

# of Administrative Register kentucky

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

MEETING NOTICE: The next meeting of the Administrative Regulation  
Review Subcommittee is July 1 and 2, 1987. See tentative agenda on pages  
1-2 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

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

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE  
Tentative Agenda for July 1, 1987 (Rm. 110, Capitol Annex @ 2 p.m.)  
AUDITOR OF PUBLIC ACCOUNTS

**Audits**

- 45 KAR 1:020. Audits of county government and county fee officials.  
GENERAL GOVERNMENT CABINET

**Board of Accountancy**

- 201 KAR 1:035. Application to take examination.  
201 KAR 1:062. Certification standards. (Repeals 201 KAR 1:061)  
201 KAR 1:068. Quality enhancement program. (Repeals 201 KAR 1:067)

**Board of Dentistry**

- 201 KAR 8:006. Advertising of dental services. (Deferred from June meeting)  
201 KAR 8:390. General anesthesia, deep sedation, and conscious sedation by dentists.  
(Deferred from June meeting)

**Board of Examiners of Social Work**

- 201 KAR 23:040. Suspension, revocation, refusal to renew license.  
201 KAR 23:060. Licensed and certified social workers.  
201 KAR 23:070. Specialty certification.

**Board of Examiners of Psychologists**

- 201 KAR 26:130. Complaint procedure.  
201 KAR 26:140. Procedures for disciplinary hearings.  
201 KAR 26:180. Requirements for granting licensure or certification in psychology by reciprocity.  
201 KAR 26:190. Requirements for supervised professional experience.  
201 KAR 26:200. Definitions of terms used by the Board of Examiners of Psychologists for meeting educational requirements.

**Kentucky Athletic Commission**

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

**TOURISM CABINET**

**Department of Fish and Wildlife Resources**

**Fish**

- 301 KAR 1:031. Land Between the Lakes provisions.

**Game**

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

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**Department of Agriculture**

**Ginseng**

- 302 KAR 45:010. Ginseng, general provisions. (Deferred from May and June meeting)  
Department of Economic Development

**Economic Development**

- 306 KAR 1:010. Definitions. (Repeals 306 KAR 1:080)  
306 KAR 1:020. Application process.  
306 KAR 1:030. Eligibility requirements.  
306 KAR 1:040. Qualification.

**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. (Amended After Hearing)

**Performance Standards for Underground Mining Activities**

- 405 KAR 18:060. General hydrologic requirements. (Amended After Hearing)  
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**Telecommunicators**

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

**CORRECTIONS CABINET**

- 501 KAR 6:020. Corrections policies and procedures.  
501 KAR 6:030 and E. Kentucky State Reformatory.  
501 KAR 6:040. Kentucky State Penitentiary.  
501 KAR 6:120. Blackburn Corrections Complex.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Tentative Agenda for July 2, 1987

GENERAL GOVERNMENT CABINET

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- 201 KAR 22:031. Therapist's licensing procedure.  
201 KAR 22:040. Procedure for renewing licenses.  
201 KAR 22:106. Assistant's certification procedure.

- 201 KAR 22:110. Renewal of assistant's certification.
- 201 KAR 22:135. Fees.

**TRANSPORTATION CABINET**

**Pre-Construction**

- 603 KAR 2:015. Prequalification for construction; certificate of eligibility.  
(Repeals 603 KAR 1:010)

**Traffic**

- 603 KAR 5:096. Highway classifications.
- 603 KAR 5:230. Bridge weight limits on the extended weight coal haul road system.

**Mass Transportation**

- 603 KAR 7:010. Loans.
- 603 KAR 7:020. Nonurbanized public transportation program.

**EDUCATION AND HUMANITIES CABINET**

**Department of Education**

**Pupil Transportation**

- 702 KAR 5:030. Superintendents' responsibilities.
- 702 KAR 5:080. Bus drivers' qualifications; responsibilities.

**Office of Instruction**

**Instructional Services**

- 704 KAR 3:304. Required program of studies.

**Office of Vocational Rehabilitation Services**

**Administration**

- 706 KAR 1:020. Independent living plan.

**Office of Education for Exceptional Children**

**Exceptional and Handicapped Programs**

- 707 KAR 1:051. Exceptional children's programs.

**PUBLIC PROTECTION AND REGULATION CABINET**

**Department of Insurance**

**Kinds of Insurance; Limits of Risk; Reinsurance**

- 806 KAR 5:050. Motor vehicle warranties.

**Agents, Consultants, Solicitors and Adjusters**

- 806 KAR 9:200. Volume of insurance agent exchange of business.
- 806 KAR 9:210. Time limit for replacement of evidence of licensee financial responsibility.

**Trade Practices and Frauds**

- 806 KAR 12:110. Merged gender mortality tables for life insurance. (Agency requests deferral)

**Health Maintenance Organizations**

- 806 KAR 38:060. Cancellation of enrollees' coverage. (Agency requests deferral)
- 806 KAR 38:080. Health maintenance organizations' reserve funds. (Agency requests deferral)

**Department of Housing, Buildings, and Construction**

**Kentucky Building Code**

- 815 KAR 7:080. Licensing of fire protection sprinkler contractors.

**Electrical Inspectors**

- 815 KAR 35:015. Certification of electrical inspectors. (Repeals 815 KAR 35:010)

**CABINET FOR HUMAN RESOURCES**

**Department for Health Services**

**Sanitation**

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

**Hospitalization of Mentally Ill and Mentally Retarded**

- 902 KAR 12:080. Policies and procedures for mental health/mental retardation facilities.

**Emergency Medical Technicians**

- 902 KAR 13:010. Definitions relating to emergency medical technicians.
- 902 KAR 13:030. Fees.
- 902 KAR 13:050. Training, examination and certification.
- 902 KAR 13:080. Authorized procedures.
- 902 KAR 13:090. Disciplinary actions.
- 902 KAR 13:110. EMT-first responder training, examination and certification.

**Certificate of Need and Licensure**

- 902 KAR 20:006. Certificate of need process.

**Food and Cosmetics**

- 902 KAR 45:080. Salvage.
- 902 KAR 45:100. Vending machines; food and beverages.

**Department for Employment Services**

**Unemployment Insurance**

- 903 KAR 5:250. Recoupment and recovery. (Deferred from May and June meeting)

**Department for Social Insurance**

**Public Assistance**

- 904 KAR 2:006 and E. Technical requirements, AFDC.
- 904 KAR 2:022 and E. Kentucky administrative process for child support.
- 904 KAR 2:140. Supplementary policies for programs administered by the Department for Social Insurance.

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

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

**Food Stamp Program**

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



## 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**

KRS Chapter 350 requires the Kentucky Natural Resources and Environmental Protection Cabinet to promulgate regulations implementing the Surface Mining Control and Reclamation Act of 1977 (PL 95-87). PL 95-87, together with federal regulations promulgated pursuant thereto, requires each state with primacy over surface mining to establish a program for the certification of persons engaged in or directly responsible for blasting or the use of explosives in surface coal mining operations.

In accordance with PL 95-87 and its implementing federal regulations, the cabinet promulgated a state regulation - effective May

14, 1985 - on Kentucky's blaster certification program. This regulation was codified at 405 KAR 7:070. The regulation addressed numerous aspects of the certification program, including the requirements for training and examination of blasters prior to certification; requirements to which blasters would be obligated to adhere in order to retain their certifications; provisions whereby certified blasters could seek renewal of their certifications; and requirements for suspending, revoking, and reinstating blasters' certifications. In accordance with a federally approved schedule, most of the provisions of the regulation took effect on December 10, 1985; however, the provisions for suspending and revoking certifications did not take effect

until December 10, 1986.

Subsequent to the adoption of the regulation, its procedures for suspending and revoking certifications were seen to be potentially inefficient and, in certain situations, unduly burdensome on blasters. The cabinet is amending the regulation to resolve this deficiency and to clarify, revise, and more fully define other provisions of the program. Because of the potential severity of the problems with the original regulation, it is critical that the regulation be revised as soon as possible.

The exigency of the problems with the original regulation and the constraints of KRS Chapter 13A require that the amendments be promulgated as an emergency administrative regulation: the promulgation procedures applicable to ordinary administrative regulations would not allow for expeditious resolution of the problems discussed above. An ordinary administrative regulation will supersede and replace this emergency regulation.

MARTHA LAYNE COLLINS, Governor  
MARY HELEN MILLER, Secretary

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

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

RELATES TO: KRS 350.430, 351.380

PURSUANT TO: KRS Chapter 13A, 224.033(20), 350.020, 350.028, 350.050, 350.465

EFFECTIVE: June 15, 1987

NECESSITY AND FUNCTION: KRS Chapter 350 requires the cabinet to promulgate regulations to implement the Surface Mining Control and Reclamation Act of 1977 (PL 95-87). PL 95-87, along with [and] federal regulations promulgated pursuant thereto, requires the establishment of a blaster training, examination, and certification program. This regulation establishes a [blaster] certification program for blasters who are responsible for surface blasting operations incident to [using explosives in] surface coal mining and reclamation operations and coal exploration operations. The regulation contains [including] requirements for the training, examination, and certification of blasters; requirements to which blasters must adhere in order to maintain their certifications; provisions whereby certified blasters may seek renewal of their certifications; and requirements for suspension, [and] revocation, and reinstatement of certifications.

Section 1. Blasting Operations to be Conducted under the Direction of a Certified Blaster. (1) "Blaster" means a person who is directly responsible for surface blasting operations [the use of explosives] in surface coal mining and reclamation operations or coal exploration operations.

(2) [On and after twelve (12) months from the approval of Kentucky's blaster certification program by OSM,] Each permittee and each [or] person conducting coal exploration operations shall have all surface blasting operations incident to surface coal mining and reclamation operations and coal exploration operations conducted under the direction of a blaster

certified in accordance with this regulation. Notwithstanding the exemption in 405 KAR 7:030, Section 1, this section shall also apply to permittees of operations with an affected area of two (2) acres or less.

Section 2. Requirements for Certification. (1) A person desiring to become certified under this regulation shall file an application upon a form furnished by the cabinet. This application [which] shall identify the applicant's name, address, telephone number, and place of employment; shall contain the information required by subsections (2) through (7) of this section; and shall contain such additional information as the cabinet deems necessary for the purposes of this regulation. The application shall be submitted to the central office of the department's Division of Field Services, located in Frankfort, Kentucky, accompanied by a fee of twenty-five (25) dollars.

(2) The applicant shall demonstrate that he or she has received training in the technical aspects of blasting operations and Kentucky [state] and federal laws and regulations governing the storage, transportation, and use of explosives by completing a training course[s] approved by the cabinet. This course [These courses] shall provide training and discuss practical applications of the topics listed in subsection (5) of this section.

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

(4) The application shall include at least two (2) letters of reference on forms provided by the cabinet. Each of these letters [references] shall be from a person who has employed the applicant in blasting operations, from the applicant's supervisor while employed in blasting operations, [either former or present employers in blasting operations] or from a licensed blaster who has [have] worked with the applicant in blasting operations. The letters [of reference] shall indicate that the applicant has exhibited a pattern of conduct consistent with the acceptance of responsibility for blasting operations.

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

(a) Explosives, including:

1. Selection of the type of explosive to be used;

2. Determination of the properties of explosives which will produce desired results at an acceptable level of risk; and

3. Handling, transportation, and storage of explosives.

(b) Blast designs, including:

1. Geologic and topographic considerations;

2. Design of a blast hole, with critical dimensions;

3. Pattern design, field layout, and timing of blast holes; and

4. Field applications.

(c) Loading blast holes, including priming and boosting.

(d) Initiation systems and blasting machines.

(e) Blasting vibrations, airblast, and flyrock, including:

1. Monitoring techniques; and
2. Methods to control adverse effects.
- (f) Secondary blasting applications.
- (g) Current federal and Kentucky [state] rules applicable to the storage, transportation, and use of explosives.
- (h) Blast records.
- (i) Schedules.
- (j) Preblasting surveys, including:
  1. Availability;
  2. Coverage; and
  3. Use of in-blast design.
- (k) Blast-plan requirements.
- (l) Certification and training.
- (m) Signs, warning signals, and site control.
- (n) Unpredictable hazards, including:
  1. Lightning;
  2. Stray currents;
  3. Radio waves; and
  4. Misfires.

(6) Any person who fails the examination discussed in subsection (5) of this section may retake it [the examination] after thirty (30) days; provided however, [.] any person failing the examination twice may not retake it [the exam] until after completing an approved training course and filing a new application.

(7)(a) Upon receipt of an application submitted pursuant to subsection (1) of this section, the cabinet shall review the application and promptly notify the applicant, in writing, as to the application's completeness.

1. If the application is incomplete, the notification shall specify the application's deficiencies. The applicant may then submit, or cause to be submitted, documentation of test results, verification of training, letters of reference, or any other information necessary to correct the cited deficiencies. The applicant shall have three (3) months, beginning on the date on which the notification of incompleteness is mailed or otherwise delivered to the applicant, during which the deficiencies may be corrected. If the deficiencies are not corrected during this three (3) month period, the application file shall be closed and, at the cabinet's discretion, discarded. Once the application file has been closed, the certification shall not be issued unless and until a new application is submitted pursuant to subsection (1) of this section and compliance is demonstrated with all applicable requirements of this regulation.

2. If the application is complete, the notification shall either be accompanied by the issued certificate or it shall state that the cabinet is verifying information pursuant to paragraph (b) of this subsection. After any such verification is performed and the cabinet is satisfied that all applicable requirements of this regulation have been met, the cabinet shall promptly issue the certification.

(b)1. The cabinet may, at its discretion, verify any of the information contained in the application. If, as a result of any such verification effort, the cabinet determines that information contained in the application has been falsified or misrepresented, the cabinet shall deny certification and the applicant shall be ineligible to re-apply for certification for the following one (1) year period.

2. After the period of ineligibility defined pursuant to subparagraph 1 of this paragraph, certification may only be granted if a new application is submitted pursuant to subsection

(1) of this section. All of the information contained in the application shall be provided anew; this shall include new letters of reference pursuant to subsection (4) of this section; documentation that the applicant has been retrained pursuant to subsection (2) of this section and retested pursuant to subsection (5) of this section; and a demonstration, pursuant to subsection (3) of this section, that the applicant holds a valid blaster's license issued by the Kentucky Department of Mines and Minerals. The applicant shall demonstrate compliance with all applicable requirements of this regulation and shall demonstrate, to the cabinet's satisfaction, that falsification or misrepresentation of information is not likely to reoccur.

(8)(a) [Section 3. Issuance of Certification.] The cabinet shall issue a blaster certification [certificate] to any applicant who meets the requirements of subsections (1) through (7) of this section. [Section 2 of this regulation] except [that] the cabinet shall deny certification if the applicant cannot reasonably be expected to conduct himself or herself in a manner consistent with the acceptance of responsibility for blasting operations. The cabinet shall make determinations regarding issuance or denial of the certification based upon the blaster's actions during any prior term of certification, the information contained in the application, and any other pertinent information that is available to the cabinet. [has exhibited a pattern of conduct inconsistent with the acceptance of responsibility for blasting operations.]

(b) The certification [certificate] shall be issued for a term of [valid for] three (3) years.

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

Section 3. [4.] Renewal of Certification. Subject to the provisions of this section, certified blasters shall have the right to successive renewal of their certifications.

(1)(a) Applications for certification renewal shall be submitted on forms provided by the cabinet. Each such application shall identify the applicant's name, address, telephone number, and place of employment; shall contain the information required by subsection (3) of this section; and shall contain such additional information as the cabinet deems necessary for the purposes of this regulation. The application shall be submitted to the central office of the department's Division of Field Services, located in Frankfort, Kentucky, and shall be accompanied by a renewal fee of ten (10) dollars, plus any re-examination fee required pursuant to subsection (3) of this section. The renewal application shall not be submitted more than ninety (90) days prior to certification expiration. [ A certified blaster may apply for renewal of his or her certificate by submitting an application on a form furnished by the cabinet at least sixty (60) days prior to the expiration of the certificate. The application shall be accompanied by a fee of ten (10) dollars.]

(b) The cabinet shall neither accept nor process the renewal application of a blaster whose certification is invalid pursuant to Section 4(7) of this regulation, whose certification is suspended pursuant to Section

4(2)(b) of this regulation, or whose certification is revoked pursuant to an order rendered under Section 4(4)(b)3 or (5) of this regulation. If a blaster's certification is suspended pursuant to an order rendered under Section 4(4)(b)3 or (5) of this regulation, a renewal application will be accepted and processed only in accordance with Section 9(2)(a)2 and only if the term and conditions of the suspension have been met. If an application for renewal is submitted and, prior to renewal, the certification is suspended, revoked, or otherwise invalidated, the renewal application shall be rendered null and void and shall be returned to the applicant.

(2)(a)1. If the blaster seeking renewal desires for his or her certification not to lapse, the renewal application must be submitted sixty (60) or more days prior to the expiration date identified on the blaster's certificate. For applications which are so submitted, the cabinet shall renew the certification, deny the renewal request, or withdraw the renewal request for submission of additional information pursuant to subsection (1)(a) of this section, prior to the date of the certification's expiration. A blaster who submits a renewal application pursuant to this subparagraph shall be eligible for an extension of his or her certification pursuant to subparagraph 2 of this paragraph, should such an extension be necessary and justified as provided for in that subparagraph.

2. If the blaster has submitted a renewal application sixty (60) or more days prior to the expiration date identified on the blaster's certificate, and if the cabinet has not taken final action on the application by the certificate's expiration date, the cabinet may postpone expiration of certification, in order to lessen the likelihood of a lapse in certification during the interim period between the expiration date identified on the certificate and issuance of the renewed certification. Such postponement shall be granted by written letter signed by the director of the department's Division of Field Services and shall delay certification expiration for a period of sixty (60) days. A postponement pursuant to this subparagraph may only be granted once per renewal application and may only be granted if:

a. Through no fault of the certified blaster, the cabinet has not taken final action on the renewal request as of the expiration date identified on the blaster's certificate; and

b. The blaster is making a good faith effort to obtain renewal.

(b) If the blaster desiring renewal fails to submit his or her renewal application sixty (60) or more days prior to the expiration date identified on the certificate, the certification may only be renewed if the renewal application, complete with all information necessary for the cabinet to grant the renewal, is submitted prior to certification expiration or within thirty (30) days following certification expiration. However, if the application is so submitted, the certification shall be considered to lapsed in accordance with subsection (6) of this section during any interim period between expiration of the certificate and issuance of the renewed certificate. Blasters who apply for renewal pursuant to this paragraph shall not be eligible for postponement of certification expiration

pursuant to paragraph (a)2 of this subsection.

(c) If the blaster fails to comply with the requirements of paragraph (a) or (b) of this subsection, he or she may be recertified only by re-applying for certification under Section 2 of this regulation. All of the information contained in an application for recertification shall be provided anew: this shall include new letters of reference pursuant to Section 2(4) of this regulation; documentation that the applicant has been retrained pursuant to Section 2(2) of this regulation and retested pursuant to Section 2(5) of this regulation; and a demonstration, pursuant to Section 2(3) of this regulation, that the applicant holds a valid blaster's license issued by the Kentucky Department of Mines and Minerals. The blaster's certification shall be considered to lapsed in accordance with subsection (6) of this section during the interim period between expiration of the certificate and issuance of the following certificate. Blasters who apply for recertification pursuant to this paragraph shall not be eligible for postponement of certification expiration pursuant to paragraph (a)2 of this subsection.

