half (1/2) - one and one-half (1 1/2) ounces per square foot of surface area per day, or as needed to extend filter cycles.

(12) Hair and lint strainers. Hair and lint strainers shall be cleaned to prevent clogging of the suction line and cavitation. The pump shall be stopped before the strainer is opened. In all cases, the hair strainer basket shall be cleaned during the time the filter is being backwashed.

(13) Flow meters. Flow meters shall be maintained in an accurate operating condition and readily accessible. The glass and the connecting tubes shall be kept clean.

(14) Vacuum and pressure gauges. The lines leading to the gauges shall be bled occasionally to prevent blockage.

(15) Gas chlorinators.

(a) Gas chlorinators shall be repaired only by a person trained in servicing these units. The facility operator should determine the appropriate emergency personnel to contact in the event of a chlorine gas emergency and have the telephone number of said personnel conspicuously posted;

(b) Chlorine cylinders shall be stored indoors in the area designed for that purpose and away from a direct source of heat. Cylinders shall not be moved unless the protection cap is secured over the valve; and

(c) Chlorinator, gas line, injector, and cylinders shall be checked daily for leaks. Chlorine will produce a white smoke in the presence of ammonia. In case of a chlorine leak, corrective measures shall be undertaken only by trained persons wearing proper safety equipment. All other persons shall leave the dangerous area until conditions are again safe.

(16) Self-contained breathing apparatus (SCBA).

(a) A record shall be kept of SCBA usage to insure that the unit will be serviceable when needed. The SCBA shall be kept in a closed cabinet, accessible without a key, located outside of the room in which the chlorinator is located, and preferably outside the entrance to the equipment room; and

(b) The SCBA shall be serviced regularly as per manufacturer's recommendations.

(17) Positive displacement feeders.

(a) Positive displacement feeders shall be periodically inspected and serviced;

(b) To minimize sludge accumulation in the unit, the lowest practicable concentration of solution shall be used. If liquid chlorine solution is used, the dilution with water is not critical to the operation of the unit; and

(c) Sludge accumulations shall be cleaned periodically from the unit.

(18) Chlorinated cyanurates. The use of chlorinated cyanurates is prohibited.

(19) pH adjustment.

(a) Soda ash or caustic soda may be used to raise the facility water pH;

(b) Caustic soda shall only be used in accordance with the manufacturer's instructions. When caustic soda is intended for use, the cabinet shall be notified in writing. Protective equipment and clothing, including rubber gloves and goggles, shall be available for the handling and use of this chemical;

(c) Sodium bisulfate or muriatic acid may be used to lower pool water pH;

(d) Hydrochloric (muriatic) acid may only be used with proper supervision and care. Protective equipment and clothing, including rubber gloves and goggles, shall be available for handling this chemical; and

(e) The cabinet shall be consulted in the event of unusual pH problems including corrosion or scaling or wide fluctuations in pH.

(20) Algae control.

(a) The development of algae shall be eliminated by superchlorinating. The facility shall not be open for use during this treatment. If superchlorination fails to eliminate the algae, the cabinet shall be consulted for further advice.

(b) Treated algae which cling to the bottom and sides of the facility shall be brushed loose, and removed by the suction cleaner and filtration system.

(21) Miscellaneous chemicals.

(a) Chemicals other than disinfectants shall be used only with the advice and under the supervision of the cabinet;

(b) Chemicals shall be kept covered and stored in the original container, away from flammables and heat and in a clean, dry, and well-ventilated place which prevents unauthorized access to the chemicals;

(c) The chemicals used in controlling the quality of water shall be used only in accordance with the manufacturer's instructions; and

(d) If polyphosphates are used for sequestering iron, the concentration of polyphosphates shall not exceed ten (10) p.p.m.

(22) Equipment rooms.

(a) Equipment necessary for facility operation shall be housed in a lighted, ventilated room which affords protection from the weather, prevents unauthorized access, and is of sufficient size for operation and inspection;

(b) The equipment room floor shall slope toward drains and shall have a non-slip finish;

(c) A hose bib with a vacuum breaker shall be installed in the equipment room;

(d) Suitable space, if not provided in the equipment room, shall be provided for storage of chemicals, tools, equipment, supplies, and records where they can be acquired by the facility operator without leaving the premises. The storage space shall be dry and protected from unauthorized access; and

(e) The equipment room and all other storage areas mentioned above shall be maintained in a clean, uncluttered condition, and shall not be used for storage of materials not essential to operation and maintenance of the facility.

(23) Maintenance of bathing beaches.

(a) Beach areas shall be maintained free of litter and water-borne debris. Beverage containers of glass or metal containers with detachable pull tabs shall be prohibited.

(b) A layer of sand or gravel of sufficient depth to prevent the creation of mud holes or slicks and to reduce shallow water turbidity shall be maintained on all beach areas, and shall extend beneath the water of all wading and swimming areas; and

(c) Wading, swimming, and diving areas shall be examined by the facility operator on a routine basis, and immediately after high water conditions for floating or sunken debris, and obstructions at diving areas and high water turbidity which may present safety hazards to bathers.

Section 12. Facility Records. The operator of each facility shall keep a daily record of information regarding operation including disinfectant residuals, pH, maintenance procedures, and recirculation, together with other data as may be required on forms furnished by the cabinet. This data shall be kept on file by the operator and submitted to the cabinet as requested. Proper operating records, which include the following shall be kept showing daily or weekly as applicable:

(a) Disinfectant residuals;

(b) pH readings, total alkalinity, cyanuric acid level (where applicable); and

(c) Malfunctioning of equipment.

(2) Where two (2) or more facilities are operated on the same site, separate records shall be maintained for each facility.

Section 13. Personnel. (1) Operator. A facility operator shall be responsible for the operation and maintenance of all swimming and bathing facilities. The operator shall be available at all times when the facility is open for use.

(2) Lifeguards.

(a) A lifeguard or lifeguards shall be provided at all facilities which allow bathers sixteen (16) years of age or under to enter the facility area without a responsible person seventeen (17) years of age or older present.

(b) All facilities which do not provide a lifeguard must post and enforce the following rule: "No person may enter the facility area alone or swim alone."

(c) Where lifeguards are required, lifeguards shall comply with the following:

1. Lifeguards shall have a current life-saving certificate. Current training as a lifesaver or water safety instructor by the American Red Cross, YMCA, or equivalent will satisfy this requirement. The certificate of such competency shall be prominently posted;

2. More than one (1) lifeguard shall be on duty at large facilities and/or facilities with a large number of bathers. Lifeguards shall be provided at a ratio of one (1) per 200 bathers or one (1) per 2,000 square feet of water surface area, whichever is less;

3. Lifeguards shall be dressed in swimming attire; and

4. Lifeguards assigned to the supervision of the facility shall not be subject to duties that would distract their attention from proper observation of persons in the facility area, or that would prevent immediate assistance to persons in distress in the water.

Section 14. Safety Equipment. (1) Facilities other than beaches having an area of more than 2,000 square feet of water surface area shall be provided with an elevated lifeguard chair. An additional lifeguard chair shall be provided for each additional 2,000 square feet of water surface area or major fraction more than half thereof. They shall be located to provide a clear view of the facility bottom in the area under surveillance.

(2) Beaches shall be provided with an elevated lifeguard chair for each 100 linear feet of beach front, with an additional lifeguard chair for each additional 100 linear feet of beach front or fraction thereof. Such chairs shall be located on the beach so as to provide a clear view of all areas under surveillance and to provide the quickest response time.

(3) The following lifesaving equipment shall be provided:

(a) A U.S. Coast Guard approved ring buoy not more than fifteen (15) inches in diameter to which shall be attached a three-sixteenths (3/16) inch rope of length one and one-half (1 1/2) times the maximum pool width;

(b) A life pole or shepherd's crook type of pole having blunted ends with a minimum length of twelve (12) feet; and

(c) One (1) plywood backboard with straps, made to the specifications of the American Red Cross for back and neck injuries.

(4) The equipment listed in subsection (3) of this section shall be considered as one (1) unit (except paragraph (c)) and shall be considered as adequate for 2,000 square feet of facility water surface area. An additional unit shall be

provided for each additional 2,000 square feet or major fraction thereof.

(5) Facilities limited to small spas, of less than 144 square feet of water surface area, shall not be required to provide the equipment listed in subsection (3) of this section, but shall meet the requirements of subsections (7), (10), and (11) of this section.

(6) Bathing beach facilities shall provide the following lifesaving equipment in addition to that listed in subsection (3) of this section:

(a) Paddle board or surfboard;

(b) At least one (1) lifeboat, containing one (1) unit of lifesaving equipment and outfitted to meet state water safety regulations; and

(c) A torpedo shaped buoy.

(7) All facilities shall be equipped with a minimum of one (1) standard twenty-four (24) unit first aid kit or its equivalent, which shall be kept filled and ready for use. Additional units shall be provided for each additional 2,000 square feet of facility area or major fraction thereof.

(8) Lifesaving equipment shall be mounted in conspicuous places at lifeguard chairs or other readily accessible locations. Its function shall be plainly marked, and such equipment shall be kept in repair and ready condition. Bathers or other persons shall not be permitted to tamper with, use for any purpose other than its intended use, or remove such equipment from its established location. Such equipment at beaches shall be located at each lifeguard chair, with the lifeboat mentioned in subsection (6)(b) of this section being located at the most centrally stationed lifeguard chair.

(9) The hydrojet auxiliary air or water pump for a spa shall be controlled by an on-off switch with a fifteen (15) minute timer located and labeled at least five (5) feet away from the spa.

(10) All facilities shall have a non-pay telephone on the premises which is readily accessible and conspicuously located. The telephone number of a police, fire department, emergency medical service, or a hospital shall be posted in a conspicuous place near the telephone.

(11) All drownings and injuries requiring hospitalization shall be immediately reported to the cabinet.

Section 15. Spectator and Bather Regulations. (1) Rules governing the use of the facility and instructions to bathers shall be displayed on placards at the entrance to dressing rooms and shall be enforced by the facility operator. Such posting of rules and other instructions shall provide that:

(a) Admission to the facility is refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind are not to be permitted. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the facility area;

(b) No food, drink, gum, or tobacco will be allowed in other than specially designated and controlled sections of the facility area;

(c) Personal conduct within the facility must be such that the safety of self and others is not jeopardized. No running and no boisterous or rough play (except supervised water sports) are permitted;

(d) People in street shoes and other spectators are not allowed in the facility, on the deck, and in the "wet" areas of the bathhouse, except those engaged in official duties;

(e) Spitting, spouting of water, blowing the nose, or otherwise introducing contaminants into the facility water is not permitted;

(f) Glass, soap, or other material which might create hazardous conditions or interfere with efficient operation of the facility shall not be permitted in the facility or on the deck;

(g) All apparel worn in the facility shall be clean;

(h) Diving in shallow water is not permitted;

(i) Caution shall be exercised in the use of diving boards; and

(j) Animals shall be excluded from the facility area.

(2) Due to the nature of bathing beaches, subsection (1)(c), (d), and (g) of this section shall not apply. Subsection (1)(a) and (b) of this section shall be enforced at the discretion of the facility operator, except for parts dealing with those persons with excessive sunburn or those under the influence of alcohol or exhibiting erratic behavior, which shall be enforced at all facilities.