(3)(a) The applicant for certification renewal pursuant to subsection (2)(a) or (b) of this section [(2) The applicant] shall:

1. [(a)] Demonstrate that he or she has worked in blasting operations associated with surface coal mining and reclamation operations and/or coal exploration operations, in a manner that demonstrates the blaster's competency, during at least one and one-half (1 1/2) years of the three (3) years prior to the expiration date identified on the [of the current] certificate; or

2. Demonstrate that he or she has:

a. Worked, in a manner that demonstrates the blaster's competency, during at least one and one-half (1 1/2) years of the three (3) years prior to the expiration date identified on the certificate in blasting operations associated with road construction, non-coal mining, or other activities that involve blasting techniques similar to those associated with surface coal mining and reclamation operations and/or coal exploration operations;

b. Retaken and passed a written examination on the cabinet's laws and regulations pertaining to the use of explosives; and

c. Submitted a re-examination fee of fifteen (15) dollars; or

3. [(b)] Retake and pass the written examination specified in Section 2(5) of this regulation and submit a re-examination fee of fifteen (15) dollars; provided, however, consecutive renewals pursuant to this subparagraph shall not be granted without the applicant for renewal being retrained pursuant to Section 2(2) of this regulation.

(b) In addition to submitting the documentation required pursuant to paragraph (a) of this subsection, each applicant for renewal [(3) The applicant] shall demonstrate that he or she [currently] holds a valid Kentucky Blaster's License issued by the Kentucky Department of Mines and Minerals.

(4) The provisions of Section 2(7)(b) of this regulation shall apply to applicants for renewal pursuant to this section.

(5)(a) [(4)] The cabinet shall renew the certification [certificate] of any [certified] blaster who meets [has met] the requirements of

subsections (1) through (4) of this section, except [that] the cabinet shall deny renewal [of certification] if the blaster cannot reasonably be expected to conduct himself or herself in a manner consistent with the acceptance of responsibility for blasting operations. The cabinet shall make determinations regarding issuance or denial of the renewal based upon the applicant's actions during the most recent term of certification, the information contained in the renewal application, and any other pertinent information [applicant has exhibited a pattern of conduct inconsistent with the acceptance of responsibility for blasting operations].

(b) The term of a renewed certification [The renewed certificate] shall be [valid for] three (3) years.

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

(6) A blaster's certification shall expire on the expiration date identified on his or her most recent certificate, unless expiration of certification has been postponed pursuant to subsection (2)(a)2 of this section.

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

Section 4. [5.] Suspension and Revocation. (1) For the purposes of this section, a blaster shall be considered to be in violation if he or she: [An authorized representative of the cabinet shall issue a blaster suspension order to the certified blaster, describing the violation and temporarily suspending the certificate until a hearing can be conducted, when any violation listed in subsection (7) of this section is likely to threaten public safety or the environment. The authorized representative may order remedial action where applicable. Temporary relief from a blaster suspension order may be granted in accordance with the procedures and criteria established in 405 KAR 7:090, Section 8, for orders for cessation and immediate compliance.]

(a) Fails to comply with any order of the cabinet;

(b) Handles or uses explosives while under the influence of alcohol, narcotics, or other dangerous drugs, or uses same in the workplace;

(c) Violates any provision of federal explosives laws or regulations or Kentucky's explosives laws or regulations;

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

(e) Fails to comply with the conditions of certification specified in Section 6 of this regulation.

(2)(a)1. Unless the cabinet immediately suspends certification pursuant to paragraph (b) of this subsection, the cabinet shall evaluate the following when the cabinet determines that a blaster is or has been in violation pursuant to subsection (1) of this section: [For violations listed in subsection (7) of this section which are not likely to threaten public safety or the environment, an authorized representative of the cabinet shall issue a blaster citation to the

certified blaster describing the violation. The authorized representative may order remedial action where applicable.]

a. Whether well-founded blasting procedures and reasonable precautions were used in endeavoring to prevent the violation;

b. The seriousness of the violation;

c. The history of the blaster's performance;

d. The existence of any information suggesting that the blaster willfully committed or caused the violation; and

e. Any other pertinent information.

2. Subsequent to conducting the evaluation required by subparagraph 1 of this paragraph, and based upon and commensurate with the results of that evaluation, the cabinet shall issue a written notice to the blaster if the cabinet has reason to believe that he or she willfully committed or caused the violation, or if the cabinet otherwise determines that suspension or revocation of certification is warranted. The written notice shall advise the blaster of the provision(s) of which he or she was in violation and shall advise him or her that the cabinet intends to seek suspension or revocation of the certification.

(b) When the cabinet determines that a blaster is or has been in violation pursuant to subsection (1) of this section, the cabinet shall issue an order immediately suspending the blaster's certification if further blasting operations conducted by or under the direction of the blaster may reasonably be expected to constitute an imminent danger to the health and safety of the public or cause significant, imminent environmental harm.

(c)1. Regardless of whether the cabinet pursues recourse against the blaster pursuant to paragraph (a) or (b) of this subsection, if the cabinet determines that a blaster is or has been in violation pursuant to subsection (1) of this section the cabinet shall retain a description of the violation, a description of the procedures used in evaluating the violation, the conclusion which was reached as a result of the evaluation, and any supporting information which was used in reaching the conclusion. This documentation shall be used in compiling a history of the blaster's performance for use pursuant to paragraph (a) of this subsection and Sections 2(8) and 3(5) of this regulation.

2. When a violation is placed on a blaster's record pursuant to subparagraph 1 of this paragraph, the cabinet shall issue a written statement to the blaster advising him or her of the documented violation. If the violation is subsequently used to the blaster's disadvantage under paragraph (a) of this subsection or Section 2(8) or 3(5) of this regulation, he or she shall be allowed to challenge the fact of the violation or his or her responsibility for the violation at any hearing conducted at that time.

(3)(a) Notices issued pursuant to subsection (2)(a)2 of this section, [Service of] blaster suspension orders issued pursuant to subsection (2)(b) of this section, statements issued pursuant to subsection (2)(c)2 of this section, and orders rendered pursuant to subsections (4)(b)3 and (5) of this section [and blaster citations] shall be served [made upon the blaster] promptly after issuance. Service to the blaster shall be made by hand; by certified mail, return receipt requested; or by registered mail. A copy of each order and each notice shall

also be mailed or otherwise delivered to the Kentucky Department of Mines and Minerals. [Such orders and citations shall be served by hand or by certified mail, return receipt requested, or by registered mail to the blaster.] In addition, if the order suspends or revokes certification, a copy of the order [the notice] shall be mailed or otherwise delivered [served by hand] to the blaster's employer as documented in the cabinet's files and to any other person who, to the best knowledge of the cabinet, employs the blaster as a certified blaster [individual who, based upon reasonable inquiry by the authorized representative, appears to be in charge at the site of the surface coal mining and reclamation operation or coal exploration operation referred to in the order or citation.]

(b) Service, whether by hand or by mail, shall be complete upon tender of the order, notice, or statement [or citation] and shall not be deemed incomplete because of refusal to accept. Moreover, service by mail shall not be deemed incomplete because of failure to claim the document prior to its return to the cabinet by the U.S. Postal Service, nor shall it be deemed incomplete because of the U.S. Postal Service's inability to deliver a document which has been properly addressed with the intended recipient's most recent address known to the cabinet. Service by mail to the blaster shall be addressed to the permanent address shown on the certification or renewal [blaster certificate] application, or if the blaster has submitted notice of an address change pursuant to Section 7 of this regulation, [; or if no address is shown on the application,] to such other address as is known to the cabinet. [department. If no person is present at the site of the operation, service by mail shall by itself be sufficient notice. A copy shall also be mailed to the permittee at the address shown on the permit application and to the Department of Mines and Minerals.]

(4) The following provisions shall apply to suspension orders issued pursuant to subsection (2)(b) of this section: [An authorized representative of the cabinet may by written notice modify a blaster suspension order or blaster citation for good cause.]

(a) Upon issuance of the suspension order, all rights and privileges granted by certification shall be suspended until the order is vacated pursuant to paragraph (c) of this subsection or the certification is restored in accordance with the order rendered pursuant to paragraph (b)3 of this subsection; however, the blaster shall not be required to surrender his or her certificate unless and until the order is rendered pursuant to paragraph (b)3 of this subsection requiring revocation or further suspension, at which time the provisions of subsection (6)(d)2 of this section shall apply.

(b) Unless vacated pursuant to paragraph (c) of this subsection, the suspension order shall be adjudicated in accordance with the following:

1. A hearing shall be scheduled upon issuance of the suspension order. This hearing shall be scheduled to be held within ten (10) working days of issuance of the order. The blaster shall be promptly notified, in accordance with 405 KAR 7:090, Section 6, of the time, date, and location of the scheduled hearing.

2. The chief hearing officer or any other designated hearing officer shall preside over the hearing, and except as otherwise specified

or provided for in this paragraph, the hearing shall be conducted pursuant to the provisions of 405 KAR 7:090, Section 5. Within five (5) working days following the hearing, the hearing officer shall issue a report on the findings of fact and conclusions of law concerning the violation.

3. The provisions of 405 KAR 7:090, Section 5(13) shall apply to the filing of exceptions to the hearing officer's report, and the final order of the secretary concerning the violation shall be issued forthwith.

4. The time schedule for adjudication as specified in subparagraphs 1 and 2 of this paragraph may be extended by the cabinet upon written request by the blaster to whom the suspension order was issued.

(c) Prior to the hearing held pursuant to paragraph (b) of this subsection, a suspension order determined to have been issued in error may be vacated by the director of the Division of Field Services.

(d) The forms on which blaster suspension orders are issued shall be at the discretion of the cabinet and may include the forms used pursuant to 405 KAR 12:020.

(5) Upon issuance of a notice pursuant to subsection (2)(a)2 of this section, the cabinet shall schedule a formal hearing for review of the violation. This hearing shall be held pursuant to 405 KAR 7:090, Section 5. [A blaster suspension order or blaster citation determined to have been issued in error may be vacated by the Director of the Division of Field Services upon the recommendation of the regional administrator and the authorized representative of the cabinet who issued the order or citation.]

(6)(a) Orders rendered pursuant to subsections (4)(b)3 and (5) of this section may suspend or revoke the blaster's certification and may carry requirements for additional training or testing or other appropriate corrective measures; provided however, if the violation was caused or committed willfully, suspension or revocation of certification shall be obligatory. [Upon the issuance of a blaster suspension order or a blaster citation, the cabinet shall provide written notice and schedule a formal hearing in accordance with 405 KAR 7:090, Section 5, to determine whether the certification should be further suspended or revoked. History of the competence of the certified blaster as evidenced by previously issued blaster suspension orders, blaster citations or actions taken as a result of previous hearing shall be considered by the cabinet in making the decision to suspend or revoke.]

(b) The termination date of a suspension shall be specified in the order or the suspension shall be for an indefinite period contingent upon completion of required remedial action. An order for revocation shall specify the ending date of the period during which the blaster will be ineligible for reinstatement, with said period exceeding the minimum required by Section 9(1) of this regulation if appropriate.

(c) The term and conditions of each order rendered pursuant to subsection (4)(b)3 or (5) of this section shall be commensurate with the pertinent factors surrounding the blaster and the violation(s). These factors may include, but not necessarily be limited to, the seriousness of the violation(s), the blaster's culpability for the violation(s), the history of the blaster's performance, and whether the blaster



took reasonable care in determining that the operation would be in compliance with applicable laws and regulations.

(d)1. [(8)] Upon service [notice] of a suspension or revocation order rendered pursuant to subsection (4)(b)3 or (5) of this section, the [certified] blaster shall [immediately] surrender [to the cabinet] the suspended or revoked certificate to the cabinet in accordance with subparagraph 2 of this paragraph. All rights and privileges granted by certification shall be suspended or revoked in accordance with the term and conditions of the order.

2. If the suspension or revocation order rendered pursuant to subsection (4)(b)3 or (5) of this section is hand delivered by a cabinet representative, the suspended or revoked certificate shall be immediately surrendered to the representative delivering the order. If the order is served by certified or registered mail, the certificate shall be immediately hand delivered and surrendered to the department's appropriate regional office.

(7)(a) If the blaster's Kentucky Blaster's License expires, is revoked, or otherwise lapses or becomes invalid during the term of certification, in accordance with Section 6(5) of this regulation the blaster's certification shall automatically be rendered invalid. Once the certification has been rendered invalid, the certificate shall immediately be delivered by hand and surrendered to the department's appropriate regional office. The certificate shall only be returned and certification reinstated after the blaster has demonstrated, and the cabinet has found, that the blaster once again holds a valid Kentucky Blaster's License. If certification expires during the period in which the certification is invalid, the provisions of Section 3 of this regulation shall apply; in addition, the cabinet shall not accept an application for certification renewal unless and until the Kentucky Blaster's License has been restored. [The cabinet may, and upon a finding of willful conduct shall, suspend the certification for a definite or indefinite period, or revoke the certification of a blaster during the term of the certification or take other necessary action if the certified blaster:]

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

(b) The provisions of paragraph (a) of this subsection shall apply automatically, and issuance of a notice or a suspension order pursuant to subsection (2) of this section shall not be required in order to invalidate a blaster's certification pursuant to Section 6(5) of this regulation. [Handles or uses explosives while under the influence of alcohol, narcotics or other dangerous drugs or uses same in the workplace.]

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

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

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

Section 5. [6.] Protection of Certification. Certified blasters shall take every reasonable precaution to protect their certificates from loss, theft, and [or] unauthorized duplication. Any such occurrence shall be immediately reported [immediately] to the cabinet.

Section 6. [7.] Conditions. The following are conditions for maintaining certification:

(1)(a) His or her [A] Kentucky Blaster's License, his or her [and a] Kentucky Blaster Certificate, and at least one (1) other form of identification [Certification] shall be carried by the certified blaster during blasting operations. If the blaster is operating under a postponement of certification expiration rendered pursuant to Section 3(2)(a)2 of this regulation, the blaster shall also carry the letter granting the postponement.

(b) A certified blaster shall immediately exhibit his or her certificate, Kentucky Blaster's License, letter postponing expiration of certification (if applicable), and one (1) other form of identification to any authorized representative of the cabinet or OSM upon request.

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

(3) Certified blasters shall not delegate their responsibilities [responsibility] to any persons [individual] who are [is] not [a] certified blasters.

(4) The certified blaster who is responsible for conducting blasting operations [blasters] shall provide direction and on-the-job training to non-certified persons who are assigned to his or her [a] blasting crew or who assist in the storage, use, or transportation of explosives incident to the blasting operations.

(5) Each certified blaster [blasters] shall hold a valid Kentucky Blaster's License throughout the term of the certification.

Section 7. Change of Information. A certified blaster shall submit written notification to the cabinet whenever there is a change in his or her name, address, telephone number, or place of employment. Such notifications shall be submitted to the central office of the department's Division of Field Services, located in Frankfort, Kentucky, within thirty (30) days of the change.

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

Section 9. Reinstatement. (1) Reinstatement following revocation. Unless a longer term is specified in the Secretary's revocation order rendered pursuant to Section 4(4)(b)3 or (5) of this regulation, during the one (1)-year period following issuance of the order the blaster shall not be eligible for reinstatement of certification. After this period of ineligibility, certification shall only be reinstated after re-applying for certification pursuant to Section 2 of this regulation. All of the information contained in the application shall be provided anew; this shall include new letters of reference pursuant to Section 2(4) of this regulation; documentation that the applicant has been retrained pursuant to Section

2(2) of this regulation and retested pursuant to Section 2(5) of this regulation; and a demonstration, pursuant to Section 2(3) of this regulation, that the applicant holds a valid blaster's license issued by the Kentucky Department of Mines and Minerals. [A certified blaster who has had his certificate revoked for the term of certification may reapply for certification after the term of certification has passed. The procedure for reinstatement of certification shall be as set forth in Sections 2 and 3 of this regulation except that] In addition to containing such information [those requirements], the application [applicant] must demonstrate, and the cabinet must find, that the conditions that led to the revocation have been corrected and are not likely to reoccur. When these requirements have been met, the cabinet may reissue the [a] blaster certification.

(2) Reinstatement following suspension.

(a)1. Following suspension of certification pursuant to an order of the secretary rendered under Section 4(4)(b)3 or (5) of this regulation, certification shall be reinstated only upon a demonstration by the blaster that he or she has met the term and conditions of the suspension.

2. The cabinet shall not reinstate a certification which has expired pursuant to Section 3(6) of this regulation solely upon a demonstration that the requirements of subparagraph 1 of this paragraph have been met. If the certification expires during the suspension period, in order to have certification reinstated without re-applying under Section 2 of this regulation, a renewal application must be submitted within thirty (30) days of meeting the term and conditions of the suspension; provided however, if the order suspending certification does not specify a termination date for the suspension, the remedial measures prescribed in the order must be completed within one (1) year following certification expiration to qualify for reinstatement through the renewal process. Renewal applications filed for reinstatement shall contain the information required by subparagraph 1 of this paragraph and the information and fees required by Section 3(1)(a) of this regulation. Failure to submit a renewal application within these constraints will result in certification being reinstated only if, in addition to complying with subparagraph 1 of this paragraph, the application requirements of Section 2 of this regulation are met, with all of the information contained in the application being provided anew; this shall include new letters of reference pursuant to Section 2(4) of this regulation; documentation that the applicant has been retrained pursuant to Section 2(2) of this regulation and retested pursuant to Section 2(5) of this regulation; and a demonstration, pursuant to Section 2(3) of this regulation, that the applicant holds a valid blaster's license issued by the Kentucky Department of Mines and Minerals.

(b) After the demonstrations required by paragraph (a) of this subsection have been made and the cabinet is satisfied as to the adequacy of the demonstrations, the cabinet shall either return the surrendered certificate, renewed if applicable, or shall tender to the blaster the reissued certificate. The surrendered or reissued certificate shall be accompanied by a notice of reinstatement.

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

[Section 11. The provisions of Sections 1 through 4 and Sections 6 through 10 of this regulation shall become effective on the date of approval of Kentucky's blaster certification program by OSM. The provisions of Section 5 of this regulation shall become effective on the date twelve (12) months after approval of Kentucky's blaster certification program by OSM.]

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: June 11, 1987

FILED WITH LRC: June 15, 1987 at 11 a.m.

#### STATEMENT OF EMERGENCY

In order to continue to operate the Corrections Cabinet in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected cabinet policies must be revised immediately to allow the Corrections Cabinet to change the manner in which it pays county jails for housing state prisoners maintained in their facilities. Other changes include procedural revisions to the cabinet's policies regarding the manner in which inmates are transported to funerals, the amount and type of personal property which an inmate may have at a state correctional institution, the weight of packages which inmates may receive through the U.S. Mail and an updated revision to the cabinet's definition of dangerous contraband to reflect recent statutory changes to that definition. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on June 12, 1987 in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
GEORGE W. WILSON, Secretary

#### CORRECTIONS CABINET

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

RELATES TO: KRS Chapters 196, 197, 439  
PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640

EFFECTIVE: June 15, 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 June 12 [May 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,



# ADMINISTRATIVE REGISTER - 11

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 (Amended 6/12/87)
- 9.5 Return of Escapees by Automobile
- 9.6 Contraband (Amended 6/12/87)
- 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
- 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 (Amended 6/12/87)
- 17.1 Inmate Personal Property (Amended 6/12/87)
- 17.2 Assessment Center Operations
- 17.3 Controlled Intake of Inmates (Amended 6/12/87)
- 18.4 Classification of the Inmate
- 18.5 Custody/Security Guidelines
- 18.6 Classification Document
- 18.7 Transfers
- 18.8 Guidelines for Transfers Between Institutions
- 18.9 Out-of-State Transfers
- 18.10 Pre-Parole Progress Reports
- 18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
- 18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
- 18.13 Population Categories
- 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: June 12, 1987

FILED WITH LRC: June 15, 1987 10 a.m.