(3) In addition to the requirements of subsection (1) of this section, a caution sign shall be mounted adjacent to all spas which contain the following warnings:

CAUTION

Pregnant women, elderly persons, and persons suffering from any heart condition or disease, diabetes, or high/low blood pressure should not enter the spa without prior medical consultation and permission from their doctor.

Do not use the spa while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness, or that raise or lower blood pressure.

Do not use at water temperatures greater than 104 degrees Fahrenheit.

Do not use alone.

Unsupervised use by children is prohibited.

Enter and exit slowly.

Observe reasonable time limits (that is, ten (10) to fifteen (15) minutes), then leave the water and cool down before returning for another brief stay.

Long exposure may result in nausea, dizziness, fainting, or death.

Keep all breakable objects out of the area.

Shower before entering the spa.

(4) A sign shall be posted in the immediate vicinity of the spa stating the location of the nearest telephone and indicating that emergency telephone numbers are posted at that location.

Section 16. Swimming Suits and Towels Furnished by Management. All swimming suits and towels used by swimmers and maintained for public use shall be cleaned after each use. These items shall be handled in a sanitary manner.

Section 17. Facility Inspection. (1) Seasonal facilities.

(a) All owners and/or operators of seasonal facilities, prior to opening to the public, shall certify to the cabinet, in writing, that the facility is in compliance with the requirements of this regulation except in instances where the cabinet has made an inspection prior to its opening. For seasonal facilities, the cabinet shall make at least two (2) full facility inspections during the operating season. The cabinet, at its discretion, may require one (1) of the full facility inspections to be performed prior to a facility's opening; and

(b) The facility owner and/or operator shall be responsible for notifying the cabinet of the proposed opening date.

(2) Continuous operation (indoor) facilities shall receive a full facility inspection by the cabinet at least once each six (6) months.

(3) New facilities shall receive final construction approval inspections by the cabinet, and other affected state and local regulatory agencies, prior to placing the facility in operation. It shall be the owner and/or operator's responsibility to notify the cabinet and other involved agencies of construction completion and call for inspection.

(4) Facilities other than beaches shall be inspected at a minimum of once each thirty (30) day period by the cabinet on a monitoring basis. The monitoring inspection shall consist of the following:

(a) Disinfectant residual testing (free available residual) and combined disinfectant in p.p.m.;

(b) pH testing;

(c) Total alkalinity testing;

(d) Cyanuric acid testing (if cyanuric acid stabilizers are used);

(e) Turbidity assessment;

(f) Temperature testing (if heated water facility);

(g) Review of operator's daily log;

(h) Visual scanning for algae or debris; and

(i) Other checks as necessary.

(5) Beaches shall receive monitoring inspections once each month or anytime immediately after periods of heavy rainfall. Such monitoring inspections for beaches shall include general sanitation and safety checks as necessary.

(6) The cabinet shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(7) Whenever an agent of the cabinet makes an inspection of a public swimming and bathing facility, he shall record his findings on an official cabinet inspection report form and provide the facility owner or the operator with a copy. The inspection report shall:

(a) Set forth any violation(s) found;

(b) Establish a specific and reasonable period of time for the correction of the violation(s) found; and

(c) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in closure of the facility.

Section 18. Water Sampling and Testing. (1) A water sample may be collected from facilities when inspections or monitoring indicates water quality standards are not being maintained, or there is a suspected water borne disease outbreak, and shall be submitted to the Health Services Laboratory or other approved laboratory for analysis. Samples shall be collected in approved containers and by approved sampling procedures.

(2) Samples shall be collected and analyzed according to the procedures outlined in "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association (APHA) for any of the following or other contaminants:

(a) Total coliform;

(b) Fecal coliform; and

(c) Pseudomonas organisms.

(3) Multiple samples may be collected at bathing beaches to assure adequate representation of the entire facility water area.

(4) Need for additional samples at other times shall be triggered by the results of monitoring inspections, reported disease outbreaks associated with the facility, or failure of previous samples to meet the standards outlined in Sections 5 and 19 of this regulation. Where a sample shows a positive test for contaminants as specified in subsection (2)(a), (b), and (c) of this section, the sample shall be repeated within one (1) to seven (7) days.

Section 19. Bacteriological Quality of Facility Water. (1) For facilities other than bathing beaches, no more than two (2) consecutive samples shall contain either:

(a) More than 200 bacteria per milliliter, as determined by the standard (thirty-five (35) degrees centigrade) agar plate count;

(b) Show a positive test (confirmed test) for coliform organisms in any of the five (5) ten (10) milliliter portions of a sample or more than two (2.0) coliform organism per 100 ml when the membrane filter test is used;

(c) Show a positive test (confirmed test) for pseudomonas organisms; or

(d) Show a positive test for fecal coliform organisms.

(2) Bathing beaches shall comply with the standards set forth in Section 5(3)(a) of this regulation.

Section 20. Conditions Requiring Closure of a Facility and Enforcement Provisions. (1) Whenever the cabinet finds any of the conditions hereinafter set forth, it may immediately order by written notice the owner and/or operator to close the facility and to prohibit any person from using the facility:

(a) If conditions at a facility and appurtenances, including bathhouse facilities, upon inspection and investigation by a representative of the cabinet, create an immediate danger to health or safety;

(b) When the cabinet upon review of results of bacteriological analyses of water samples collected from a facility, finds that such water does not conform to the bacteriological standards promulgated by the cabinet for proper swimming and bathing water quality;

(c) When an environmental survey of an area shows evidence of sewage or other pollutional or toxic materials being discharged to waters tributary to a beach creating an immediate danger to health or safety;

(d) When turbidity levels of facility water do not meet the requirements of Section 10(4) of this regulation;

(e) When in such cases as it is required, the presence of a satisfactory disinfectant residual, prescribed by rule as promulgated by the cabinet is absent;

(f) In any instance where the owner, operator, or any other employee or representative of the owner interferes with duly authorized agents of the cabinet, bearing proper identification, in the performance of their duties;

(g) When recirculation system(s), filtration system(s), or disinfectant system(s) are not in operation (with exceptions for maintenance, and seasonal shut down); or

(h) When serious or repeated violations of any of the requirements of the regulations are found.

(2) The notice shall state the reasons prompting the closing of the facility and a copy of the notice shall be posted conspicuously at the facility by the owner or operator.

(3) Any owner or operator affected by such an order is entitled, upon written request to the cabinet, to a hearing as provided in this regulation.

(4) When such conditions are abated or when the results of analyses of water samples collected from the facility, in the opinion of the cabinet, comply with the cabinet's bacteriological standards for acceptable water quality, or when the turbidity decreases to the permissible limit, or when the disinfectant residual reaches a satisfactory level as prescribed by regulation, the cabinet may authorize reopening the facility. When sources of sewage, pollution, or toxic materials discovered as a result of an environmental survey are eliminated, the cabinet may authorize reopening of such beach.

(5) In all other instances of violation of the provisions of this regulation, the cabinet shall serve upon the owner or operator a written notice specifying the violation(s) in question and afford a reasonable opportunity to correct same. Whenever an owner or operator has failed to comply with any written notice issued under the provisions of this regulation, the owner or operator shall be notified in writing that the facility shall be closed at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the cabinet, by the owner or operator, within such ten (10) day period.

(6) The hearings provided for in this section shall be conducted by the cabinet at a time and place designated by it. At the conclusion of the hearing, the cabinet shall make a finding of fact and conclusion of the law. A transcript of the hearing shall not be made unless the interested party assumes the costs thereof and a request is made therefor at the time a hearing is requested.

(7) Any person whose facility has been closed may, at any time make application for a reinspection for the purpose of reopening the facility. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing closure of the facility have been corrected, the cabinet shall make a reinspection. If the facility is found to be in compliance with the requirements of this regulation, the facility shall be reopened.

(8) For serious or repeated violations of any of the requirements of this regulation or for interference with the agents of the cabinet in the performance of their duties, the facility may be permanently closed after an opportunity for a hearing has been provided by the cabinet. Prior to such action, the cabinet shall notify the owner or operator, in writing, stating the reasons for which the facility is subject to closure and advising that the facility shall be permanently closed at the end of ten (10) days following service of such notice unless a request for a hearing is filed with the cabinet by the owner or operator, within such ten (10) day period.

Section 21. Existing Facilities and Equipment. (1) Notwithstanding the other provisions of this regulation, existing facilities and equipment being used prior to the effective date of this regulation, which do not fully meet the design, construction, and materials requirements of this regulation, may be continued in use, if in good repair, capable of being maintained in a sanitary condition, meet facility water quality standards, and create no health or safety hazard.

(2) Whenever existing equipment, components, piping, or fittings involved in the facility water treatment system are replaced to effect repairs, such replacement equipment, components, piping, or fittings shall meet the requirements of this regulation. Whenever such replacement occurs, it shall be the owner's or operator's responsibility to notify the cabinet as to what was replaced and what was used for a replacement.

Section 22. Effect on Local Regulations. (1) This regulation shall supersede any construction regulations of any local governmental body.

(2) Compliance with this regulation does not relieve any person from compliance with any other state or local laws, dealing with pool operation and maintenance matters, or zoning requirements which may also be applicable.

Section 23. Variances. (1) All facilities shall be constructed or remodeled in compliance with the provisions of these regulations, except that an applicant may request and the cabinet may grant a variance in those cases where it is determined that the variance would not affect seriously the safe and healthful operation of the facility.

(2) Before granting a variance, the cabinet shall require adequate proof from the applicant that the requested variance will comply with the basic intent of these regulations and that no safety or health hazard would be created if the variance is granted.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: May 12, 1987
FILED WITH LRC: May 12, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23, 1987, 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 June 18, 1987, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dudley J. Conner
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Owners of some facilities may experience some increase cost on safety equipment, renovation of equipment.
2. Continuing costs or savings: Some savings to builders due to wider choice in equipment and clearly spell out requirements.
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: On new facilities, one time submission of plans and specifications for facility construction. Some increase in reporting and paperwork for local health departments.
(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: Local health agency will have to create a facility profile and do inspections and monitoring - state to create data base.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Natural Resources and Environmental Protection Cabinet did not enforce regulation. Regulations were outdated.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No conflict, but slight overlap with Department of Housing, Buildings and construction.
(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: Over the last two decades, a vast increase in water related recreation activities has produced facilities such as spas, wave pools, etc., which need to be regulated from a health and safety standpoint.
TIERING: Was tiering applied? N/A

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 13:110. EMT-first responder training, examination, and certification.

RELATES TO: KRS 211.960 to 211.968, 211.990(5)
PURSUANT TO: KRS 211.964
NECESSITY AND FUNCTION: KRS 211.964 directs the Cabinet for Human Resources to adopt rules and regulations relating to emergency medical technicians. The function of this regulation is to establish a new classification of emergency medical technician, the EMT-first responder, and to establish requirements for training, examinations, and certifications.