## STATEMENT OF EMERGENCY

In order to continue to operate the Kentucky State Reformatory 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 reformatory to implement a change in institutional policy regarding the elimination of certain restrictions on inmate personal clothing. This policy revision is the result of an inmate grievance and must be implemented according to the court approved timetable for the resolution of inmate grievances. Other policy changes concern the manner in which the inmate legal aide office is operated and how inmate organizations are governed. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on May

15, 1987 in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
GEORGE W. WILSON, Secretary

**CORRECTIONS CABINET**

**501 KAR 6:030E. Kentucky State Reformatory.**

RELATES TO: KRS Chapters 196, 197, 439  
PURSUANT TO: KRS 196.035, 197.020, 439.470,  
439.590, 439.640

EFFECTIVE: May 19, 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  
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 Grievance 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  
KSR 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

# ADMINISTRATIVE REGISTER - 13

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 Inmate Control or Authority Over Other Inmate(s)  
 KSR 15-00-03 Governor's Meritorious Good Time Award  
 KSR 15-00-04 Restoration of Forfeited Good Time  
 KSR 15-00-05 Differential Status for SU (QUIT) Inmates  
 KSR 15-00-06 Inmate I.D. Cards  
 KSR 15-00-07 Inmate Rules and Discipline - 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 19, 1987 at 10 a.m.

## STATEMENT OF EMERGENCY

In order to continue to operate the Kentucky State Penitentiary 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 penitentiary to establish guidelines which will govern the amount of time which an inmate serving a sentence of death may spend in activities outside their living area. Other procedural changes include revisions in institutional policies to help the institution in the management of its information system, bring the institutional policies into compliance with cabinet policies regarding community center program participation and inmate furloughs. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on June 12, 1987 in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
 GEORGE W. WILSON, Secretary

## CORRECTIONS CABINET

### 501 KAR 6:040E. Kentucky State Penitentiary.

RELATES TO: KRS Chapters 196, 197, 439  
 PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640  
 EFFECTIVE: June 15, 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 June 12 [May 15], 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

# ADMINISTRATIVE REGISTER - 14

KSP 020000-03	Work Planning and Performance Review (WPPR)	KSP 100000-06	Inmate Mail and Packages [(Amended 5/15/87)]
KSP 020000-04	Employee Disciplinary Procedure	KSP 100000-07	Inmate Telephone Access
KSP 020000-05	Proper Dress for Uniformed and Non-Uniformed Personnel	KSP 100000-08	Behavioral Counseling Record
KSP 020000-06	Employee Grievance Procedure	KSP 100000-09	Due Process/Disciplinary Procedures
KSP 020000-07	Personnel Registers and Advertisements	KSP 100000-11	Authorized and Unauthorized Inmate Property [(Amended 5/15/87)]
KSP 020000-09	Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files	KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 020000-10	Overtime Policy	KSP 100000-15	Uniform Cell Standards for Fire Safety, Sanitation and Security (Amended 6/12/87)
KSP 020000-15	Legal Assistance	KSP 100000-18	Inmate Grievance Committee Hearings
KSP 020000-20	Equal Employment Opportunity Complaints	KSP 100000-20	Legal Services Program
KSP 020000-23	Recruitment and Employment of Ex-Offenders	KSP 100000-21	Photocopies for Non-Indigent Inmates with Special Court Deadlines
KSP 020000-24	Educational Assistance Program	KSP 110000-03	Governor's Meritorious Good Time Award Committee
KSP 020000-29	Promotional Opportunity Announcement Program	KSP 110000-04	Pre-Parole Progress Report
KSP 030000-01	Inventory Records and Control (Amended 6/12/87)	KSP 110000-06	General Guidelines of the Classification Committee
KSP 030000-04	Requisition and Purchase of Supplies and Equipment	KSP 110000-07	Statutory Good Time Restoration
KSP 030000-05	Inmate Personal Funds	KSP 110000-08	Award of Meritorious Good Time
KSP 030000-06	Inmate Commissary Program	KSP 110000-10	Special Needs Inmates
KSP 040000-01	Management Information System (Added 6/12/87)	KSP 110000-11	Classification Committee - Transfer Requests
KSP 040000-02	Inmate Records (Amended 6/12/87)	KSP 110000-12	Classification Committee - Inmate Work Assignments (Amended 6/12/87)
KSP 040000-08	Inmate Equal Opportunity Policy	KSP 110000-13	Classification Document
KSP 050000-14	Searches and Preservation of Evidence	KSP 110000-14	Vocational School Placement
KSP 060000-01	Special Security Unit (Amended 6/12/87)	KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center (KCPC)
KSP 060000-02	Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units	KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release
KSP 060000-04	Protective Custody Unit	KSP 110000-19	Custody/Security Guidelines
KSP 060000-11	Criteria for Disciplinary Segregation and Incentive Time Reduction Program	KSP 120000-04	Academic Education
KSP 060000-12	Maximum Protective Custody	KSP 120000-07	Community Center Program (Amended 6/12/87)
KSP 070000-01	Hospital Services	KSP 120000-08	Inmate Furloughs (Amended 6/12/87)
KSP 070000-02	Sick Call	KSP 120000-11	Religious Services - Staffing
KSP 070000-03	Health Evaluations	KSP 120000-18	Religious Services - Religious Programming
KSP 070000-04	Consultations	KSP 120000-20	Marriage of Inmates
KSP 070000-05	Emergency Medical Procedure	KSP 120000-24	Muslim Services
KSP 070000-13	Pharmacy Procedures	KSP 120000-31	Extended Furloughs
KSP 070000-14	Medical Records	KSP 120000-32	Discharge of Inmates by Shock Probation
KSP 070000-16	Psychiatric and Psychological Services	KSP 130000-10	Execution Plan
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 (Amended 6/12/87)		
KSP 090000-03	Correctional Industries		
KSP 100000-02	Visiting Program [(Amended 5/15/87)]		
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		

GEORGE W. WILSON, Secretary  
APPROVED BY AGENCY: June 12, 1987  
FILED WITH LRC: June 15, 1987 at 10 p.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 a series of new and revised policies to prepare the institution for an upcoming national accreditation audit. This emergency regulation will be replaced by the ordinary administrative regulation filed with the Legislative Research Commission on June 12,

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: June 15, 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  
June 12 [April 15], 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 03-16-01 | Affirmative Action Program and the Promotion of EEO                          |
| NTC 01-10-01 | Legal Assistance for Staff   | NTC 03-18-01 | Educational Assistance Program   |
| NTC 01-11-01 | Political Activities of Merit Employees  | NTC 03-19-01 | Holding of Second Jobs by Employees  |
| NTC 01-15-01 | Establishment of the Warden as Chief Executive Officer [(Amended 4/15/87)]                     | NTC 04-01-01 | Training and Staff Development [(Amended 4/15/87)]                           |
| NTC 01-17-01 | Relationships with Public, Media and Other Agencies  | NTC 04-04-01 | Firearms and Chemical Agents Training [(Amended 4/15/87)]                    |
| NTC 02-02-02 | Warden's Participation in the Agency Budgeting Process   | NTC 06-01-01 | Offender Records [(Amended 4/15/87)]   |
| NTC 02-03-01 | Fiscal Management: Audits  | NTC 06-01-02 | Records - Release of Information [(Amended 4/15/87)]                         |
| NTC 02-04-01 | Internal Control and Monitoring of Accounting Procedures (Amended 6/12/87)                     | NTC 06-01-03 | Taking Offender Record Folders onto the Yard                                 |
| NTC 02-08-01 | Inmate Canteen (Amended 6/12/87)   | NTC 08-05-01 | Duties of Fire and Safety Officer  |
| NTC 02-10-01 | Insurance Coverage   | NTC 08-05-02 | Fire Procedures  |
| NTC 02-12-01 | Inmate Personal Accounts   | NTC 08-05-03 | Fire Prevention  |
| NTC 03-01-01 | Employee Dress and Personal Appearance   | NTC 08-05-04 | Storage of Flammables and Dangerous Chemicals and Their Use                  |
| NTC 03-02-01 | Prohibited Employee Conduct  | NTC 08-06-01 | Safety Officer   |
| NTC 03-03-01 | Staff Members Suspected of Being Under the Influence of Intoxicants                            | NTC 08-07-01 | Safety Standards (Added 6/12/87)   |
| NTC 03-04-01 | Shift Assignments and Transfers  | NTC 10-01-01 | Special Management Inmates (SMU) (Amended 6/12/87) [(Amended 4/15/87)]       |
| NTC 03-06-01 | Worker's Compensation  | NTC 10-02-01 | Security Guidelines for Special Management Inmates (Amended 6/12/87)         |
| NTC 03-07-01 | Merit System Registers and Placement of Advertisements   | NTC 10-03-01 | Protective Custody (Amended 6/12/87)   |
| NTC 03-08-01 | Procedures for New Employees Reporting for Employment  | NTC 11-03-01 | Food Services: General Guidelines  |
| NTC 03-09-01 | Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File | NTC 11-04-01 | Food Service: Meals  |
| NTC 03-10-01 | Employment of Ex-Offenders   | NTC 11-04-02 | Menu, Nutrition and Special Diets  |
| NTC 03-13-01 | Travel Reimbursement for Official Business and Professional Meetings                           | NTC 11-05-02 | Health Standards/Regulations for Food Service Employees                      |
| NTC 03-14-01 | Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees                | NTC 11-06-01 | Inspections and Sanitation   |
| NTC 03-14-02 | Promotional Opportunities  | NTC 11-07-01 | Purchasing, Storage and Farm Products  |
| NTC 03-15-01 | Time and Attendance; Accumulation and Use of Accrued Time                                      | NTC 12-01-01 | Institutional Inspections (Amended 6/12/87)                                  |
| NTC 03-15-02 | Sick Leave Abuse   | NTC 12-02-01 | Personal Hygiene for Inmates; Clothing and Linens                            |
| NTC 03-15-03 | Inclement Weather and Emergency Conditions   | 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 | Utilization of Pharmaceutical Products [Pharmacy] (Amended 6/12/87)          |
|              |  | 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 | Special Health Care Programs [Disabled and Infirm Inmates] (Amended 6/12/87) |
|              |  | NTC 13-13-01 | Medical Alert System (Deleted 6/12/87)                                       |
|              |  | NTC 13-14-01 | Management of Chemically Dependent Inmates (Deleted 6/12/87)                 |
|              |  | NTC 13-15-01 | Health Education for Inmates (Deleted 6/12/87)                               |
|              |  | NTC 13-16-01 | Continuity of Health Care (Deleted 6/12/87)                                  |
|              |  | NTC 13-17-01 | Inmates Assigned to Health Services  |

NTC 13-19-01 Mental Health Care Program  
[Psychological Services] (Amended  
6/12/87)

NTC 13-19-02 Mentally Retarded Inmates (Deleted  
6/12/87)

NTC 13-19-03 Suicide Prevention and  
Intervention Program

NTC 13-20-01 Infectious Disease

NTC 13-21-01 Vision Care/Optomety Services

NTC 13-22-01 Informed Consent

NTC 13-23-01 Special Needs Inmates

NTC 14-01-01 Legal Services Program (Amended  
6/12/87)

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 General  
Population Dormitories (Amended  
6/12/87)

NTC 15-04-01 Inmate Identification

NTC 16-01-01 Mail Regulations

NTC 16-02-01 Visiting (Amended 6/12/87)

NTC 16-02-03 Honor Dorm Visiting

NTC 16-03-01 Inmate Furloughs

NTC 16-05-01 Telephone Use and Control

NTC 17-01-01 Personal Property Control

NTC 17-01-02 Authorized Inmate Personal Property

NTC 17-01-03 Unauthorized Inmate Property

NTC 17-01-04 Disposition of Unauthorized  
Property

NTC 17-03-01 Assessment/Orientation

NTC 18-01-01 Pre-Parole Progress Report

NTC 18-02-01 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 (Amended 6/12/87)

NTC 22-03-01 Conducting Inmate Organizational  
Meetings and Programs

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 (Amended 6/12/87)

NTC 25-01-01 Release Preparation Program

NTC 25-01-02 Temporary Release/Community Center  
Release

NTC 25-01-03 Graduated Release

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

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 15, 1987 at 10 a.m.

# STATEMENT OF EMERGENCY

In order to continue to operate the Corrections Cabinet in accordance with KRS Chapter 196, the cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected manuals must be revised immediately to allow the cabinet to meet the latest revisions of the Exchange List for Meal Planning published by the American Dietetic Association and the American Diabetic Association and to permit the cabinet to implement major revisions in its Inmate Classification Manual before the revised manual is used in the system-wide training of all institutional Classification and Treatment Officers. This emergency regulation will be replaced by the ordinary administrative regulation filed with the Legislative Research Commission on June 12, 1987 in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor  
GEORGE W. WILSON, Secretary

## CORRECTIONS CABINET

501 KAR 6:080E. Corrections Cabinet Manuals.

RELATES TO: KRS Chapters 196, 197, 439

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

EFFECTIVE: June 15, 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  
June 12, 1987 [December 15, 1986] and  
hereinafter should be referred to as Corrections  
Cabinet Manuals. Copies of the procedures may be  
obtained from the Office of the General Counsel,  
Corrections Cabinet, State Office Building,  
Frankfort, Kentucky 40601.

Offender Records Manual - None.

Stock Procedure Manual - None.

Food Services Manual - Yes.

Classification Manual - Yes Completely Revised  
[None].

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 15, 1987 at 10 a.m.

## STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body  
is required to implement this regulation in  
order to have sufficient authority for the  
declaring of a maximum weekly benefit rate.  
Therefore, in order to properly establish a  
maximum weekly unemployment insurance rate for  
the year beginning July 1, 1987, the Cabinet for  
Human Resources needs to implement this  
emergency regulation. An ordinary administrative  
regulation will not suffice because the correct  
weekly benefit amount would not be declared 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**

**903 KAR 5:270E. Maximum weekly benefit rates.**

RELATES TO: KRS 341.380

PURSUANT TO: KRS 194.050, 341.380

EFFECTIVE: June 15, 1987

NECESSITY AND FUNCTION: KRS 341.380 requires the Secretary for Human Resources to determine the average weekly wage for insured employment. Fifty-five (55) percent of this amount adjusted to the nearest multiple of one (1) dollar constitutes the maximum weekly unemployment insurance benefit rate for those workers whose benefit year commences on or after July 1, 1987 [1986], and prior to July 1, 1988 [1987]. This regulation applies the mathematical computation required by statute and contains the determination of the maximum weekly benefit rate.

Section 1. The secretary finds the following to exist:

(1) The "total monthly employment" reported by subject employers for the calendar year of 1986 [1985] was 14,202,083 [13,894,786];

(2) The "average monthly employment," obtained by dividing the total monthly employment by twelve (12), was 1,183,507 [1,157,899];

(3) The "total wages" reported by subject employers for the calendar year of 1986 [1985] was \$20,341,317,154 [19,399,262,305];

(4) The "average weekly wage" for the calendar year of 1986 [1985] for insured employment, obtained by dividing the average monthly employment into total wages for such year and dividing by fifty-two (52), was \$330.53 [322.19];

(5) Fifty-five (55) percent of the average weekly wage of \$330.53 [322.19] for the calendar year of 1986 [1985] was \$181.79 [177.20];

(6) However, the "trust fund balance" as of December 31, 1986 [1985], was \$151,205,970.56 [76,598,469.22] and KRS 341.380 states that if the trust fund balance on December 31 equals or exceeds \$150,000,000 but is less than \$250,000,000, the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than eight (8) percent [is less than \$120,000,000 the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate]; and

(7) The prior year's maximum weekly benefit rate was \$140.

Section 2. On the basis of the above findings, and in accordance with KRS 341.380(3), the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July, 1987 [1986], and prior to the first day of July, 1988 [1987], is determined to be \$151 [140].

JAMES P. DANIELS, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 1, 1987

FILED WITH LRC: June 15, 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 in accordance with KRS Chapter 13A.

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

**CABINET FOR HUMAN RESOURCES**  
**Department for Social Insurance**

**907 KAR 1:140E. Alternative home and community based services for the mentally retarded.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

EFFECTIVE: June 8, 1987

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the coverage provisions applicable to home and community based services provided to the mentally retarded as an alternative to intermediate care facility services for the mentally retarded.

Section 1. General Coverage Provisions. The home and community based services described in this regulation may be provided only to those individuals eligible for medical assistance who meet intermediate care for the mentally retarded patient status criteria as set forth in 907 KAR 1:024. These services described herein are designed to prevent or reduce institutionalization at the intermediate care level and may therefore be provided only to individuals in community residence living situations (which may include personal care facilities). These services are termed alternative intermediate services/mental retardation (AIS/MR), and are henceforth referred to as AIS/MR services.

Section 2. Provider Participation. Any qualified provider may provide AIS/MR services, upon application to the cabinet for a provider participation agreement accompanied by data sufficient in the opinion of the cabinet to show that the provider is qualified under applicable law to provide the services and has the capability to do so. Community mental health/mental retardation centers, which are required by law and Kentucky administrative regulations to provide services to the mentally retarded, need only to be licensed by the cabinet to be considered qualified to enter into the appropriate AIS/MR provider participation agreement. Participating providers shall be required to provide, or arrange for the

provision of, all services described in this regulation, and to operate the AIS/MR program as described herein.

Section 3. The Cluster Concept. The cluster concept shall be used in the provision of AIS/MR services. Each cluster shall consist of one (1) core residence and several alternative residences that are administratively attached to the core, in which specified residential services as shown in Section 4 of this regulation are provided. The cluster will also include those eligible individuals living in their own homes who are being provided specified covered services under the direction of core personnel. Within the cluster, the core residence personnel will perform five (5) major functions: client evaluation, program administration, program support, emergency backup, and respite care.

Section 4. Covered Services. The following services are covered as AIS/MR services:

(1) Cluster residential services, including the core residence and alternative living units, providing residential (home) training, homemaker/home health aide support, personal care, and respite care. Room and board are excluded.

(a) "Residential (home) training" means services designed to facilitate the acquisition of communication, sensory-motor, independent living, and social skills.

(b) As part of the residential service residential staff may provide homemaker/home health aide support, including the provision of minor home physical adaptation, laundry services, meal planning and preparation, shopping and light housekeeping.

(c) "Personal care" means services to assist and train in ambulation, grooming, feeding, etc.

(d) "Respite care" means short-term care (more than one (1) hour, less than thirty (30) days) provided to AIS/MR residential clients for the temporary relief of residential alternative living unit staff. Respite care for the residential client may not exceed forty (40) total days per year, except that extended respite exceeding this limit may be provided when pre-authorized in writing by the cabinet's AIS/MR project manager (or his/her designee) based on a crisis situation.

(2) Case management/client evaluation, including case coordination, client evaluation, and plan of care preparation and implementation, provided by core staff to all cluster service recipients.

(3) In-home support, including in-home training, homemaker/home health aide services, and personal care services provided to persons living in nonspecialized residential settings (family homes, apartments, etc.) other than alternative living units (which are under more direct supervision by core personnel).

(a) "In-home training" means services designed to facilitate the acquisition of language and communication, sensory-motor, social and self-help skills.

(b) "Homemaker/home health aide support" means services to clients in their family homes including the provision of minor physical adaptations, laundry services, meal planning and preparation, shopping and housecleaning.