Section 1. Training Course Requirements. The EMT-first responder training course shall:

(1) Include the curriculum of the "Emergency Medical Services: First Responder Training Course" published March 1979 by the U.S. Department of Transportation, National Highway Traffic Safety Administration, Washington, D.C. 20590, the accompanying text entitled "First Responder," Second Edition, published by The Brady Company, Prentice-Hall, Inc., Englewood Cliffs, N.J. 07632, and such additions to the curriculum as specified by the cabinet. A copy of these publications, included by reference as if fully incorporated herein, shall be on file in the office of the Emergency Medical Services Branch, Department for Health Services, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40601, and shall be available for public inspection;
(2) Be at least forty (40) hours in duration;
(3) Utilize equipment, texts, and other materials approved by the cabinet;
(4) Not be started until all equipment, texts, and other materials specified are available, in proper quantities, in proper working condition, and placed in secure storage;
(5) Not share equipment between courses unless such equipment is available equally to all EMT-first responder classes;
(6) Be taught by an EMT instructor approved by the Cabinet for Human Resources;
(7) Have an appropriate number of assistant instructors available for practice sessions so that there are no more than ten (10) students per assistant. A certified emergency medical technician or paramedic may be used as an assistant for practice sessions;
(8) Have a class certification number assigned by the cabinet;
(9) Be limited to a maximum of thirty (30) students;
(10) Not permit more than one (1) lesson absence per student, unless made up at the discretion of the instructor, or made up in a subsequent EMT-first responder course;
(11) Require each student to sign in for each lesson on attendance sheets provided by the cabinet; and
(12) Require the instructor at the end of each course to provide the cabinet the following: master grade sheet, answer sheet for the written exam, final practical exams, application for certification with prescribed fee, master attendance form and attendance sheets for each lesson.

Section 2. Requirements for Applicants. Each applicant shall:
(1) Be eighteen (18) years of age or older;
(2) Be of good moral character;
(3) Not be habitually addicted to or an abuser of alcoholic beverages, drugs, or controlled substances;
(4) Understand and be able to read, speak, and write the English language; and
(5) Submit a signed application on a form prescribed by the cabinet.

Section 3. EMT-First Responder Certification Examination. The cabinet shall prescribe the format and content of the EMT's certification examination, which shall consist of two (2) parts:
(1) Written. A passing grade of seventy-five (75) percent shall be required. In the event that an applicant's grade average is less than seventy-five (75) percent, but is seventy (70)

percent or more, the applicant may, upon proper application, retake the written examination. However, should the applicant again fail, he shall be required to retake the entire EMT-first responder course before being eligible for re-examination.

(2) Practical. The applicant shall successfully pass all parts of the final practical examination. In the event he fails to successfully pass all portions of the final practical examination, he shall be permitted one (1) opportunity to retake the part which he failed to pass. However, should the applicant again fail to pass the particular part of the examination, he shall be required to retake the entire EMT-first responder training course before being eligible for re-examination.

(3) Examiners. Certified EMT-instructors shall be used as examiners for EMT-first responder course practical examinations. An instructor who is employed by the organization for whom the EMT-first responder course is conducted shall not be used as an examiner in the practical examination of that course.

Section 4. Expiration of Certification. All EMT-first responder certificates shall expire three (3) years from the date of issuance.

Section 5. Renewal of Certification: Inservice Training or Continuing Education Requirements. In order to renew a certificate, the EMT-first responder shall, during his period of certification, attain at least twelve (12) hours of inservice training or continuing education, or a combination thereof, and show evidence of certification in cardiopulmonary resuscitation as required by the American Heart Association or the American National Red Cross.

(1) Subject matter requirements for EMT-first responder inservice training or continuing education.

(a) To receive credit for inservice training or continuing education, the applicant for recertification may take inservice training or continuing education on any subject covered by the U.S. Department of Transportation EMT-First Responder curriculum, or any subject for which instruction is authorized by the Cabinet for Human Resources.

(B) The following are not eligible for credit as inservice training or continuing education:

1. Ambulance runs, rescues, firefighting, emergency responses, or similar actual emergency activities.

2. Instruction in material, techniques or procedures not authorized to be performed by EMT-first responders.

(c) Evidence of training and CPR certification shall be submitted to the cabinet not less than thirty (30) days before the expiration of the EMT's certification on forms supplied by the cabinet.

(d) The form provided by the cabinet shall contain a certification as to the truth of the information supplied and a statement that all training claimed conforms to the requirements of this regulation and a warning that submission of false information constitutes a violation of law.

(e) Each subject or training course claimed shall be countersigned by the instructor of the subject or course.

(f) Training received as a requirement for continuing education in medicine, nursing, paramedic, or as an EMT in a coal mining situation required by KRS 351.127 is eligible for inservice training or continuing education credit if it meets the criteria of paragraph (a) of this subsection.

(2) Instructors for EMT-first responder inservice training and continuing education. The following persons are considered as qualified to conduct inservice training and continuing education courses for emergency medical technicians:

(a) A physician licensed pursuant to KRS Chapter 311.

(b) A registered nurse licensed pursuant to KRS Chapter 314.

(c) A paramedic certified by the State Board of Medical Licensure.

(d) An emergency medical technician instructor or instructor trainer certified by the Cabinet for Human Resources.

(e) An instructor certified by a state or federal agency who is teaching within the area authorized by his certification a course which will qualify for emergency medical technician inservice training or continuing education.

(f) Physicians, registered nurses, paramedics or emergency medical technician instructors currently licensed or certified by another state of the United States of America shall be considered as meeting the requirements of paragraphs (a) through (e) of this subsection, as applicable.

(3) Cardiopulmonary resuscitation requirement. During the second year of the certification period the EMT-first responder shall obtain or renew certification in cardiopulmonary resuscitation and related techniques as follows:

(a) The course shall be conducted by the American Heart Association or the American National Red Cross or under its authority by an instructor certified by the American Heart Association or the American National Red Cross.

(b) The course shall be taught for record and shall be certified by the instructor to the American Heart Association or the American National Red Cross as meeting all applicable standards of the organization.

(c) The course shall provide instruction and testing in:

1. One (1) rescuer cardiopulmonary resuscitation;

2. Two (2) rescuer cardiopulmonary resuscitation;

3. Techniques of changing from one (1) rescuer to two (2) rescuers during the performance of cardiopulmonary resuscitation;

4. Techniques of changing rescuers during the performance of two (2) rescuer cardiopulmonary resuscitation;

5. Techniques for relief of obstruction of the airway;

6. Cardiopulmonary resuscitation of infants and small children;

7. Mouth to mouth/mouth to nose resuscitation for adults, small children, and infants.

(d) The course shall provide for individual skill testing of all adult and infant related skills in subsection (3) of this section.

(e) The applicant for renewal of certification shall forward to the Cabinet for Human Resources a copy of both sides of their certificate issued to him indicating successful completion of the CPR course.

Section 6. Certification on the Basis of Prior Training. Upon proper application and

documentation, and upon payment of the prescribed fee, persons who can document that they have successfully completed a formal course of instruction approved by the cabinet which utilized the U.S. Department of Transportation First Responder Course prior to the effective date of this regulation may be issued an EMT-first responder certificate valid for up to three (3) years from the date of course completion. Organizations which conducted or sponsored such courses shall provide documentation to the cabinet that the courses meet or exceed the U.S. Department of Transportation guidelines.

Section 7. Authorized Procedures. Certified EMT-first responders may perform any of the procedures as set forth in the U.S. Department of Transportation curriculum entitled "Emergency Medical Services: First Responder Training Course" and the accompanying text entitled "First Responder," Second Edition, published by The Brady Company, Prentice-Hall, Inc., referenced in Section 1 of this regulation.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: May 13, 1987
FILED WITH LRC: May 14, 1987 at 8 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for June 23, 1987 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the CHR Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 18, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Pat Loar Jones
(1) Type and number of entities affected: This proposed new regulation establishes training, examination, and certification requirements for a new level of emergency medical technician to be known as the EMT-first responder. There is the potential for several thousand first responders to be certified in the next few years. There will be a $10 certification fee for first responders.
(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: Application, written and practical exams will be required for certification.
(2) Effects on the promulgating administrative body: The exact number of first responders to be certified is unknown. It is likely that at least one full-time position will need to be added to the EMS Branch to process the certifications. Revenue generated from certification fees should offset the cost of the new position.
(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: Paperwork requirements for the cabinet will be increased by this regulation.
(3) Assessment of anticipated effect on state and local revenues: The program will generate additional revenue which will be used to pay for the program.
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives identified.
(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.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: There is no federal mandate; however, recommended federal curriculum is being used as the standard for training.
2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate:
3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities:

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the May 13-14, 1987 Meeting

The May meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, May 13, 1987 at 2 p.m. and on Thursday, May 14, 1987 at 10 a.m. in Room 110. Representative Mark D. O'Brien, Chairman, called the meeting to order, and the secretary called the roll. On motion of Senator Quinlan, seconded by Representative Meyer, the minutes of the April 13-14, 1987 meeting were approved.

Present were:
Members: Representative Mark D. O'Brien, Chairman; Senators Harold Haering, Pat McCuiston and Bill Quinlan ; Representatives Jim Bruce, Ronny Layman and Joe Meyer.
Guests: Arthur Hatterick, Jr., Personnel Board; Pam Johnson, Bobby McKee, KY Retirement Systems; Stephen A. Gagel, KY Retirement Systems - Mercer Meidinger Hansen; Carroll Roberts,

Board of Hairdressers; Nancy Brinly, Board of Physical Therapy; Stephen T. DeMers, Dave Nicholas, Board of Examiners of Psychologists; Pete Pfeiffer, Tom Young, Department of Fish & Wildlife Resources; William S. Coakley, Dennis J. Conniff, Millie Ellis, Ralph Gouge, Martha L. Hall, Hisham Saaid, Natural Resources & Environmental Protection Cabinet; Michael Bradley, Glenda B. Hardison, Corrections Cabinet; Gary Bale, Audrey T. Carr, N. C. Comer, II, Thomas Dowler, Terrance Hibpshman, Kenneth W. Ison, L. Edwin Smith, Perry Watson, Akeel Zaheer, Department of Education; Terry R. Anderson, Barry K. Holder, Guy B. Schoolfield, Labor Cabinet; E. W. Kesler, OSHA Standards Board; Martha Broadbent, Frank Chuppe, Mike Fulkerson, Cap Hershey, Rick Norton, State Racing Commission; George F. Dwyer, M.D., Michael E. Dwyer, Paul C. McDonald, Churchill Downs; Bob Benson, Martin A. Maline, HBPA; Frank W. Burke, KY Racing Health & Welfare Fund; Nick Nicholson, KY Thoroughbred Association; Carl B. Larsen, KY Harness Racing Commission; Judith G. Walden, Department of Housing, Buildings & Construction; Roy Butler, Barbara Coleman, Ked Fitzpatrick, Anne Hager, Ron Holland, N. Clifton Howard, Donald Hughes, John Hughes, Eugenia Jump, Randall Justice, Patricia B. Lynch, Mark Mays, Joyce Selvidge, Hughes Walker, Thyra Whitford, Mark Yancey, Cabinet for Human Resources; Kitty Byers, National Services Industry, Health Care Linen Division; Mike Hall, Economy Linen and Towel Service, Inc.; Linda Hollis, Scott Health Care Products; Henry Parcell, Geri-Care Products Co.; Michael A. Valenti, Greenebaum, Doll & McDonald on behalf of National Healthcare Linen Service; Judy A. Farmer, Faye A. Flynn, Kaufman Beauty School; Nancy Cox, Jim Judy, KY Association of Health Care Facilities;.

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Donna Valencia, Carolyn Kinman, Tom Willis and Carla Arnold.