(c) "Personal care" means services to assist and train in ambulation, grooming, feeding, etc.

(4) Habilitation services, including behavior management, psychological services, medical services, occupational therapy, physical therapy, speech therapy, expressive therapies and leisure time services. Services are available to both adults and children when not required to be provided by the local schools and when directed at the resolution of problems not associated with mental illness.

(5) Effective June 1, 1987, [Adult] day habilitation services [(limited to adults only)] may be provided for a minimum of four (4) hours per day, five (5) days per week, twelve (12) months per year, in nonresidential non-inpatient settings [that are designed to provide an employment oriented program of work training and development of basic work skills. Whenever possible, actual work will be used and clients will be reimbursed in accordance with federal and state wage and hour regulations]. Services must be age [and vocationally] appropriate. [Transportation to facilitate participation is included.] Adult means an individual not less than eighteen (18) years of age. For children, day habilitation services will be covered only during the summer months when school is not in session.

(6) Respite services, meaning short-term care (more than one (1) hour, less than thirty (30) days) provided to nonresidential AIS/MR clients in or out of their home residential environments for the temporary relief of the individual or the family. Respite care may be provided in a variety of settings. Respite service to the nonresidential client may not exceed thirty (30) consecutive days and sixty (60) total days per year, except that extended respite exceeding these limits may be provided when pre-authorized in writing by the cabinet's AIS/MR project manager (or his/her designee) based on a crisis situation.

Section 5. Patient Status Determinations. The cabinet shall make patient status determinations using the criteria specified in 907 KAR 1:024.

Section 6. Authorization for Services; Hearing Rights. The cabinet shall authorize AIS/MR services to insure that patient status is met, that AIS/MR services are adequate for the needs of the client, and that AIS/MR services are financially feasible (i.e., do not cost significantly more than would institutional services). A client found unsuitable due to failure to meet any of the specified reasons may be denied AIS/MR services. An individual, if eligible for AIS/MR services, will be given the choice of AIS/MR services or traditional intermediate care facility services for the mentally retarded. Any denial of service may be appealed in the manner provided for by 907 KAR 1:075 and/or 904 KAR 2:055.

Section 7. Subcontracting. A participating provider may subcontract for services. Such service must be provided in accordance with the provider participation agreement and the terms and conditions contained herein, and the subcontractor must meet applicable requirements of law and regulations governing the performance of the service. When subcontracting is used, the participating provider remains responsible for the provision of the service.

Section 8. Auditing and Reporting. All



participating providers, including subcontract providers, shall be required to maintain fiscal and service records and to provide such reports as may be determined necessary by the cabinet for the effective functioning and administration of the program. Providers, including subcontract providers, shall be required to make available upon request all service and financial records to representatives of the Cabinet for Human Resources; the federal Department of Health and Human Services, Comptroller General and Health Care Financing Administration; and the General Accounting Office, and/or their designees, for auditing and/or monitoring purposes.

Section 9. Effective Date. The amendments to this regulation shall be effective with regard to services provided on or after June 1, 1987. [Implementation. Participating providers may provide service pursuant to the terms and conditions of Sections 1 through 8 of this regulation beginning on April 1, 1983.]

R. HUGHES WALKER, Commissioner  
E. AUSTIN, JR., Secretary  
APPROVED BY AGENCY: May 29, 1987  
FILED WITH LRC: June 8, 1987 at 4 p.m.

#### STATEMENT OF EMERGENCY

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

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

#### CABINET FOR HUMAN RESOURCES Department for Medicaid Services

907 KAR 1:150E. Payments for alternative home and community based services for the mentally retarded.

RELATES TO: KRS 205.520  
PURSUANT TO: KRS 194.050

EFFECTIVE: June 8, 1987

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the payment provisions relating to home and community based services provided to the mentally retarded as an alternative to intermediate care facility services for the mentally retarded.

Section 1. Coverage. The Cabinet for Human Resources shall reimburse participating providers of alternative intermediate services

for the mentally retarded (AIS/MR) for services rendered to eligible medical assistance recipients who meet patient status criteria for intermediate care for the mentally retarded, and who are authorized for the AIS/MR service by the cabinet. The covered service elements are described and defined in 907 KAR 1:140. Alternative home and community based services for the mentally retarded, and services must be provided in accordance with the terms and conditions described therein. Payments may not exceed the limits specified in Section 3 of this regulation.

Section 2. Payment Amounts. (1) Residential services, including residential (home) training, personal care, and homemaker/home health aide, shall be paid for at the rate of forty (40) dollars per day.

(2) Case management services shall be paid for at the rate of forty (40) dollars per hour.

(3) Habilitation services shall be paid for at the rate of forty (40) dollars per hour; however, medical services and/or items (e.g., dentures, eyeglasses, hearing aids, etc.) prescribed for a recipient by an appropriate specialist as necessary to the client's habilitation but not otherwise covered by the medical assistance programs shall be paid for on the basis of reasonable cost. Minor home physical adaptations shall be paid for on the basis of reasonable cost not to exceed \$1,500 per client per patient year. The "patient year" for a client begins on the first day of admittance of the client to the AIS/MR program, with a new patient year beginning for that client on that same day in each succeeding calendar year.

(4) Effective June 1, 1987, all [Adult] day habilitation services shall be paid for at the rate of five (5) dollars per hour.

(5) In-home support services shall be paid for at the following rates:

(a) In-home training services shall be paid for at the rate of forty (40) dollars per hour.

(b) Homemaker/home health aide support services shall be paid for at the rate of twenty (20) dollars per hour.

(c) Personal care services shall be paid for at the rate of twenty (20) dollars per hour.

(6) Respite care (twenty-four (24) hours or more) shall be paid for at the rate of thirty-two (32) dollars per day. Respite care (less than twenty-four (24) hours) shall be paid for at the rate of three (3) dollars and fifty (50) cents per hour, with the total not to exceed the upper limit of thirty-two (32) dollars for one (1) full day of care.

Section 3. Payment limits. (1) Payments shall be made on the above stated rate basis not to exceed the AIS/MR cluster annualized upper limit on payment.

(2) Under this system, an AIS/MR cluster will receive a total of Title XIX payments during the year in the amount of the established rates for services rendered Title XIX eligible recipients, so long as such payments (on a cumulative basis) do not exceed the annualized upper limits (total payment amount) which has been set for the cluster. Each cluster will also be required to maintain average expenditures per recipient (on a cumulative basis) as described by the Health Care Financing Administration, 42 CFR 441.303(d)(1), and interpreted for the AIS/MR

cluster by the Cabinet for Human Resources.

(3) Utilizing the formula described in 42 CFR 441.303(d)(1) as a guideline and applying accumulated statistical data, the cabinet will set effective April 1 each year the annualized upper limits and averages to be applied to the AIS/MR cluster services for the waiver year April 1 through March 31, applicable for waiver years beginning April 1, 1985 and thereafter.

(4) The cabinet may reduce payment by the percentage amount which will assure that the payments to the cluster do not exceed the annualized upper limit or average expenditures. Reduction factors shall (to the extent possible) be applied in such a manner as to ensure as even flow of reimbursement to the AIS/MR cluster through the year, i.e., generally so as to ensure that the payments for any one (1) month do not exceed by a substantial amount the prorated annual amount.

(5) Any overpayment due the program at the end of the period as a result of exceeding the upper limit shall be recouped by settlement or by withholding payment.

R. HUGHES WALKER, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 29, 1987

FILED WITH LRC: June 8, 1987 at 4 p.m.

#### STATEMENT OF EMERGENCY

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

MARTHA LAYNE COLLINS, Governor

E. AUSTIN, JR., Secretary

#### CABINET FOR HUMAN RESOURCES Department for Medicaid Services

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

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

EFFECTIVE: June 8, 1987

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Medical Assistance Program and is applicable for both the categorically and medically needy.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials

used in the implementation of the Medical Assistance Program. In the event of a conflict between material incorporated by reference in this regulation and a specific regulation of the cabinet relating to a particular phase of the Medical Assistance Program the latter shall prevail.

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

(1) Federal Medicaid regulations at 42 CFR Parts 430-456 and 1002-1004, and interim final regulations at 42 CFR Parts 430-456, effective November 1, 1986. The regulations contain federal supplementary policies, interpretations and implementing instructions for the Medical Assistance Program as authorized by Title XIX of the Social Security Act.

(2) Federal "State Medicaid Manual," effective May 1, 1987 [November 1, 1986]. The "State Medicaid Manual" contains federal interpretations and clarifications of policy relating to implementation of the Medical Assistance Program.

(3) Federal action transmittals and program memoranda issued by the Health Care Financing Administration as follows: HCFA-AT-79-63, 79-72, 79-98, 80-9, 80-59, 81-23, 81-33, 81-35, 82-1, 82-2, 82-20, 83-1, 83-4, 83-7, 83-8, 83-11, 84-1, 84-2, 84-4, 84-5, 84-10, 84-16, 85-1, and HCFA PM-85-4, 85-10, 85-13, 86-7, 86-8, 86-12, 86-13, 86-15, 86-16, [and] 86-17 and 87-1 effective May 1, 1987 [November 1, 1986]. Action transmittals and program memoranda contain federal instructions relating to implementation of the Medical Assistance Program.

(4) Federal transmittal notices issued by the Health Care Financing Administration as follows: DQC-1-82, 10-82; DPO-76-81, 77-81, 78-81; MCD-46-81, 48-81, 55-81, 61-81, 62-81, 64-81, 67-81, 82-81, 86-81, 87-81, 89-81, 92-81, 1-82, 2-82, 6-82, 7-82, 10-82, 14-82, 16-82, 17-82, 18-82, 19-82, 25-82, 26-82, 28-82, 30-82, 33-82, 34-82, 35-82, 38-82, 41-82, 42-82, 50-82, 52-82, 2-83, 5-83, 9-83, 11-83, 12-83, 13-83, 14-83, 15-83, 19-83, 20-83, 26-83, 28-83, 29-83, 30-83, 35-83, 39-83, 40-83, 42-83, 1-84, 6-84, 7-84, 8-84, 9-84, 11-84, 13-84, 14-84, 15-84, 16-84, 18-84, 20-84, 23-84, 24-84, 25-84, 26-84, 27-84, 29-84, 34-84, 35-84, 36-84, 39-84, 48-84, 50-84, 51-84, 55-84, 2-85, 4-85, 5-85, 6-85, 8-85, 10-85, 11-85, 14-85, 18-85, 19-85, 21-85, 22-85, 23-85, 24-85, 25-85, 27-85, 28-85, 29-85, 30-85, 31-85, 32-85, 33-85, 34-85, 36-85, 37-85, 38-85, 39-85, 41-85, 42-85, 43-85, 44-85, 46-85, 47-85, 01-86, 03-86, 04-86, 05-86, 07-86, 10-86, 11-86, 14-86, 16-86, 17-86, 18-86, 20-86, 21-86 (May 9, 1986), 21-86 (May 27, 1986), 24-86, 25-86, 26-86, 27-86, 32-86, 33-86, 34-86, 35-86, 36-86, 37-86, 38-86, 39-86, 40-86, 41-86, 42-86, 43-86, [and] 44-86, 45-86, 46-86, 47-86, 48-86, 49-86, 50-86, 51-86, 52-86, 54-86, 01-87, 02-87, 03-87, 04-87, 05-87, 06-87, 09-87, 10-87, and 11-87 effective May 1, 1987 [November 1, 1986]. Transmittal notices contain federal clarifications of policy relating to implementation of the Medical Assistance Program.

(5) Medicare and Medicaid Guide, Volumes I, II, III, and IV, as published by the Commerce Clearing House, Inc., with the following related new developments transfer binders: 1981-1, 1981-2, 1982, 1983-1, 1983-2, and 1984-1, effective May 1, 1987 [November 1, 1986]. The

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

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

(a) Home and Community Based Services Waiver Project Adult Day Health Care Services, effective May 1, 1987 [November 1, 1986];

(b) Alternative Intermediate Services/Mental Retardation Project, effective May 1, 1987 [November 1, 1986];

(c) Birthing Center Services, effective May 1, 1987 [1986];

(d) Community Mental Health Benefits, effective May 1, 1987 [November 1, 1986];

(e) Dental Benefits, effective November 1, 1986;

(f) Early and Periodic Screening, Diagnosis and Treatment Benefits, effective May 1, 1987 [November 1, 1986];

(g) Family Planning Benefits, effective November 1, 1986;

(h) Hearing Services Benefits, effective November 1, 1986;

(i) Home and Community Based Services Waiver Project, effective May 1, 1987 [November 1, 1986];

(j) Home Health Benefits, effective May 1, 1987 [November 1, 1986];

(k) Hospital Services Benefits, effective May 1, 1987 [November 1, 1986];

(l) Independent Laboratory Services Benefits, effective May 1, 1987 [November 1, 1986];

(m) Intermediate Care Facility Benefits, effective May 1, 1987 [November 1, 1986];

(n) Mental Hospital Services Benefits, effective May 1, 1987 [November 1, 1986];

(o) Nurse Anesthetist Services, effective May 1, 1987 [November 1, 1986];

(p) Nurse Midwife, effective May 1, 1987 [November 1, 1986];

(q) Pharmacy Services, effective May 1, 1987 [November 1, 1986] and updated Outpatient Drug List, including preauthorization list, effective May 1, 1987 [October 1, 1986];

(r) Physician Services Benefits, effective May 1, 1987 [November 1, 1986];

(s) Primary Care Benefits, effective May 1, 1987 [November 1, 1986];

(t) Rural Health Clinic Benefits, effective May 1, 1987 [November 1, 1986];

(u) Skilled Nursing Facility Benefits, effective May 1, 1987 [November 1, 1986];

(v) Ambulance Transportation Benefits, effective November 1, 1986;

(w) Vision Services Benefits, effective May 1, 1987 [November 1, 1986];

(x) Podiatry Services, effective November 1, 1986;

(y) Ambulatory Surgical Center Benefits, effective May 1, 1987 [November 1, 1986];

(z) Renal Dialysis Center Benefits, effective May 1, 1987 [November 1, 1986];

(aa) General Provider Letters A-8, [and] A-9, A-10, A-11, and A-12 effective May 1, 1987 [August 1, 1986];

(bb) Medical Director's Letter dated April 26, 1985, effective July 1, 1985;

(cc) EDS Federal Hospital Letter (as fiscal agent for the Medicaid Program) dated April 1, 1985, effective July 1, 1985;

(dd) Provider letters dated September 20 and 23, 1985 relating to KenPac, effective February 1, 1986;

(ee) KenPAC Benefits, effective May 1, 1987 [August 1, 1986];

(ff) Hospice Benefits, effective November 1, 1986; and

(gg) Transportation Benefits, effective November 1, 1986.

Section 3. All documents included by reference herein may be reviewed during regular working hours in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which will not exceed approximate cost.

R. HUGHES WALKER, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 29, 1987

FILED WITH LRC: June 8, 1987 at 4 p.m.

## AMENDED AFTER HEARING

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

405 KAR 16:060. General hydrologic requirements.

RELATES TO: KRS 350.100, 350.410, 350.420, 350.421, 350.440, 350.465

PURSUANT TO: KRS Chapter 13A, 350.028, 350.100, 350.420, 350.465

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during surface mining activities and for restoration and reclamation of surface areas affected by mining activities. This regulation sets forth general requirements for protection of the hydrologic balance, including general requirements for protection of surface and ground water quantity and quality, control of erosion and sediment, protection of ground water recharge capacity, protection of streams, and protection of water rights.

Section 1. General Requirements. (1) All surface mining activities shall be planned and conducted to minimize disturbance of the hydrologic balance in both the permit area and adjacent areas, in order to:

(a) Prevent material damage to the hydrologic balance outside the permit area;

(b) Assure the protection or replacement of water rights; and

(c) Support the approved postmining land uses in accordance with the terms and conditions of the approved permit and the performance standards of this regulation.

(2) Changes in water quality and quantity, in the depth to ground water, and in the location of surface water drainage channels shall be minimized so that the approved postmining land use of the permit area is not adversely affected.

(3) In no case shall federal and state water quality statutes, regulations, standards, or effluent limitations be violated.

(4) Operations shall be conducted to minimize water pollution and, where necessary, treatment methods shall be used to control water pollution.

(a) Each permittee shall emphasize mining and reclamation practices that prevent or minimize water pollution. Changes in flow of drainage shall be used in preference to the use of water treatment facilities.

(b) Acceptable practices to control and minimize water pollution include, but are not limited to:

1. Stabilizing disturbed areas through land shaping;

2. Diverting runoff;

3. Achieving quickly germinating and growing stands of temporary vegetation;

4. Regulating channel velocity of water;

5. Lining drainage channels with rock or vegetation;

6. Mulching;

7. Selectively placing and sealing acid-forming and toxic-forming materials;

8. Selectively placing waste materials in backfill areas; and

9. Implementing sediment control measures in Section 2 of this regulation.

Section 2. Sediment Control Measures. (1) Appropriate sediment control measures shall be designed, constructed, and maintained using the best technology currently available to:

(a) Prevent, to the extent possible, additional contributions of sediment to streamflow or to runoff outside the permit area;

(b) Meet the requirements of 405 KAR 16:070, Section 1(1)(g); and

(c) Minimize erosion to the extent possible.

(2) Sediment control measures include practices carried out within and adjacent to the disturbed area. The sediment storage capacity of measures in and downstream from the disturbed areas shall reflect the degree to which successful mining and reclamation techniques are applied to reduce erosion and control sediment. Sediment control measures consist of the utilization of proper mining and reclamation methods and sediment control practices, singly or in combination. Sediment control methods include but are not limited to:

(a) Disturbing the smallest practicable area at any one (1) time during the mining operation through progressive backfilling, grading and prompt revegetation as required in 405 KAR 16:200, Section 1(2);

(b) Stabilizing the backfilled material to promote a reduction in the rate and volume of runoff, in accordance with the requirements of 405 KAR 16:190;

(c) Retaining sediment within disturbed areas;

(d) Diverting runoff away from disturbed areas;

(e) Diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion;

(f) Using straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce runoff volume, or trap sediment; and

(g) Treating with chemicals; and

(h) Using sedimentation ponds as required in 405 KAR 16:070.

Section 3. Discharge Structures. Discharge from sedimentation ponds, permanent and temporary impoundments, coal processing waste dams and embankments, and diversions shall be controlled, by energy dissipators, riprap channels, and other devices, where necessary, to reduce erosion, to prevent deepening or enlargement of stream channels, and to minimize disturbance of the hydrologic balance. Discharge structures shall be designed according to standard engineering design procedures.

Section 4. Acid-forming and Toxic-forming Materials. Acid drainage and toxic drainage shall be avoided by:

(1) Identifying and burying and/or treating, in accordance with 405 KAR 16:190, Section 3, materials which may adversely affect water quality, or be detrimental to vegetation or to

public health and safety if not buried and/or treated;

(2) Storage, burial or treatment practices consistent with other material handling and disposal provisions of this chapter; and

(3) Burying or otherwise treating all acid-forming or toxic-forming spoil within thirty (30) days after it is first exposed on the mine site, or within a lesser period required by the cabinet. Temporary storage of the spoil may be approved by the cabinet upon a finding that burial or treatment within thirty (30) days is not feasible and will not result in any material risk of water pollution or other environmental damage. Storage shall be limited to the period until burial or treatment first becomes feasible. Acid-forming or toxic-forming spoil to be stored shall be placed on impermeable material and protected from erosion and contact with surface water.