The Administrative Regulation Review Subcommittee met on May 13 and 14, 1987, and submits the following report:

The Subcommittee attached statements of objection to and/or referred to following regulations to the Legislative Research Commission for further consideration:

Public Protection and Regulation Cabinet: State Racing Commission: Thoroughbred Racing Rules

810 KAR 1:022 (Health and welfare fund.) Chairman O'Brien asked what statute gave the commission the authority to change the composition of the Health and Welfare Fund. Commission personnel stated that the general authority to regulate the industry and to promulgate regulations that was granted by KRS Chapter 230 was the basis of its authority. Chairman O'Brien stated that KRS 230.374 specifically governed the Fund and that it provided only for the withholding of funds if the Auditor and Commission found that funds were not properly applied. Commission personnel stated that the intent was to provide for better representation on the Fund. Chairman O'Brien stated that, while this intent was commendable, the only method available to effect such change was by amendment of the relevant statute by the General Assembly. Representative Meyer moved that the following attachment statement be attached to this regulation: The regulation is illegal, is not authorized by statute, exceeds statutory authority and is contrary to statutes that set forth procedures governing nonprofit organizations (KRS Chapter 273). He also moved that this regulation be sent to the Legislative Research Commission for referral to the Interim Joint Committee on Business Organizations and Professions. Motion passed.

The Subcommittee determined that the following regulations, as amended, complied with KRS Chapter 13A:

Public Protection and Regulation Cabinet: Department of Housing, Buildings and Construction: Kentucky Building Code

815 KAR 7:070 (Requirements for certification of Kentucky Building Code inspectors.) Agency personnel provided statistics to show the number of inspectors who would be granted the extension and amended the regulation to provide that such extensions would be limited to those who requested them on or before December, 1987.

Cabinet for Human Resources: Department for Social Services: Spouse Abuse Shelters and Crisis Centers

905 KAR 5:040 (Standards for spouse abuse shelters and crisis centers.) Agency personnel amended this regulation to clarify the definitions of "agency", "crisis center", "facility", and "spouse abuse shelters."

905 KAR 5:050 (Funding requirements for spouse abuse shelters and/or programs.) Agency personnel amended this regulation to clarify the definitions of "agency", "crisis center", "facility", and "spouse abuse shelters."

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

Personnel Board: Personnel Rules

101 KAR 1:325 (Initial probationary periods in excess of six months.)

Kentucky Retirement Systems: General Rules

105 KAR 1:110 (Definition of permanent disability.) A representative of the agency stated that the definition set out in this regulation should be incorporated into the statutes during the 1988 General Assembly. Representative O'Brien asked if a fiscal analysis had been done and stated that if so, it needed to be filed with the regulation. The agency provided a copy of the fiscal analysis to the Subcommittee.

General Government Cabinet: Board of Physical Therapy

201 KAR 22:070 (Requirements for foreign-trained physical therapists.)

Board of Examiners of Psychology

201 KAR 26:150 (Guidelines and policies for examinations to grant autonomous functioning.)

Tourism Cabinet: Department of Fish and Wildlife Resources: Fish

301 KAR 1:085 (Mussel shell harvesting.)

Wildlife

301 KAR 4:001 (Selection of Fish and Wildlife Resources Commission nominees.) The Subcommittee and agency agreed to technically amend Section 3(3) of this regulation to clarify that members

of the balloting committee shall distribute ballots.

Natural Resources and Environmental Protection Cabinet: Administration
400 KAR 1:060 (Confidentiality of records or other information furnished to or obtained by the Natural Resources and Environmental Protection Cabinet.

Department for Environmental Protection: Division for Air Quality: Air Pollution - General Administrative Procedures
401 KAR 50:035 (Permits.)

Corrections Cabinet: Office of the Secretary
Chairman O'Brien pointed out that the disposition provided in 501 KAR 6:020 for property found on state rights of way may be a function of the Finance Cabinet; that the specific "current infection control standards" referred to in 501 KAR 6:030 were not adopted; and that a cross reference to KRS Chapter 72 relating to coroners may need to be made in material incorporated by 501 KAR 6:090. Agency personnel agreed to meet with staff and to file necessary amended regulations.
501 KAR 6:020 (Corrections policy and procedures.)
501 KAR 6:030 (Kentucky State Reformatory.)
501 KAR 6:040 (Kentucky State Penitentiary.)
501 KAR 6:050 (Luther Luckett Correctional Complex.)
501 KAR 6:060 (Northpoint Training Center.)
501 KAR 6:090 (Frankfort Career Development Center.)
501 KAR 6:120 (Blackburn Correctional Complex.)

Education and Humanities Cabinet: Department of Education: Office of Local Services: General Administration
702 KAR 1:005 (Textbook program plan.) Representative O'Brien expressed concern that Section 23, which states "all other exceptions...must be approved by the Superintendent" left total discretion to the Superintendent. Agency personnel stated that there were very few exceptions, and cited one example as an experimental program.
Pupil Transportation
702 KAR 5:140 (Reimbursement for mid-day transportation of kindergarten pupils.)
Office of Instruction: Instructional Services
704 KAR 3:292 (Chapter 1, ECIA Migrant Plan.)
Teacher Education
704 KAR 15:030 (Experimental programs of teacher preparation.)
Teacher Certification
704 KAR 20:005 (Kentucky standards for preparation-certification of professional school personnel program approval.)
704 KAR 20:065 (Standard high school certificate.)
704 KAR 20:085 (Standard elementary certificate.)
704 KAR 20:130 (Guidance counselors.)
704 KAR 20:180 (Reading specialists.)
704 KAR 20:340 (Endorsement for teachers of computer courses.) Representative O'Brien questioned the provisions of Section 1(2). Agency personnel responded that the option referred to in this subsection was to be either Section 1(1) or (2), and no other options were included.
704 KAR 20:350 (Standard certificate for teaching in the middle grades 5-8.)
704 KAR 20:360 (Standard certificate for teaching in the early elementary grades K-4.)
704 KAR 20:370 (Standard certificate for teaching music grades K-12.)
704 KAR 20:380 (Early elementary school principal, grades K-4.)
704 KAR 20:390 (Middle grade school principal, grades 5-8.)
704 KAR 20:400 (Secondary school principal, grades 9-12.)
704 KAR 20:410 (Supervisor of instruction, grades K-12.)
704 KAR 20:420 (School superintendent.)
Office of Vocational Education: Administration
705 KAR 1:010 (Three year program plan.)
Office of Vocational Rehabilitation Services: Administration
706 KAR 1:010 (Three-year plan for vocational rehabilitation services.)

Labor Cabinet: Occupational Safety and Health
803 KAR 2:020 (Adoption of 29 CFR Part 1910.)
803 KAR 2:030 (Adoption of 29 CFR Part 1926.)
803 KAR 2:033 (Field sanitation standard.)

Public Protection and Regulation Cabinet: Harness Racing Commission: Harness Racing Rules
811 KAR 1:120 (Licensing of race meetings.)
Quarter Horse, Appaloosa, and Arabian Commission
812 KAR 1:056 (Authorized agents.)

Cabinet for Human Resources: Department for Health Services: Hospitalization of Mentally Ill and Mentally Retarded
902 KAR 12:080 (Policies and procedures for mental health/mental retardation facilities.)
Radiology
902 KAR 100:045 (Exemptions.)
902 KAR 100:070 (Transportation of radioactive material.)
Unemployment Insurance
903 KAR 5:290 (Employer contribution rates.)
Department for Social Insurance: Public Assistance
904 KAR 2:006E (Aid to families with dependent children.)
Department for Medicaid Services: Medicaid Services
907 KAR 1:004 (Resource and income standard of medically needy.)
907 KAR 1:011 (Technical eligibility requirements.)
907 KAR 1:028 (Other laboratory and x-ray services.) This regulation was technically amended to clarify that while the amendments to this regulation were effective upon adjournment of the Subcommittee on May 14, 1987, "with regard to services provided, this amendment shall be effective on or after January 1, 1987."

The Subcommittee deferred the following regulation at the agency's request:

General Government Cabinet: Board of Hairdressers and Cosmetologists
201 KAR 12:030 (License required.) This regulation required a salon license for those renting or leasing space in a beauty salon. Chairman O'Brien and Representative Meyer questioned the statutory authority for requiring such license. They pointed out that KRS 317A.050 did not provide for such a license. The agency

representative stated that this was necessary in order to insure that those renting or leasing space were responsible for the results of their practice, and that liability would not be passed on to the owners of salons from whom the space was leased or rented. The representative added that the board did not feel it had authority to require a separate permit and questioned whether it had the authority to prohibit renting or subleasing space in a beauty salon. It was felt that the authority to issue salon licenses was broad enough to cover this regulation. Chairman O'Brien and Representative Meyer questioned the ability of the agency to require a license fee for a license that did not appear to be authorized by statute. Agency personnel stated that it was not the board's intention to generate revenue by imposing this license fee; and requested deferral of this regulation to discuss the matter with the board and subcommittee staff.

Commerce Cabinet: Department of Agriculture: Ginseng

302 KAR 45:010 (Ginseng, general provisions.)

Justice Cabinet: Telecommunicators

500 KAR 4:010 (Definitions.)
500 KAR 4:020 (Training: qualifications; application.)
500 KAR 4:030 (Certification of schools.)
500 KAR 4:040 (Approval of course curriculums.)
500 KAR 4:050 (Certification of instructors.)
500 KAR 4:060 (Basic training; graduation requirements; records.)
500 KAR 4:070 (In-service training: graduation requirements; recognized courses; records.)
500 KAR 4:080 (Review of council and school decisions; appeal to circuit court.)

Transportation Cabinet: Department of Vehicle Regulation: Motor Vehicle Tax

601 KAR 9:110 (Supplemental highway user's tax; decal.)
601 KAR 9:115 (Heavy vehicle use tax.)

Cabinet for Human Resources: Department for Employment Services: Unemployment Insurance

903 KAR 5:250 (Recoupment and recovery.) Chairman O'Brien pointed out that the language defining "departmental error" in subsections (2) and (3) of Section 2 of the regulation appeared to violate the ruling in Kentucky Unemployment Ins. Com'n v. Murphy, Ky.App., 714 S.W.2d 488 (1986). Agency personnel stated that the intent was to conform to the ruling. Chairman O'Brien and Representative Meyer pointed out that the words "lack of information" should be replaced with "failure to provide information" since the Murphy case provided that errors or actions not due to claimants' concealment or action would not be the basis for an overpayment determination. Agency personnel state that subsection (2) was intended to cover the following situation: after denial of a claim by the department, the claimant appeals to Circuit Court and is awarded benefits. If such a decision is appealed by the department, payments made before final adjudication are not considered the result of departmental error and are a collectible overpayment. Chairman O'Brien and Representative Meyer stated that the language in subsection (2) did not make this clear to claimants or agency personnel. The agency requested deferral to permit agency and subcommittee staff to revise the language in these subsections.

Department for Medicaid Services: Medicaid Services

907 KAR 1:036 (Amounts payable for skilled nursing and intermediate care facility services.) Industry representatives and agency personnel addressed the Subcommittee. Agency personnel stated that the intent of the regulation was to enable providers to improve the quality of care and preserve the dignity of incontinent individuals through the use of reusable and disposable briefs. This could be done only by making such briefs cost competitive with cheaper methods of care. It would allow, as an ancillary cost, the first $.20 of each brief when such briefs are provided on physician's order. The balance of the cost would be considered routine. Industry representatives briefly addressed the Subcommittee. At the recommendation of members of the Subcommittee, all parties agreed to meet before the next meeting of the Subcommittee in order to reach a compromise, and the agency agreed to postpone consideration of the regulation until the next Subcommittee meeting.

The Subcommittee had no objections to emergency regulations which had been filed.

The Subcommittee adjourned at 11:30 a.m. until June 8, 1987.

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