Section 5. Ground Water Protection and Recharge Capacity. In order to protect the hydrologic balance, surface mining activities shall be conducted according to 405 KAR 8:030, Section 32(1) and (2) and the following:

(1) Groundwater quality shall be protected by handling earth materials and runoff in a manner that minimizes acidic, toxic, or other harmful infiltration to ground water systems and by managing excavations and other disturbances to prevent or control the discharge of pollutants into the ground water; and

(2) Ground water quantity shall be protected by handling earth materials and runoff in a manner that will restore the approximate premining recharge capacity of the reclaimed area as a whole, excluding coal mine waste disposal areas and excess spoil fills, so as to allow the movement of water to the ground water system.

Section 6. Surface Water Protection. In order to protect the hydrologic balance, surface mining activities shall be conducted according to 405 KAR 8:030, Section 32(1) and (2) and the following:

(1) Surface water quality shall be protected by handling earth materials, ground water discharges, and runoff in a manner that:

(a) Minimizes the formation of acidic or toxic drainage;

(b) Prevents, to the extent possible using the best technology currently available, additional contribution of suspended solids to streamflow outside the permit area; and

(c) Will not cause or contribute to a violation of any federal or state effluent limitations or water quality standards.

(2) If drainage control, restabilization and revegetation of disturbed areas, diversion of runoff, mulching, or other reclamation and remedial practices are not adequate to meet the requirements of this section and 405 KAR 16:070, the operator shall use and maintain the necessary water-treatment facilities or water quality controls for as long as treatment is required under this chapter; and

(3) Surface water quantity and flow rates shall be protected by handling earth materials and runoff in accordance with the steps outlined in the plan approved under 405 KAR 8:030, Section 32(1) and (2).

Section 7. Transfer of Wells. Before final

release of bond, exploratory or monitoring wells shall be sealed in a safe and environmentally sound manner in accordance with 405 KAR 16:040. With the prior approval of the regulatory authority, wells may be transferred to another party for further use. At a minimum, the conditions of such transfer shall comply with state and local law and the permittee shall remain responsible for the proper management of the well until bond release in accordance with 405 KAR 16:040.

Section 8. Water Rights and Replacement. Any permittee shall replace the water supply of an owner of interest in real property who obtains all or part of his or her supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source, where the water supply has been adversely impacted by contamination, diminution, or interruption proximately resulting from the surface mining activities. Baseline geologic and hydrologic information required in 405 KAR 8:030, Sections 12 through 16 shall be used to determine the extent of the impact of mining upon ground water and surface water.

Section 9. Discharges Into an Underground Mine.

(1) Discharges into an underground mine are prohibited, unless specifically approved by the cabinet after a demonstration that the discharge will:

(a) Minimize disturbance to the hydrologic balance on the permit area, prevent material damage outside the permit area and otherwise eliminate public hazards resulting from surface mining activities;

(b) Not result in a violation of applicable water quality standards or effluent limitations;

(c) Be at a known rate and quality which shall meet the effluent limitations of 405 KAR 16:070 for pH and total suspended solids, except that the pH and total suspended-solids limitations may be exceeded, if approved by the cabinet; and

(d) Meet with the approval of the Mine Safety and Health Administration.

(2) Discharges shall be limited to the following:

(a) Coal processing waste;

(b) Fly ash from a coal-fired facility;

(c) Sludge from an acid mine drainage treatment facility;

(d) Flue gas desulfurization sludge;

(e) Inert materials used for stabilizing underground mines;

(f) Underground mine development wastes; and

(g) Water.

Section 10. Postmining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities. Before abandoning the permit area, the permittee shall renovate all permanent sedimentation ponds, diversions, impoundments, and treatment facilities as necessary to meet criteria specified in the detailed design plan for the permanent structures and impoundments.

Section 11. Stream Buffer Zones. (1) No land within 100 feet of an intermittent or perennial stream shall be disturbed by surface mining activities unless the cabinet specifically authorizes surface mining activities closer to, or through, such a stream. The cabinet may authorize such activities only upon finding, as

a result of evaluating a permit application, that [under the following conditions]:

(a) Surface mining activities will not cause or contribute to the violation of applicable state or federal water quality standards: [Any temporary or permanent diversions shall comply with 405 KAR 16:080 and shall be constructed prior to any disturbance of the buffer zone;]

(b) Surface mining activities will not cause significant [long-term] detrimental effects on the water quantity or quality of the intermittent or perennial stream; provided however, this paragraph shall not apply to any reach of that stream that is upstream of an impounding structure located within the permit area and within the stream channel; [That the original stream channel will be restored or relocated in a manner satisfactory to the cabinet; and]

(c) Surface mining activities will not cause significant [long-term] detrimental effects on other valuable environmental resources, as determined by the cabinet, of the stream; and [During and after the mining, the water quantity and quality of the stream shall not be adversely affected by the surface mining activities as determined by state and federal water quality standards.]

(d) If there will be a temporary or permanent stream-channel diversion, it will comply with 405 KAR 16:080.

(2) The area that is not to be disturbed shall be designated a buffer zone, shall be adequately shown in the permit application, and shall be marked by the permittee as specified in 405 KAR 16:030.

(3) Descriptions, drawings, data, and all other information required by the cabinet to make the findings of subsection (1) of this section shall be submitted in a permit application in a manner prescribed by the cabinet.

(4)(a) The provisions of the amendments to this section shall apply to all surface mining activities, except as provided in paragraph (b) of this subsection.

(b)1. Surface mining activities included in a permit issued on or before August 17 [September 30], 1987 shall be subject to the provisions that preceded the amendments to this section in lieu of the provisions of subsections (1) through (3) of this section.

2. Surface mining activities included in a permit application determined to be complete pursuant to 405 KAR 8:010, Section 13(1) on or before August 17 [September 30], 1987 shall be subject to the provisions that preceded the amendments to this section in lieu of the provisions of subsections (1) through (3) of this section.

Section 12. Discharges of Accumulated Water.  
(1) Any accumulated water to be removed from a pit, bench, or other disturbed area shall be pumped, siphoned, or otherwise conveyed in a controlled manner to a natural or constructed drainway as approved by the cabinet.

(2) Such accumulated water may be discharged from the permit area without treatment only if the untreated discharge meets the requirements of 405 KAR 16:070, Section 1(1)(g).

(3) The moving of spoil or overburden or the disturbance of the natural barrier required by 405 KAR 16:010, Section 4, in order to release such accumulated water is prohibited, except

when specifically authorized by the cabinet.

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: June 11, 1987

FILED WITH LRC: June 12, 1987 at 11 a.m.

#### NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET

Department for Surface Mining  
Reclamation and Enforcement  
(Amended After Hearing)

405 KAR 18:060. General hydrologic requirements.

RELATES TO: KRS 350.100, 350.151, 350.420, 350.421, 350.440, 350.465

PURSUANT TO: KRS Chapter 13A, 350.028, 350.100, 350.151, 350.420, 350.465

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during underground mining activities and for restoration and reclamation of surface areas affected by underground mining activities. This regulation sets forth general requirements for protection of the hydrologic balance, including general requirements for protection of surface and groundwater quantity and quality, prevention and control of drainage from underground workings, control of erosion and sediment, protection of streams, and control of discharges into underground workings.

Section 1. General Requirements. (1) All underground mining activities shall be planned and conducted to minimize disturbance of the hydrologic balance in both the permit area and adjacent areas, in order to:

(a) Prevent material damage to the hydrologic balance outside the permit area;

(b) Support the approved postmining land uses in accordance with the terms and conditions of the approved permit and the performance standards of this regulation.

(2) Changes in water quality and quantity, in the depth to ground water, and in the location of surface water drainage channels shall be minimized so that the approved postmining land use of the permit area is not adversely affected.

(3) In no case shall federal and state water quality statutes, regulations, standards, or effluent limitations be violated.

(4) Operations shall be conducted to minimize water pollution and, where necessary, treatment methods shall be used to control water pollution.

(a) Each permittee shall emphasize mining and reclamation practices that prevent or minimize water pollution. Changes in flow of drainage shall be used in preference to the use of water treatment facilities.

(b) Acceptable practices to control and minimize water pollution include, but are not limited to:

1. Stabilizing disturbed areas through land shaping;

2. Diverting runoff;

3. Achieving quickly germinating and growing stands of temporary vegetation;

4. Regulating channel velocity of water;

5. Lining drainage channels with rock or

vegetation;

6. Mulching;
7. Selectively placing and sealing acid-forming and toxic-forming materials;
8. Designing mines to prevent or control gravity drainage of acid waters;
9. Sealing;
10. Controlling subsidence;
11. Preventing acid mine drainage; and
12. Implementing sediment control measures in Section 2 of this regulation.

Section 2. Sediment Control Measures. (1) Appropriate sediment control measures shall be designed, constructed, and maintained using the best technology currently available to:

- (a) Prevent, to the extent possible, additional contributions of sediment to streamflow or to runoff outside the permit area;
- (b) Meet the requirements of 405 KAR 18:070, Section 1(1)(g); and
- (c) Minimize erosion to the extent possible.

(2) Sediment control measures include practices carried out within and adjacent to the disturbed area. The sediment storage capacity of measures in and downstream from the disturbed areas shall reflect the degree to which successful mining and reclamation techniques are applied to reduce erosion and control sediment. Sediment control measures consist of the utilization of proper mining and reclamation methods and sediment control practices, singly or in combination. Sediment control methods include but are not limited to:

- (a) Disturbing the smallest practicable area at any one (1) time during the mining operation through progressive backfilling, grading and prompt revegetation as required in 405 KAR 18:200, Section 1(2);
- (b) Stabilizing the backfilled material to promote a reduction in the rate and volume of runoff, in accordance with the requirements of 405 KAR 18:190;
- (c) Retaining sediment within disturbed areas;
- (d) Diverting runoff away from disturbed areas;
- (e) Diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion;
- (f) Using straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce runoff volume, or trap sediment;
- (g) Treating with chemicals;
- (h) Treating mine drainage in underground sumps; and
- (i) Using sedimentation ponds as required in 405 KAR 18:070.

Section 3. Discharge Structures. Discharge from sedimentation ponds, permanent and temporary impoundments, coal processing waste dams and embankments, and diversions shall be controlled, by energy dissipators, riprap channels, and other devices, where necessary, to reduce erosion, to prevent deepening or enlargement of stream channels, and to minimize disturbance of the hydrologic balance. Discharge structures shall be designed according to standard engineering design procedures.

Section 4. Acid-forming and Toxic-forming Materials. Acid drainage and toxic drainage shall be avoided by:

- (1) Identifying and burying and/or treating,

in accordance with 405 KAR 18:190, Section 3, materials which may adversely affect water quality, or be detrimental to vegetation or to public health and safety if not buried and/or treated;

(2) Storage, burial or treatment practices consistent with other material handling and disposal provisions of this chapter; and

(3) Burying or otherwise treating all acid-forming or toxic-forming underground development waste and spoil within thirty (30) days after they are first exposed on the mine site, or within a lesser period required by the cabinet. Temporary storage of such materials may be approved by the cabinet upon a finding that burial or treatment within thirty (30) days is not feasible and will not result in any material risk of water pollution or other environmental damage. Storage shall be limited to the period until burial or treatment first becomes feasible. Acid-forming or toxic-forming underground waste and spoil to be stored shall be placed on impermeable material and protected from erosion and contact with surface water.

Section 5. Ground Water Protection. In order to protect the hydrologic balance, surface mining activities shall be conducted according to 405 KAR 8:040, Section 32(1) and (2) and ground water quality shall be protected by handling earth materials and runoff in a manner that minimizes acidic, toxic, or other harmful infiltration to ground water systems and by managing excavations and other disturbances to prevent or control the discharge of pollutants into the ground water.

Section 6. Surface Water Protection. In order to protect the hydrologic balance, surface mining activities shall be conducted according to 405 KAR 8:040, Section 32(1) and (2) and the following:

(1) Surface water quality shall be protected by handling earth materials, ground water discharges, and runoff in a manner that:

- (a) Minimizes the formation of acidic or toxic drainage;
- (b) Prevents, to the extent possible using the best technology currently available, additional contribution of suspended solids to streamflow outside the permit area; and
- (c) Will not cause or contribute to a violation of any federal or state effluent limitations or water quality standards.

(2) If drainage control, restabilization and revegetation of disturbed areas, diversion of runoff, mulching, or other reclamation and remedial practices are not adequate to meet the requirements of this section and 405 KAR 18:070, the operator shall use and maintain the necessary water-treatment facilities or water quality controls for as long as treatment is required under this chapter; and

(3) Surface water quantity and flow rates shall be protected by handling earth materials and runoff in accordance with the steps outlined in the plan approved under 405 KAR 8:040, Section 32(1) and (2).

Section 7. Transfer of Wells. Before final release of bond, exploratory or monitoring wells shall be sealed in a safe and environmentally sound manner in accordance with 405 KAR 18:040. With the prior approval of the regulatory authority, wells may be transferred to another



party for further use. At a minimum, the conditions of such transfer shall comply with state and local law and the permittee shall remain responsible for the proper management of the well until bond release in accordance with 405 KAR 18:040.

Section 8. Gravity Discharges from Underground Mines. Surface entries and accesses to underground workings shall be located and managed to prevent or control gravity discharge of water from the mine.

(1) Gravity discharges of water from an underground mine, other than a drift mine subject to subsection (2) of this section, may be allowed by the cabinet if it is demonstrated that the untreated or treated discharge complies with the performance standards of this chapter and any additional KPDES permit requirements.

(2) Notwithstanding anything to the contrary in subsection (1) of this section, the surface entries and accesses of drift mines first used after May 18, 1982 and located in acid-producing or iron-producing coal seams shall be located in such a manner as to prevent any gravity discharge from the mine.

Section 9. Discharges Into an Underground Mine.

(1) Discharges into an underground mine are prohibited, unless specifically approved by the cabinet after a demonstration that the discharge will:

(a) Minimize disturbance to the hydrologic balance on the permit area, prevent material damage outside the permit area and otherwise eliminate public hazards resulting from surface mining activities;

(b) Not result in a violation of applicable water quality standards or effluent limitations;

(c) Be at a known rate and quality which shall meet the effluent limitations of 405 KAR 18:070 for pH and total suspended solids, except that the pH and total suspended-solids limitations may be exceeded, if approved by the cabinet; and

(d) Meet with the approval of the Mine Safety and Health Administration.

(2) Discharges shall be limited to the following:

(a) Coal processing waste;

(b) Underground mine development waste;

(c) Fly ash from a coal-fired facility;

(d) Sludge from an acid mine drainage treatment facility;

(e) Flue gas desulfurization sludge;

(f) Inert materials used for stabilizing underground mines; and

(g) Water.

(3) Water from one (1) underground mine may be diverted into other underground workings according to the requirements of this section and as approved in the permit.

Section 10. Postmining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities. Before abandoning the permit area, the permittee shall renovate all permanent sedimentation ponds, diversions, impoundments and treatment facilities as necessary to meet criteria specified in the detailed design plan for the permanent structures and impoundments.

Section 11. Stream Buffer Zones. (1) No land [surface area] within 100 feet of an intermittent or perennial stream shall be

disturbed by underground mining activities [surface operations and facilities,] unless the cabinet specifically authorizes underground mining activities closer to, or through, such a stream. The cabinet may authorize such activities only upon finding, as a result of evaluating a permit application, that [under the following conditions]:

(a) Underground mining activities will not cause or contribute to the violation of applicable state or federal water quality standards: [Any temporary or permanent diversions shall comply with 405 KAR 18:080 and shall be constructed prior to any disturbance of the buffer zone;]

(b) Underground mining activities will not cause significant [long-term] detrimental effects on the water quantity or quality of the intermittent or perennial stream: provided however, this paragraph shall not apply to any reach of that stream that is upstream of an impounding structure located within the permit area and within the stream channel: [That the original stream channel will be restored or relocated in a manner satisfactory to the cabinet; and]

(c) Underground mining activities will not cause significant [long-term] detrimental effects on other valuable environmental resources, as determined by the cabinet, of the stream; and [During and after the mining, the water quantity and quality of the stream shall not be adversely affected by the underground mining activities as determined by state and federal water quality standards.]

(d) If there will be a temporary or permanent stream-channel diversion, it will comply with 405 KAR 18:080.

(2) The area that is not to be disturbed shall be designated a buffer zone, shall be adequately shown in the permit application, and shall be marked by the permittee as specified in 405 KAR 18:030.

(3) Descriptions, drawings, data, and all other information required by the cabinet to make the findings of subsection (1) of this section shall be submitted in a permit application in a manner prescribed by the cabinet.

(4)(a) The provisions of the amendments to this section shall apply to all underground mining activities, except as provided in paragraph (b) of this subsection.

(b)1. Underground mining activities included in a permit issued on or before August 17 [September 30], 1987 shall be subject to the provisions that preceded the amendments to this section in lieu of the provisions of subsections (1) through (3) of this section.

2. Underground mining activities included in a permit application determined to be complete pursuant to 405 KAR 8:010, Section 13(1) on or before August 17 [September 30], 1987 shall be subject to the provisions that preceded the amendments to this section in lieu of the provisions of subsections (1) through (3) of this section.

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: June 11, 1987

FILED WITH LRC: June 12, 1987 at 11 a.m.



**NATURAL RESOURCES & ENVIRONMENTAL  
PROTECTION CABINET**

**Department for Surface Mining  
Reclamation and Enforcement  
(Amended After Hearing)**

**405 KAR 18:190. Backfilling and grading.**

RELATES TO: KRS 350.020, 350.093, 350.100, 350.151, 350.405, 350.410, 350.450, 350.465

PURSUANT TO: KRS Chapter 13A, 350.028, 350.100, 350.151, 350.465

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during underground mining activities and for restoration and reclamation of surface areas affected by underground mining activities. This regulation sets forth requirements for backfilling and grading of areas affected by surface operations, including requirements for backfilling and grading of face-up areas and other cut slopes and limited exemptions, timing of backfilling and grading, covering coal and acid and toxic materials, and regrading or stabilizing rills and gullies.

Section 1. Timing of Backfilling and Grading. Surface areas disturbed incident to underground mining activities shall be backfilled and graded in accordance with a relative time-schedule approved by the cabinet in accordance with 405 KAR 18:020.

Section 2. General Backfilling and Grading Requirements. (1) Except as provided in subsection (8) of this section, all disturbed areas shall be returned to their approximate original contour. All spoil shall be transported, placed in a controlled manner, backfilled, compacted (where advisable to ensure stability or to prevent leaching of toxic materials), and graded to:

(a) Eliminate all highwalls (except as otherwise provided in Section 5 of this regulation), spoil piles, and depressions (excluding depressions and impoundments approved pursuant to subsection (4) or (5) of this section);

(b) Ensure a long-term static factor of safety of at least 1.3 for all portions of the reclaimed land;

(c) Achieve a postmining slope which does not exceed the angle of repose and which does prevent slides;

(d) Minimize erosion and adverse effects on surface and ground water both on and off the site; and

(e) Support the approved postmining land use.

(2) Spoil, except excess spoil disposed of in accordance with 405 KAR 18:130, shall be returned to the excavated surface areas.

(3) Disposal of coal processing waste and underground development waste in the mined-out surface area shall be in accordance with 405 KAR 18:140, except that a long-term static safety factor of 1.3 shall be achieved.

(4) Small depressions may be constructed on backfilled areas, if the depressions:

(a) Are needed to minimize erosion, conserve soil moisture, create or enhance wildlife habitat, or promote vegetation;

(b) Do not restrict normal access;

(c) Are not inappropriate substitutes for lower grades on the reclaimed lands;

(d) Are approved by the cabinet;

(e) Do not adversely affect the stability of the backfilled area; and

(f) Are not located on steep-slope outcrops.

(5) Impoundments on backfilled areas may be approved, if the impoundments:

(a) Meet the applicable requirements of 405 KAR 18:060, Section 10 and 405 KAR 18:100;

(b) Are demonstrated, to the satisfaction of the cabinet in the permit application, to have no adverse effect on the stability of the backfilled area;

(c) Are consistent with and suitable for the approved postmining land use;

(d) Are specifically approved by the cabinet in the permit application; and

(e) Are not located on steep-slope outcrops.

(6) All underground mining activities on slopes above twenty (20) degrees, or on lesser slopes that the cabinet defines as steep slopes, shall comply with the requirements of 405 KAR 20:060.

(7) All final grading; preparation of overburden before replacement of topsoil, topsoil substitutes, and topsoil supplements; and placement of topsoil, topsoil substitutes, and topsoil supplements shall be done along the contour to minimize subsequent erosion and instability. If such grading, preparation, or placement along the contour is hazardous to equipment operators, then grading, preparation, or placement in a direction other than generally parallel to the contour may be used. In all cases, grading, preparation, and placement shall be conducted in a manner which minimizes erosion and provides a surface for placement of topsoil, topsoil substitutes, and topsoil supplements which will minimize slippage.

(8) The postmining slope may vary from the approximate original contour when approval is obtained from the cabinet for:

(a) A variance from approximate original contour requirements in accordance with 405 KAR 8:050, Section 6; [or]

(b) Incomplete elimination of highwalls in previously mined areas in accordance with Section 5 of this regulation [ ] or [ ]

[ ] (c) Incomplete elimination of face-up areas and similar cut slopes pursuant to subsection (9) of this section. [which were created prior to May 3, 1978 in accordance with subsection (9) of this section.]

(9) Face-up areas and similar cut slopes created prior to the effective date of SMCRA, as defined at Section 502(a), (b), and (c) therein, that are associated with underground mining activities which were started prior to the effective date of SMCRA and which have continued as existing and ongoing operations pursuant to permits issued under the interim and permanent regulatory programs shall be backfilled and graded in accordance with the requirements of Section 5 of this regulation; provided, however, that for the purposes of this subsection "reasonably available spoil" shall not include spoil generated by the operation prior to the effective date of SMCRA which is not accessible and available for use or which would cause a hazard to public safety or significant damage to the environment if rehandled.

[(9) Any underground mining activity under permit as of the effective date of this

amendment and having a face-up area or similar cut slope which was created prior to May 3, 1978 may comply with the backfilling and grading plan approved in the permit and shall not be required to completely eliminate the pre-existing face-up area or similar cut slope, if such elimination was not required in the approved permit.]

Section 3. Disposal of Acid-forming, Toxic-forming, and Combustible Materials and Coverage of Coal Seams. (1) General. Exposed coal seams, acid-forming materials, toxic-forming materials, and combustible materials which are used, produced, or exposed during surface coal mining and reclamation operations shall be handled; disposed of; treated; and covered with nontoxic-forming, nonacid-forming, and noncombustible materials in a manner which:

(a) Minimizes adverse impacts on surface and ground water, minimizes disturbances to the hydrologic balance, and prevents material damage to the hydrologic balance;

(b) Ensures compliance with 405 KAR 18:060;

(c) Prevents sustained combustion;

(d) Minimizes adverse impacts on plant growth and the approved postmining land use;

(e) Ensures that the affected area is capable of sustaining sufficient vegetation to meet the revegetation requirements of 405 KAR 18:200; and

(f) Ensures that the affected area is capable of meeting the postmining land use requirements of 405 KAR 18:220.

(2) Coverage and treatment. All exposed coal seams, acid-forming materials, toxic-forming materials, and combustible materials which are used, produced, or exposed during surface coal mining and reclamation operations shall be covered and treated as necessary to neutralize toxicity, acidity, and combustibility, in order to ensure long-term and short-term compliance with subsection (1) of this section.

(a) All exposed coal seams shall be covered with a minimum of four (4) feet of nontoxic-forming, nonacid-forming, and noncombustible materials. The cabinet shall require thicker amounts of cover, special compaction of cover, treatment, or other measures as necessary to ensure compliance with subsection (1) of this section and to prevent exposure of the coal seams by erosion.

(b) Excluding exposed coal seams, all acid-forming materials, toxic-forming materials, and combustible materials which are used, produced, or exposed during surface coal mining and reclamation operations shall be:

1. Selectively blended with nontoxic-forming, nonacid-forming, and noncombustible materials; treated; or selectively handled, or an appropriate combination of such measures shall be used, as necessary to ensure compliance with subsection (1) of this section; and

2. Covered with a minimum of four (4) feet of nontoxic-forming, nonacid-forming, and noncombustible materials. The cabinet shall require thicker amounts of cover, special compaction of cover, treatment, or other measures as necessary to ensure compliance with subsection (1) of this section and to prevent exposure of the toxic-forming, acid-forming, or combustible materials by erosion. The cabinet may approve lesser amounts of cover, or no cover (other than topsoil, topsoil substitutes, or topsoil supplements), if the applicant demonstrates, to the satisfaction of the cabinet

in the permit application, that the lesser amounts are sufficient to ensure compliance with subsection (1) of this section and to maintain coverage of the toxic-forming, acid-forming, and combustible materials;

3. If required or approved by the cabinet, compacted and placed in an environment which minimizes the oxidation potential of the toxic-forming materials, acid-forming materials, and combustible materials; and

4. If required or approved by the cabinet, disposed so as to minimize surface and ground water contact with acid-forming materials, toxic-forming materials, and combustible materials. Such contact may be minimized by the encasement of such materials in low-permeability substances and by the compaction and selective placement of such materials in locations other than surface drainage courses, ground water recharge areas, or areas of significant ground water flow. As an alternative to minimizing contact with surface and ground water and if feasible based on site conditions, the cabinet may allow acid-forming materials, toxic-forming materials, and combustible materials be placed below the permanent water table.

(3) The cabinet shall require measures in addition to those identified in subsection (2) of this section if necessary to ensure protection of the environment or the health or safety of the public.

Section 4. Regrading or Stabilizing Rills and Gullies. When rills or gullies deeper than nine (9) inches form in areas that have been regraded and topsoiled, the rills and gullies shall be filled, graded, or otherwise stabilized and the area reseeded and/or replanted according to 405 KAR 18:200. The cabinet may specify that rills or gullies of lesser size be stabilized and the area reseeded and/or replanted, if the rills or gullies are disruptive to the approved postmining land use or to the establishment of vegetation, may result in additional erosion and sedimentation, or may cause or contribute to the violation of a water quality standard.

Section 5. Remining Previously Mined Areas. (1) General requirements. Remining operations on previously mined areas, including steep slope areas, that contain a pre-existing highwall shall comply with Sections 1 through 4 of this regulation except as provided in this section.

(2) Definitions.

(a) "Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remining permit area.

(b) "Modified highwall" means either:

1. The highwall resulting from remining where the pre-existing highwall face is removed; or

2. The highwall resulting from remining where the pre-existing highwall is vertically enlarged.

(c) "Previously mined area" means land which was disturbed or affected by coal mining operations that occurred prior to May 3, 1978, which was not reclaimed to the standards of this Title, and for which there is no continuing responsibility to reclaim to the standards of this Title.

(d) "Reasonably available spoil" means spoil and suitable coal mine waste material generated by the remining operation and other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a

hazard to public safety or significant damage to the environment. For this purpose, the permit area shall include all such spoil in the immediate vicinity of the mining operation.

(e) "Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

(3) Variances to backfilling and grading requirements for remining operations. The requirements within Section 2(1)(a) of this regulation to completely eliminate highwalls shall apply to remining operations, except for situations in which the volume of all reasonably available spoil is demonstrated, to the satisfaction of the cabinet in the permit application, to be insufficient to completely backfill and eliminate the pre-existing or modified highwall. The highwall shall be eliminated to the maximum extent technically practicable in accordance with the following criteria:

(a) All reasonably available spoil shall be used to backfill the area.

(b) The backfill shall be graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability (1.3 long-term static factor of safety), provided, however, that the exposed coal seam shall be covered in accordance with Section 3 of this regulation.

(c) Spoil generated or handled by the remining operation shall not be placed on the fill section of any existing or new bench.

(d) Any highwall remnant shall be stable and not pose a hazard to the public health and safety or to the environment. The permittee shall demonstrate, to the satisfaction of the cabinet in the permit application, that the postmining highwall remnant will be stable. If the highwall remnant is determined by the cabinet to be unstable or potentially unstable, the permittee shall perform any corrective measures required by the cabinet to stabilize the highwall remnant.

(e) Spoil placed on the outslope during previous mining operations shall not be disturbed if such disturbance will cause instability of the remaining spoil or otherwise increase the hazard to the public health or safety or to the environment.

Section 6. Temporary Storage of Materials. (1) After excavation, materials to be used for backfilling in compliance with this regulation shall be returned, for backfilling purposes in accordance with this regulation, to a mined-out area within the permit area or shall be temporarily stored in designated storage areas

designs of which have been provided in the permit application and thereby approved by the cabinet.

(2) Temporary storage areas shall be designed and constructed in accordance with the requirements of 405 KAR 18:130 or 405 KAR 18:140, depending on the type of material, except as specified in the following:

(a) If the temporary storage area is to exist for six (6) months or longer, the storage area shall be protected by establishment of an effective cover of nonnoxious, quick-growing, annual and perennial plants seeded or planted during the first normal seeding or planting period following placement of the fill material and re-sown as necessary thereafter.

(b) Topsoil, topsoil substitute, and topsoil supplement materials to be used in final reclamation of the temporary storage area shall either be stockpiled in accordance with 405 KAR 18:050, Section 3(1) through (3) or temporarily redistributed on areas in accordance with 405 KAR 18:050, Section 3(4). The applicant shall submit, in the permit application, a discussion from a qualified soil scientist or qualified agronomist which indicates, to the satisfaction of the cabinet, that the topsoil stockpile or temporary redistribution plan will minimize adverse effects on the quality and quantity of the topsoil, topsoil substitute, and topsoil supplement materials.

(3) Fills designed and constructed in accordance with this section may be retained as permanent structures if:

(a) The cabinet approves a permit revision submitted in accordance with 405 KAR 8:010, Section 20 for retention of the fill as a permanent structure and for the use of alternate materials to backfill areas and return the disturbed areas to their approximate original contour, in accordance with the requirements of this regulation;

(b) Topsoil, topsoil substitute, and topsoil supplement materials are redistributed on the fill in accordance with 405 KAR 18:050;

(c) The fill is revegetated and reclaimed in accordance with 405 KAR 18:200, 405 KAR 18:220, and all other applicable requirements of KRS Chapter 350 and this Title; and

(d) The borrow area or other area from which the alternate backfill material is obtained is permitted under a valid permit from OSMRE and is reclaimed in accordance with the requirements of KRS Chapter 350 and this Title.

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: June 11, 1987

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## PROPOSED AMENDMENTS

GENERAL GOVERNMENT CABINET  
Board of Nursing  
(Proposed Amendment)

201 KAR 20:057. Scope and standards of practice of advanced registered nurse practitioners.

RELATES TO: KRS 314.011(7), 314.193(2)

PURSUANT TO: KRS 314.131(1), 314.193(2)

NECESSITY AND FUNCTION: The Nursing Practice Act requires that standards in the performance of advanced registered nursing practice be established by regulation to safeguard the public health and welfare.

Section 1. The practice of the advanced registered nurse practitioner shall be in accordance with the standards and functions defined in the scope and standards of practice statements for each specialty area as developed by the national organizations recognized in 201 KAR 20:056 (American Nurses' Association, The Scope of Practice of the Primary Health Care Nurse Practitioner, 1985; American Nurses' Association, Statement on Psychiatric and Mental Health Nursing Practice, 1976; American Nurses' Association, A Statement on the Scope of Medical-Surgical Nursing Practice, 1980; American Nurses' Association, The Role of the Clinical Nurse Specialist, 1986; American Association of Nurse Anesthetists, American Association of Nurse Anesthetists Guidelines for the Practice of the Certified Registered Nurse Anesthetist, 1983; American College of Nurse-Midwives, Functions, Standards and Qualifications, 1983; Nurses' Association of the American College of Obstetricians and Gynecologists and American College of Obstetricians and Gynecologists, The Obstetric/Gynecologic Nurse Practitioner, Role Delineation, Role Description and Educational Guidelines, 1984; and the National Association of Pediatric Nurse Associates and Practitioners, Scope of Practice: Pediatric Nurse Associates/Practitioners, 1983) herein incorporated by reference. Said scope and standards of practice statements were adopted by the board of nursing pursuant to KRS 314.011(7) and KRS 314.193(2). (A copy of the statements may be reviewed Kentucky Board of Nursing office, 4010 Dupont Circle, Suite 430, Louisville, Kentucky, during business hours, and said statements may be obtained from the national organizations.) In adopting such scopes and standards of practice, the board of nursing may solicit the recommendations of the nursing practice council and other appropriate groups. The advanced registered nurse practitioner shall accept the responsibility, accountability and obligation to practice in accordance with the accepted standards of care as defined by the nursing profession and as stated in KRS 314.011(7).

Section 2. In the performance of advanced registered nursing practice acts, the advanced registered nurse practitioner shall practice in accordance with established protocol and shall seek consultation and/or referral in those situations where practice requirements are not

included in the established protocol. The term "established protocol" shall mean a written document jointly approved by the physician and the advanced registered nurse practitioner delineating the areas of practice for the advanced registered nurse practitioner, and shall be reviewed at least annually. The established protocol shall include those areas of practice related to diagnostic tests, and prescription of medications and treatments. In delineating the areas of practice in the protocol, the advanced registered nurse practitioner shall conform to the standards of practice of the appropriate national nursing organization incorporated by reference in Section 1 of this regulation. Any limitations beyond that set out in the scope and standards of practice statements shall be delineated in the established protocol.

Section 3. Advanced registered nursing practice does not preclude the practice by the advanced registered nurse practitioner of registered nursing practice as defined in KRS 314.011(5).

Section 4. A list of advanced registered nurse practitioners by designation will be made available to the Cabinet for Human Resources, Kentucky Board of Pharmacy and any other agency upon request.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: June 10, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 27, 1987 at 2 p.m. in Room 420 of the Professional Towers Building, 4010 Dupont Circle, Louisville, Kentucky. Those interested in attending this hearing shall notify the following office in writing by July 22, 1987: Bernadette M. Sutherland, Assistant Executive Director, Kentucky Board of Nursing, Suite 430, 4010 Dupont Circle, Louisville, Kentucky 40207.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sharon M. Weisenbeck, Executive Director

(1) Type and number of entities affected: This regulation amendment incorporates by reference an updated version of a national organization's scope of practice statement for ten advanced registered nurse practitioners (ARNPs) who hold registration designation as clinical nurse specialists. The regulation amendment clarifies information to be included in the established protocol of some 656 ARNPs.

(a) Direct and indirect costs or savings to those affected: The proposed amendment will not change cost to those affected.

1. First year: N/A

2. Continuing costs or savings: N/A

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

(b) Reporting and paperwork requirements: No effect on existing reporting or paperwork requirements.

(2) Effects on the promulgating administrative body: None

- (a) Direct and indirect costs or savings:
  - 1. First year: Less than \$50.
  - 2. Continuing costs or savings: Same as (2)(a)1.
  - 3. Additional factors increasing or decreasing costs: N/A
  - (b) Reporting and paperwork requirements: Lists of ARNPs will be sent to specific state agencies, and to other agencies if requested.
  - (3) Assessment of anticipated effect on state and local revenues: None
  - (4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
  - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
  - (a) Necessity of proposed regulation if in conflict: N/A
  - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
  - (6) Any additional information or comments: None
- TIERING: Was tiering applied? Yes, tiering was applied in that each specialty area of advanced registered nursing practice has a specific scope of practice statement incorporated by reference to 201 KAR 20:057, Section 1.

**GENERAL GOVERNMENT CABINET**  
**Board of Occupational Therapy**  
**(Proposed Amendment)**

**201 KAR 28:050. Special licensure requirements.**

RELATES TO: KRS 319A.110, 319A.120, 319A.140  
 PURSUANT TO: KRS 319A.070(3)

NECESSITY AND FUNCTION: KRS Chapter 319A and pertinent parts of KRS 319A.070(3) require the board to establish a procedure for the licensure of those persons who either have been practicing as an O.T.R. or a C.O.T.A. and were certified by the A.O.T.A. prior to the effective date of this Act or have been licensed as an O.T.R. or a C.O.T.A. by another state with licensure requirements substantially equal or at least as stringent as that of the Act. This regulation sets forth the procedures by which such applicants shall apply for a license under the provisions of KRS Chapter 319A.

Section 1. Licensure of an O.T.R. or a C.O.T.A. Any individual who was certified as an O.T.R. or a C.O.T.A. by the A.O.T.A. prior to July 15, 1986, and who desires to be licensed as an L.O.T.R. or an L.O.T.A. under the provisions of KRS 319A.140(1) must by no later than July 15, 1987, fulfill the following requirements:

- (1) Submit to the board an application for licensure on a form approved by the board;
- [(2)] Submit with the application a check payable to the Kentucky State Treasurer in the amount of seventy-five (75) dollars which is not refundable;
- [(2)] [(3)] Submit to the board a certified or true copy of the applicant certificate as an O.T.R. or a C.O.T.A. as issued prior to July 15, 1986, by the A.O.T.A.;
- [(3)] [(4)] Submit a statement from an authorized agent of the A.O.T.A. that the applicant is a member and is in good standing with the association.

Section 2. Persons Licensed by Another State. Any individual desiring to be licensed as a L.O.T.R. or a L.O.T.A. under the provisions of KRS 319A.140(2) shall fulfill the following requirements:

- (1) Submit to the board an application for licensure on a form approved by the board;
- [(2)] Submit with the application a check payable to the Kentucky State Treasurer in the amount of seventy-five (75) dollars which is not refundable;
- [(2)] [(3)] Submit a certified copy of the individual's license, registration or certification from the state in which the individual was licensed along with a statement from the licensing authority that the individual is in good standing as either an O.T.R. or an O.T.A.;
- [(3)] [(4)] Submit a current copy of the regulations and state law under which the individual is licensed; and
- [(4)] [(5)] Those persons certified by A.O.T.A. in another state as an O.T.R. or as a C.O.T.A. submit a copy of the certificate issued by the A.O.T.A. stating that the individual meets the requirements of a certification as an O.T.R. or a C.O.T.A.

Section 3. Waiver of Examination. Any provision to the contrary notwithstanding in 201 KAR 28:040, any individual who qualifies for licensure under the provisions of this regulation shall be exempt from taking a written examination.

Section 4. Approval Required. Any application submitted by an applicant in accordance with these regulations shall be approved if the board believes that applicant qualifies for licensure under the provisions of KRS 319A.140(1) or (2). The board shall give notice in writing to the applicant of its decision and if approved, a license shall be issued in accordance with the provisions of 201 KAR 28:080 and upon payment to the Kentucky State Treasurer of the appropriate licensing fee.

THOMAS FISHER, Chairman

APPROVED BY AGENCY: May 23, 1987

FILED WITH LRC: May 28, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 21, 1987, at 10 a.m. in Room 141 of the State Capitol in Frankfort. Those interested in attending this hearing should contact the following in writing: Nathan Goldman, Office of the Attorney General, 120 State Capitol, Frankfort, Kentucky 40601.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Nathan Goldman

(1) Type and number of entities affected: Occupational therapists.

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

- 1. First year: \$25 per person.
- 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: N/A
- (2) Effects on the promulgating administrative body: Decreased funds.
- (a) Direct and indirect costs or savings:
  - 1. First year: \$25 per person less than anticipated.

2. Continuing costs or savings: Credited to second year.

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: N/A

TIERING: Was tiering applied? No. Tiering is not applicable.

GENERAL GOVERNMENT CABINET  
Board of Occupational Therapy  
(Proposed Amendment)

201 KAR 28:060. Regular licensure requirements/temporary permits of L.O.T.R.s and L.O.T.A.s.

RELATES TO: KRS 319A.100, 319A.110, 319A.130

PURSUANT TO: KRS 319A.070(3)

NECESSITY AND FUNCTION: KRS Chapter 319A and pertinent parts of KRS 319A.070(3) require the board to establish a procedure for the licensure of persons who wish to practice in this state as an occupational therapist registered and an occupational therapy assistant. This regulation sets forth the procedure by which such applicants shall apply for a license under the provisions of Chapter 319A, and the procedure for the issuance of a temporary permit by the board to an applicant.

Section 1. Licensure of L.O.T.R.s. (1) All individuals who do not qualify for licensure as a L.O.T.R. under the provisions of 201 KAR 28:050 shall, in order to be licensed as a L.O.T.R., meet all of the following requirements:

(a) Submit an application on a form approved by the board [and submit a check payable to the board in the amount of seventy-five (75) dollars which is not refundable].

(b) Submit a certified copy of the applicant's transcript indicating that the applicant for a L.O.T.R. has a baccalaureate, postbaccalaureate certificate or master's degree in occupational therapy from an occupational therapy program accredited by the Committee on Allied Health, Education, and Accreditation of the American Medical Association and approved by the American Occupational Therapy Association.

(c) Submit a statement by the applicant's supervisor in the applicant's educational program that the applicant has successfully completed a minimum of six (6) months of supervised field work.

(d) Pass a written examination approved by the board.

(e) Submit a statement of recommendation from two (2) L.O.T.R.s in this state or two (2) O.T.R.s as licensed in states with licensing requirements as stringent as those of this state attesting to the applicant's good moral

character.

(2) An applicant for licensure as an O.T.R. may in lieu of submitting a transcript as set forth in subsection (1)(b) of this section submit to the board a certified copy of the applicant's certification by the A.O.T.A. as an occupational therapy assistant (C.O.T.A.) demonstrating that the applicant has been practicing as a certified occupational therapy assistant for four (4) years.

Section 2. Licensure of L.O.T.A.s. All individuals who do not qualify for licensure as a L.O.T.A. under the provisions of 201 KAR 28:050 shall, in order to be licensed as a L.O.T.A., meet all of the following requirements:

(1) Submit an application on a form approved by the board [and submit a check payable to the board in the amount of seventy-five (75) dollars which is not refundable].

(2) Submit a certified copy of the applicant's transcript indicating that the applicant for a L.O.T.A. has successfully graduated from an educational program approved by the American Occupational Therapy Association.

(3) Submit a statement by the applicant's supervisor in the education program that the applicant has successfully completed a minimum of four (4) months of supervised field work.

(4) Pass a written examination approved by the board.

(5) Submit a statement of recommendation from two (2) L.O.T.R.s licensed in this state or two (2) O.T.R.s as licensed in states with licensing requirements as stringent as those of this state attesting to the applicant's good moral character.

Section 3. Temporary Permit. (1) Upon submission of the application on a form approved by the board as provided in Sections 1 or 2 of this regulation, the board upon payment of the initial application fee may issue to the applicant a temporary permit which shall allow the applicant for licensure to practice occupational therapy under the supervision of a L.O.T.R. in accordance with the applicable provisions of 201 KAR 28:130.

(2) Temporary permits shall be valid until the application for licensure is approved or denied by the board but shall in any event expire thirty (30) days following the first examination offered (whether taken or not) subsequent to the filing of the application for licensure.

(3) No more than one (1) temporary permit shall be granted per applicant regardless of the number of times an applicant may file for licensure as a L.O.T.R. or L.O.T.A.

Section 4. Approval Required. Any application submitted by an applicant in accordance with these regulations shall be approved if the board believes that applicant qualifies for licensure under the provisions of KRS 319A.110. The board shall give notice in writing to the applicant of its decision and if approved, a license shall be issued in accordance with the provisions of 201 KAR 28:080 and upon payment to the Kentucky State Treasurer of the appropriate licensing fee.

THOMAS FISHER, Chairman

APPROVED BY AGENCY: May 23, 1987

FILED WITH LRC: May 28, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 21, 1987,

at 10 a.m. in Room 141 of the State Capitol in Frankfort. Those interested in attending this hearing should contact the following in writing: Nathan Goldman, Office of the Attorney General, 120 State Capitol, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nathan Goldman

(1) Type and number of entities affected: Occupational therapists  
(a) Direct and indirect costs or savings to those affected:

1. First year: \$25 per person.

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:

(2) Effects on the promulgating administrative body: Decreased funds

(a) Direct and indirect costs or savings:

1. First year: \$25 per person less than anticipated.

2. Continuing costs or savings: Credited to second year.

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: N/A  
TIERING: Was tiering applied? No. Tiering is not applicable.

#### GENERAL GOVERNMENT CABINET Board of Occupational Therapy (Proposed Amendment)

201 KAR 28:110. Fees.

RELATES TO: KRS 319A.170

PURSUANT TO: KRS 319A.070(3), 319A.170

NECESSITY AND FUNCTION: KRS Chapter 319A provides, in pertinent part, for the assessment of fees for the application, licensure of occupational therapist registered and occupational therapy assistants, and other fees as deemed appropriate by the board. This regulation provides for such fees.

Section 1. Fees. The following are the fees, payable to the Kentucky State Treasurer, which shall be collected by the board:

[(1)] The application fee shall be seventy-five (75) dollars and shall not be refundable regardless of circumstances.]

[(1)] [(2)] Initial licensure of an occupational therapist registered is to be fifty (50) dollars.

[(2)] [(3)] Initial licensure of an occupational therapy assistant shall be thirty-five (35) dollars.

[(3)] [(4)] Applications for renewal shall be fifty (50) dollars.

[(4)] [(5)] Applications for late renewal shall be seventy-five (75) dollars.

Section 2. Miscellaneous Costs. The following shall be the costs assigned by the board for the following activities:

(1) Issuance of a duplicate license - five (5) dollars.

(2) Photocopying of any material not otherwise privileged and in the custody of the board - twenty-five (25) cents per page.

THOMAS FISHER, Chairman

APPROVED BY AGENCY: May 23, 1987

FILED WITH LRC: May 28, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 21, 1987 at 10 a.m. in Room 141 of the State Capitol in Frankfort. Those interested in attending this hearing should contact the following in writing: Nathan Goldman, Office of the Attorney General, 120 State Capitol, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nathan Goldman

(1) Type and number of entities affected: Occupational therapists

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

1. First year: \$25 per person

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: N/A

(2) Effects on the promulgating administrative body: Decreased funds

(a) Direct and indirect costs or savings:

1. First year: \$25 per person less than anticipated.

2. Continuing costs or savings: Credited to second year.

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: N/A  
TIERING: Was tiering applied? No. Tiering is not applicable.

#### TOURISM CABINET Department of Fish & Wildlife Resources (Proposed Amendment)

301 KAR 2:050. Land Between the Lakes hunting rules.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.176, 150.250, 150.360, 150.640

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: This regulation pertains to general rules for hunting on Land

Between the Lakes located in Trigg and Lyon Counties. This regulation is necessary to specify special hunting rules at Land Between the Lakes. The function of this regulation is to authorize conservation officers to enforce special Land Between the Lakes hunting rules.

Section 1. License Requirements. (1) Kentucky hunting license and Land Between the Lakes permit. Hunters must have a valid Kentucky hunting license and a Land Between the Lakes hunting permit. Permits are non-transferable and may be cancelled if rules and regulations are violated and/or if the holder is deemed to be careless with firearms. Permits may be obtained at any information station or at the Administrative Office, Golden Pond, KY 42231. Deer hunters must also possess a valid Kentucky deer tag and turkey hunters must possess a valid Kentucky turkey tag.

(2) Hunter Safety Training Certificate Requirement. Every person born on or after January 1, 1969, before hunting shall possess, in addition to all other licenses and permits required, proof of satisfactory completion of a state approved hunter education course except that this provision shall not apply to persons under ten (10) years of age accompanied by an adult at least twenty-one (21) years of age. For the purposes of this section, accompanied is defined as being able to take immediate control of the hunting device. This provision shall take effect April 1, 1985.

Section 2. General Rules. (1) Except as noted, state and federal regulations apply.

(2) No species of wildlife may be molested or taken except as authorized.

(3) Target practice is prohibited except at designated ranges and with Land Between the Lakes approval.

(4) Operation of motorized vehicles is permitted only within the designated off-road vehicle area and on Land Between the Lakes system roads. System roads are those designated by signs and listed on a map available free of charge from Land Between the Lakes. Driving in woods, fields, foot trails, or utility rights of way and blocking access to roads, trails, and entryways is prohibited.

Section 3. Weapons. (1) Prohibitions.

(a) Handguns cannot be carried on the person except during legal hunting hours while participating in authorized gun [deer] hunts.

(b) Firearms and bows and arrows, except target and fishing arrows, are prohibited except during authorized hunts. At this time, hunters must have in their possession a valid Land Between the Lakes hunting permit and a valid Kentucky hunting license, or as otherwise authorized by special regulations. Such hunters camping on Land Between the Lakes may possess legal hunting weapons one (1) day prior to and one (1) day after an authorized hunt.

(c) Firearms transported in vehicles during authorized hunts must be unloaded in both chamber and magazine.

(2) Permitted Weapons. All firearms and archery equipment must conform to statewide regulations unless specified in other regulations.

Section 4. Hunting and Chasing. (1) Hunting is prohibited in all developed public use areas,

safety zones and posted areas unless so designated by signs.

(2) A state permit is required to conduct a field trial.

(3) Fox chasing and raccoon and opossum hunting are permitted from sunset to sunrise during the designated season. Raccoons may be bagged or taken for restocking. Dogs must be removed by eight (8) a.m.

(4) Quota deer hunting applicants are selected for each hunt by computerized drawing. Hunters must hunt only during the period assigned to them and must stay within their assigned hunt area. Hunt areas and dates cannot be changed. Only one (1) application is permitted per hunter. Groups are limited to no more than five (5) hunters. For quota hunts, other than special youth hunts, hunters under sixteen (16) must apply and hunt with an adult. Some Land Between the Lakes permits for deer may be valid for antlerless deer or either sex deer as specified on the permit.

(5) Deer and turkey bow hunting. During the concurrent deer and turkey bow hunting season, only those turkey hunters who have a valid Kentucky deer and turkey hunting permit are eligible to hunt turkey. Turkey hunting will not be allowed after the hunter is successful in bagging a deer. This rule applies only when deer and turkey are hunted concurrently and not during the spring turkey only hunting season. Turkey taken must be checked out and have both a Land Between the Lakes permanent game tag and a Kentucky turkey tag attached before being removed from the area.

Section 5. Tree Stands. Nails, spikes, tree climbers, screw-in devices, or wire must not be used for attaching stands or for climbing trees. No existing permanent stands may be used. Portable stands and climbing devices that do not injure trees may be used. Portable stands may be placed on trees no more than two (2) weeks prior to the hunting season and must be removed within one (1) week following a hunting season or portion of a split season. All portable stands must display the name and address of the owner.

DON R. McCORMICK, Commissioner

G. WENDELL COMBS, Secretary

CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing will be held on July 21, 1987, at 11 a.m. in the Commission Room of the Department of Fish and Wildlife Resources central offices at Frankfort, Kentucky. Those interested in attending this hearing shall contact: Mr. 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: Approximately 2,000 hunters annually who may choose to hunt with a rimfire pistol.

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

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing



costs (note any effects upon competition): None  
 (b) Reporting and paperwork requirements: None  
 (2) Effects on the promulgating administrative body: Regulation change administration which includes preparation and publication.

(a) Direct and indirect costs or savings: Approximately \$300 to prepare and publish the regulation.

1. First year: \$300,000

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Regulation preparation and publication.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: None. To leave as is would result in rimfire pistols being precluded from use while hunting small game. It was not intended that this be the case.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

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

**TOURISM CABINET**  
**Department of Fish & Wildlife Resources**  
**(Proposed Amendment)**

**301 KAR 2:110. Raccoon and opossum training and shake-out seasons.**

RELATES TO: KRS 150.010, 150.025, 150.360, 150.365, 150.370, 150.390, 150.399, 150.400, 150.410

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: This regulation pertains to the dog training and shake-out season for opossum and raccoon. This regulation is necessary for the continued protection and conservation 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 raccoons and opossum within reasonable limits based upon an adequate supply.

Section 1. Night Training Season. (1) The night training season for opossum and raccoon dogs shall be February 1 through October 21, both dates inclusive.

(2) Neither species shall be taken during this period in any way, or by any method. During this period, the hunters shall not carry any firearms, slingshot, or any weapon, device or instrument, including climbers or squealers, that is capable of injuring, enticing or forcing the animals from the tree or den. The restrictions in this subsection also apply to the day training of dogs as authorized by KRS 150.370(2).

Section 2. Shake-out Season. (1) Shake-out season shall be October 22 through the day of the closure of the deer gun season. [the third Wednesday in November,] both dates inclusive.

(2) During the shake-out season, opossum or raccoon may be taken by dog only. During this period, the hunters shall not carry any firearms, slingshot, or any weapon, device or instrument that is capable of injuring the animals. Hunters may use squealers, climbers, their hands, or any other method not injurious to the animals, but no person shall cut or otherwise damage any tree in an attempt to force or entice a raccoon or opossum from it. The use of smoke, fire or gases to drive the animal from the tree is prohibited.

(3) The sale of raccoon carcasses is prohibited at all times.

(4) Bag and possession limits; one (1) raccoon per hunter, with no more than three (3) raccoons per party of three (3) or more hunters while hunting during a twenty-four (24) hour period from noon to noon. There is no possession limit on raccoons except that no hunter or party of hunters shall possess more than the daily bag limit while hunting in the field. There is no bag or possession limit on opossum.

DON R. MCCORMICK, Commissioner

G. WENDELL COMBS, Secretary

CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 21, 1987 at 3:30 p.m. in the Commission Room, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Mr. 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: This change is necessary to adjust for the new opening date of the small game season and it does not affect the opportunity for Kentucky's 35,000 raccoon and opossum hunters to participate in this activity.

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

1. First year: This regulation applies only to people who are already licensed hunters. No special licenses are required.

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None  
 (2) Effects on the promulgating administrative body: Requires time and effort in developing and publishing the proposed regulation. No extra enforcement effort will be required.

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

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

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing

costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only available alternative to adjusting the closing date for this season to immediately precede the new small game season was to allow the closing date to remain the same. This would result in an unnecessary loss of sporting opportunity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. This type of regulation does not appear to be adaptable to the tiering process.

#### TOURISM CABINET

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

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

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

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: This regulation pertains to the open season for unprotected species of wild birds and wild animals. Since all wildlife is protected unless declared unprotected, this regulation is necessary to establish the species that can be hunted year-round, and to insure that only those species declared unprotected may be taken by the use of hand, or mouth, mechanically or electronically operated calling or attracting devices. The function of this regulation is to furnish sport and recreation utilizing wildlife species that sometimes create a nuisance or a health hazard. Past year-round hunting for most of these species has had little effect upon their abundance. This amendment is necessary to synchronize and maintain a closure to all hunting for a period of time prior to opening other hunting seasons in November.

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

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

Section 3. Closed season. There shall be a

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

Section 4. Except as otherwise provided by regulation, only those birds and animals listed in Section 1 of this regulation may be taken by the use of hand or mouth calling or attracting devices, or mechanically or electronically operated calling or attracting devices during daylight hours only.

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

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 21, 1987 at 9 a.m. in the Commission Room, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Lauren E. 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: Approximately 300,000 hunters. No negative impacts on either hunters or wildlife are expected.

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

1. First year: This regulation applies only to people who are licensed hunters. No special licenses are required.

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: Requires time and effort in developing and publishing the proposed regulation. No extra enforcement effort will be required.

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

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

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: No impact should be realized.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not synchronizing the season closure would cause contradictory regulations to be in effect.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. This type of regulation does not appear to be adaptable to the tiering process since it is specific to those deer hunters who want to take coyotes incidentally.

**NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION CABINET  
Department for Surface Mining  
Reclamation and Enforcement  
(Proposed Amendment)**

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

RELATES TO: KRS 350.430, 351.380  
PURSUANT TO: KRS Chapter 13A, 224.033(20), 350.020, 350.028, 350.050, 350.465

NECESSITY AND FUNCTION: KRS Chapter 350 requires the cabinet to promulgate regulations to implement the Surface Mining Control and Reclamation Act of 1977 (PL 95-87). PL 95-87, along with [and] federal regulations promulgated pursuant thereto, requires the establishment of a blaster training, examination, and certification program. This regulation establishes a [blaster] certification program for blasters who are responsible for surface blasting operations incident to [using explosives in] surface coal mining and reclamation operations and coal exploration operations. The regulation contains [including] requirements for the training, examination, and certification of blasters; requirements to which blasters must adhere in order to maintain their certifications; provisions whereby certified blasters may seek renewal of their certifications; and requirements for suspension, [and] revocation, and reinstatement of certifications.

Section 1. Blasting Operations to be Conducted under the Direction of a Certified Blaster. (1) "Blaster" means a person who is directly responsible for surface blasting operations [the use of explosives] in surface coal mining and reclamation operations or coal exploration operations.

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

Section 2. Requirements for Certification. (1) A person desiring to become certified under this regulation shall file an application upon a form

furnished by the cabinet. This application [which] shall identify the applicant's name, address, telephone number, and place of employment; shall contain the information required by subsections (2) through (7) of this section; and shall contain such additional information as the cabinet deems necessary for the purposes of this regulation. The application shall be submitted to the central office of the department's Division of Field Services, located in Frankfort, Kentucky, accompanied by a fee of twenty-five (25) dollars.

(2) The applicant shall demonstrate that he or she has received training in the technical aspects of blasting operations and Kentucky [state] and federal laws and regulations governing the storage, transportation, and use of explosives by completing a training course[s] approved by the cabinet. This course [These courses] shall provide training and discuss practical applications of the topics listed in subsection (5) of this section.

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

(4) The application shall include at least two (2) letters of reference on forms provided by the cabinet. Each of these letters [references] shall be from a person who has employed the applicant in blasting operations, from the applicant's supervisor while employed in blasting operations, [either former or present employers in blasting operations] or from a licensed blaster who has [have] worked with the applicant in blasting operations. The letters [of reference] shall indicate that the applicant has exhibited a pattern of conduct consistent with the acceptance of responsibility for blasting operations.

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

(a) Explosives, including:  
1. Selection of the type of explosive to be used;

2. Determination of the properties of explosives which will produce desired results at an acceptable level of risk; and

3. Handling, transportation, and storage of explosives.

(b) Blast designs, including:  
1. Geologic and topographic considerations;  
2. Design of a blast hole, with critical dimensions;

3. Pattern design, field layout, and timing of blast holes; and

4. Field applications.  
(c) Loading blast holes, including priming and boosting.

(d) Initiation systems and blasting machines.  
(e) Blasting vibrations, airblast, and flyrock, including:

1. Monitoring techniques; and  
2. Methods to control adverse effects.

(f) Secondary blasting applications.  
(g) Current federal and Kentucky [state] rules applicable to the storage, transportation, and use of explosives.

(h) Blast records.  
(i) Schedules.

(j) Preblasting surveys, including:

1. Availability;
2. Coverage; and
3. Use of in-blast design.
- (k) Blast-plan requirements.
- (l) Certification and training.
- (m) Signs, warning signals, and site control.
- (n) Unpredictable hazards, including:
  1. Lightning;
  2. Stray currents;
  3. Radio waves; and
  4. Misfires.

(6) Any person who fails the examination discussed in subsection (5) of this section may retake it [the examination] after thirty (30) days; provided however, [.] any person failing the examination twice may not retake it [the exam] until after completing an approved training course and filing a new application.

(7)(a) Upon receipt of an application submitted pursuant to subsection (1) of this section, the cabinet shall review the application and promptly notify the applicant, in writing, as to the application's completeness.

1. If the application is incomplete, the notification shall specify the application's deficiencies. The applicant may then submit, or cause to be submitted, documentation of test results, verification of training, letters of reference, or any other information necessary to correct the cited deficiencies. The applicant shall have three (3) months, beginning on the date on which the notification of incompleteness is mailed or otherwise delivered to the applicant, during which the deficiencies may be corrected. If the deficiencies are not corrected during this three (3) month period, the application file shall be closed and, at the cabinet's discretion, discarded. Once the application file has been closed, the certification shall not be issued unless and until a new application is submitted pursuant to subsection (1) of this section and compliance is demonstrated with all applicable requirements of this regulation.

2. If the application is complete, the notification shall either be accompanied by the issued certificate or it shall state that the cabinet is verifying information pursuant to paragraph (b) of this subsection. After any such verification is performed and the cabinet is satisfied that all applicable requirements of this regulation have been met, the cabinet shall promptly issue the certification.

(b)1. The cabinet may, at its discretion, verify any of the information contained in the application. If, as a result of any such verification effort, the cabinet determines that information contained in the application has been falsified or misrepresented, the cabinet shall deny certification and the applicant shall be ineligible to re-apply for certification for the following one (1) year period.

2. After the period of ineligibility defined pursuant to subparagraph 1 of this paragraph, certification may only be granted if a new application is submitted pursuant to subsection (1) of this section. All of the information contained in the application shall be provided anew; this shall include new letters of reference pursuant to subsection (4) of this section; documentation that the applicant has been retrained pursuant to subsection (2) of this section and retested pursuant to subsection (5) of this section; and a demonstration, pursuant to subsection (3) of this section, that

the applicant holds a valid blaster's license issued by the Kentucky Department of Mines and Minerals. The applicant shall demonstrate compliance with all applicable requirements of this regulation and shall demonstrate, to the cabinet's satisfaction, that falsification or misrepresentation of information is not likely to reoccur.

(8)(a) [Section 3. Issuance of Certification.] The cabinet shall issue a blaster certification [certificate] to any applicant who meets the requirements of subsections (1) through (7) of this section. [Section 2 of this regulation] except [that] the cabinet shall deny certification if the applicant cannot reasonably be expected to conduct himself or herself in a manner consistent with the acceptance of responsibility for blasting operations. The cabinet shall make determinations regarding issuance or denial of the certification based upon the blaster's actions during any prior term of certification, the information contained in the application, and any other pertinent information that is available to the cabinet. [has exhibited a pattern of conduct inconsistent with the acceptance of responsibility for blasting operations.]

(b) The certification [certificate] shall be issued for a term of [valid for] three (3) years.

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

Section 3. [4.] Renewal of Certification. Subject to the provisions of this section, certified blasters shall have the right to successive renewal of their certifications.

(1)(a) Applications for certification renewal shall be submitted on forms provided by the cabinet. Each such application shall identify the applicant's name, address, telephone number, and place of employment; shall contain the information required by subsection (3) of this section; and shall contain such additional information as the cabinet deems necessary for the purposes of this regulation. The application shall be submitted to the central office of the department's Division of Field Services, located in Frankfort, Kentucky, and shall be accompanied by a renewal fee of ten (10) dollars, plus any re-examination fee required pursuant to subsection (3) of this section. The renewal application shall not be submitted more than ninety (90) days prior to certification expiration. [A certified blaster may apply for renewal of his or her certificate by submitting an application on a form furnished by the cabinet at least sixty (60) days prior to the expiration of the certificate. The application shall be accompanied by a fee of ten (10) dollars.]

(b) The cabinet shall neither accept nor process the renewal application of a blaster whose certification is invalid pursuant to Section 4(7) of this regulation, whose certification is suspended pursuant to Section 4(2)(b) of this regulation, or whose certification is revoked pursuant to an order rendered under Section 4(4)(b)3 or (5) of this regulation. If a blaster's certification is suspended pursuant to an order rendered under Section 4(4)(b)3 or (5) of this regulation, a renewal application will be accepted and processed only in accordance with Section 9(2)(a)2 and only if the term and conditions of

the suspension have been met. If an application for renewal is submitted and, prior to renewal, the certification is suspended, revoked, or otherwise invalidated, the renewal application shall be rendered null and void and shall be returned to the applicant.

(2)(a)1. If the blaster seeking renewal desires for his or her certification not to lapse, the renewal application must be submitted sixty (60) or more days prior to the expiration date identified on the blaster's certificate. For applications which are so submitted, the cabinet shall renew the certification, deny the renewal request, or withdraw the renewal request for submission of additional information pursuant to subsection (1)(a) of this section, prior to the date of the certification's expiration. A blaster who submits a renewal application pursuant to this subparagraph shall be eligible for an extension of his or her certification pursuant to subparagraph 2 of this paragraph, should such an extension be necessary and justified as provided for in that subparagraph.

2. If the blaster has submitted a renewal application sixty (60) or more days prior to the expiration date identified on the blaster's certificate, and if the cabinet has not taken final action on the application by the certificate's expiration date, the cabinet may postpone expiration of certification, in order to lessen the likelihood of a lapse in certification during the interim period between the expiration date identified on the certificate and issuance of the renewed certification. Such postponement shall be granted by written letter signed by the director of the department's Division of Field Services and shall delay certification expiration for a period of sixty (60) days. A postponement pursuant to this subparagraph may only be granted once per renewal application and may only be granted if:

a. Through no fault of the certified blaster, the cabinet has not taken final action on the renewal request as of the expiration date identified on the blaster's certificate; and

b. The blaster is making a good faith effort to obtain renewal.

(b) If the blaster desiring renewal fails to submit his or her renewal application sixty (60) or more days prior to the expiration date identified on the certificate, the certification may only be renewed if the renewal application, complete with all information necessary for the cabinet to grant the renewal, is submitted prior to certification expiration or within thirty (30) days following certification expiration. However, if the application is so submitted, the certification shall be considered to lapsed in accordance with subsection (6) of this section during any interim period between expiration of the certificate and issuance of the renewed certificate. Blasters who apply for renewal pursuant to this paragraph shall not be eligible for postponement of certification expiration pursuant to paragraph (a)2 of this subsection.

(c) If the blaster fails to comply with the requirements of paragraph (a) or (b) of this subsection, he or she may be recertified only by re-applying for certification under Section 2 of this regulation. All of the information contained in an application for recertification shall be provided anew; this shall include new letters of reference pursuant to Section 2(4) of

this regulation: documentation that the applicant has been retrained pursuant to Section 2(2) of this regulation and retested pursuant to Section 2(5) of this regulation; and a demonstration, pursuant to Section 2(3) of this regulation, that the applicant holds a valid blaster's license issued by the Kentucky Department of Mines and Minerals. The blaster's certification shall be considered to lapsed in accordance with subsection (6) of this section during the interim period between expiration of the certificate and issuance of the following certificate. Blasters who apply for recertification pursuant to this paragraph shall not be eligible for postponement of certification expiration pursuant to paragraph (a)2 of this subsection.

(3)(a) The applicant for certification renewal pursuant to subsection (2)(a) or (b) of this section [(2) The applicant] shall:

1. [(a)] Demonstrate that he or she has worked in blasting operations associated with surface coal mining and reclamation operations and/or coal exploration operations, in a manner that demonstrates the blaster's competency, during at least one and one-half (1 1/2) years of the three (3) years prior to the expiration date identified on the [of the current] certificate; or

2. Demonstrate that he or she has:

a. Worked, in a manner that demonstrates the blaster's competency, during at least one and one-half (1 1/2) years of the three (3) years prior to the expiration date identified on the certificate in blasting operations associated with road construction, non-coal mining, or other activities that involve blasting techniques similar to those associated with surface coal mining and reclamation operations and/or coal exploration operations;

b. Retaken and passed a written examination on the cabinet's laws and regulations pertaining to the use of explosives; and

c. Submitted a re-examination fee of fifteen (15) dollars; or

3. [(b)] Retake and pass the written examination specified in Section 2(5) of this regulation and submit a re-examination fee of fifteen (15) dollars; provided, however, consecutive renewals pursuant to this subparagraph shall not be granted without the applicant for renewal being retrained pursuant to Section 2(2) of this regulation.

(b) In addition to submitting the documentation required pursuant to paragraph (a) of this subsection, each applicant for renewal [(3) The applicant] shall demonstrate that he or she [currently] holds a valid Kentucky Blaster's License issued by the Kentucky Department of Mines and Minerals.

(4) The provisions of Section 2(7)(b) of this regulation shall apply to applicants for renewal pursuant to this section.

(5)(a) [(4)] The cabinet shall renew the certification [certificate] of any [certified] blaster who meets [has met] the requirements of subsections (1) through (4) of this section, except [that] the cabinet shall deny renewal [of certification] if the blaster cannot reasonably be expected to conduct himself or herself in a manner consistent with the acceptance of responsibility for blasting operations. The cabinet shall make determinations regarding issuance or denial of the renewal based upon the applicant's actions during the most recent term

of certification, the information contained in the renewal application, and any other pertinent information [applicant has exhibited a pattern of conduct inconsistent with the acceptance of responsibility for blasting operations].

(b) The term of a renewed certification [The renewed certificate] shall be [valid for] three (3) years.

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

(6) A blaster's certification shall expire on the expiration date identified on his or her most recent certificate, unless expiration of certification has been postponed pursuant to subsection (2)(a)2 of this section.

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

Section 4. [5.] Suspension and Revocation. (1) For the purposes of this section, a blaster shall be considered to be in violation if he or she: [An authorized representative of the cabinet shall issue a blaster suspension order to the certified blaster, describing the violation and temporarily suspending the certificate until a hearing can be conducted, when any violation listed in subsection (7) of this section is likely to threaten public safety or the environment. The authorized representative may order remedial action where applicable. Temporary relief from a blaster suspension order may be granted in accordance with the procedures and criteria established in 405 KAR 7:090, Section 8, for orders for cessation and immediate compliance.]

(a) Fails to comply with any order of the cabinet;

(b) Handles or uses explosives while under the influence of alcohol, narcotics, or other dangerous drugs, or uses same in the workplace;

(c) Violates any provision of federal explosives laws or regulations or Kentucky's explosives laws or regulations;

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

(e) Fails to comply with the conditions of certification specified in Section 6 of this regulation.

(2)(a)1. Unless the cabinet immediately suspends certification pursuant to paragraph (b) of this subsection, the cabinet shall evaluate the following when the cabinet determines that a blaster is or has been in violation pursuant to subsection (1) of this section: [For violations listed in subsection (7) of this section which are not likely to threaten public safety or the environment, an authorized representative of the cabinet shall issue a blaster citation to the certified blaster describing the violation. The authorized representative may order remedial action where applicable.]

a. Whether well-founded blasting procedures and reasonable precautions were used in endeavoring to prevent the violation;

b. The seriousness of the violation;

c. The history of the blaster's performance;

d. The existence of any information suggesting

that the blaster willfully committed or caused the violation; and

e. Any other pertinent information.

2. Subsequent to conducting the evaluation required by subparagraph 1 of this paragraph, and based upon and commensurate with the results of that evaluation, the cabinet shall issue a written notice to the blaster if the cabinet has reason to believe that he or she willfully committed or caused the violation, or if the cabinet otherwise determines that suspension or revocation of certification is warranted. The written notice shall advise the blaster of the provision(s) of which he or she was in violation and shall advise him or her that the cabinet intends to seek suspension or revocation of the certification.

(b) When the cabinet determines that a blaster is or has been in violation pursuant to subsection (1) of this section, the cabinet shall issue an order immediately suspending the blaster's certification if further blasting operations conducted by or under the direction of the blaster may reasonably be expected to constitute an imminent danger to the health and safety of the public or cause significant, imminent environmental harm.

(c)1. Regardless of whether the cabinet pursues recourse against the blaster pursuant to paragraph (a) or (b) of this subsection, if the cabinet determines that a blaster is or has been in violation pursuant to subsection (1) of this section the cabinet shall retain a description of the violation, a description of the procedures used in evaluating the violation, the conclusion which was reached as a result of the evaluation, and any supporting information which was used in reaching the conclusion. This documentation shall be used in compiling a history of the blaster's performance for use pursuant to paragraph (a) of this subsection and Sections 2(8) and 3(5) of this regulation.

2. When a violation is placed on a blaster's record pursuant to subparagraph 1 of this paragraph, the cabinet shall issue a written statement to the blaster advising him or her of the documented violation. If the violation is subsequently used to the blaster's disadvantage under paragraph (a) of this subsection or Section 2(8) or 3(5) of this regulation, he or she shall be allowed to challenge the fact of the violation or his or her responsibility for the violation at any hearing conducted at that time.

(3)(a) Notices issued pursuant to subsection (2)(a)2 of this section. [Service of] blaster suspension orders issued pursuant to subsection (2)(b) of this section, statements issued pursuant to subsection (2)(c)2 of this section, and orders rendered pursuant to subsections (4)(b)3 and (5) of this section [and blaster citations] shall be served [made upon the blaster] promptly after issuance. Service to the blaster shall be made by hand; by certified mail, return receipt requested; or by registered mail. A copy of each order and each notice shall also be mailed or otherwise delivered to the Kentucky Department of Mines and Minerals. [Such orders and citations shall be served by hand or by certified mail, return receipt requested, or by registered mail to the blaster.] In addition, if the order suspends or revokes certification, a copy of the order [the notice] shall be mailed or otherwise delivered [served by hand] to the blaster's employer as documented in the



cabinet's files and to any other person who, to the best knowledge of the cabinet, employs the blaster as a certified blaster [individual who, based upon reasonable inquiry by the authorized representative, appears to be in charge at the site of the surface coal mining and reclamation operation or coal exploration operation referred to in the order or citation.]

(b) Service, whether by hand or by mail, shall be complete upon tender of the order, notice, or statement [or citation] and shall not be deemed incomplete because of refusal to accept. Moreover, service by mail shall not be deemed incomplete because of failure to claim the document prior to its return to the cabinet by the U.S. Postal Service, nor shall it be deemed incomplete because of the U.S. Postal Service's inability to deliver a document which has been properly addressed with the intended recipient's most recent address known to the cabinet. Service by mail to the blaster shall be addressed to the permanent address shown on the certification or renewal [blaster certificate] application, or if the blaster has submitted notice of an address change pursuant to Section 7 of this regulation, [; or if no address is shown on the application,] to such other address as is known to the cabinet. [department. If no person is present at the site of the operation, service by mail shall by itself be sufficient notice. A copy shall also be mailed to the permittee at the address shown on the permit application and to the Department of Mines and Minerals.]

(4) The following provisions shall apply to suspension orders issued pursuant to subsection (2)(b) of this section: [An authorized representative of the cabinet may by written notice modify a blaster suspension order or blaster citation for good cause.]

(a) Upon issuance of the suspension order, all rights and privileges granted by certification shall be suspended until the order is vacated pursuant to paragraph (c) of this subsection or the certification is restored in accordance with the order rendered pursuant to paragraph (b)3 of this subsection; however, the blaster shall not be required to surrender his or her certificate unless and until the order is rendered pursuant to paragraph (b)3 of this subsection requiring revocation or further suspension, at which time the provisions of subsection (6)(d)2 of this section shall apply.

(b) Unless vacated pursuant to paragraph (c) of this subsection, the suspension order shall be adjudicated in accordance with the following:

1. A hearing shall be scheduled upon issuance of the suspension order. This hearing shall be scheduled to be held within ten (10) working days of issuance of the order. The blaster shall be promptly notified, in accordance with 405 KAR 7:090, Section 6, of the time, date, and location of the scheduled hearing.

2. The chief hearing officer or any other designated hearing officer shall preside over the hearing, and except as otherwise specified or provided for in this paragraph, the hearing shall be conducted pursuant to the provisions of 405 KAR 7:090, Section 5. Within five (5) working days following the hearing, the hearing officer shall issue a report on the findings of fact and conclusions of law concerning the violation.

3. The provisions of 405 KAR 7:090, Section 5(13) shall apply to the filing of exceptions to

the hearing officer's report, and the final order of the secretary concerning the violation shall be issued forthwith.

4. The time schedule for adjudication as specified in subparagraphs 1 and 2 of this paragraph may be extended by the cabinet upon written request by the blaster to whom the suspension order was issued.

(c) Prior to the hearing held pursuant to paragraph (b) of this subsection, a suspension order determined to have been issued in error may be vacated by the director of the Division of Field Services.

(d) The forms on which blaster suspension orders are issued shall be at the discretion of the cabinet and may include the forms used pursuant to 405 KAR 12:020.

(5) Upon issuance of a notice pursuant to subsection (2)(a)2 of this section, the cabinet shall schedule a formal hearing for review of the violation. This hearing shall be held pursuant to 405 KAR 7:090, Section 5. [A blaster suspension order or blaster citation determined to have been issued in error may be vacated by the Director of the Division of Field Services upon the recommendation of the regional administrator and the authorized representative of the cabinet who issued the order or citation.]

(6)(a) Orders rendered pursuant to subsections (4)(b)3 and (5) of this section may suspend or revoke the blaster's certification and may carry requirements for additional training or testing or other appropriate corrective measures; provided however, if the violation was caused or committed willfully, suspension or revocation of certification shall be obligatory. [Upon the issuance of a blaster suspension order or a blaster citation, the cabinet shall provide written notice and schedule a formal hearing in accordance with 405 KAR 7:090, Section 5, to determine whether the certification should be further suspended or revoked. History of the competence of the certified blaster as evidenced by previously issued blaster suspension orders, blaster citations or actions taken as a result of previous hearing shall be considered by the cabinet in making the decision to suspend or revoke.]

(b) The termination date of a suspension shall be specified in the order or the suspension shall be for an indefinite period contingent upon completion of required remedial action. An order for revocation shall specify the ending date of the period during which the blaster will be ineligible for reinstatement, with said period exceeding the minimum required by Section 9(1) of this regulation if appropriate.

(c) The term and conditions of each order rendered pursuant to subsection (4)(b)3 or (5) of this section shall be commensurate with the pertinent factors surrounding the blaster and the violation(s). These factors may include, but not necessarily be limited to, the seriousness of the violation(s), the blaster's culpability for the violation(s), the history of the blaster's performance, and whether the blaster took reasonable care in determining that the operation would be in compliance with applicable laws and regulations.

(d)1. [(8)] Upon service [notice] of a suspension or revocation order rendered pursuant to subsection (4)(b)3 or (5) of this section, the [certified] blaster shall [immediately] surrender [to the cabinet] the suspended or revoked certificate to the cabinet in accordance



with subparagraph 2 of this paragraph. All rights and privileges granted by certification shall be suspended or revoked in accordance with the term and conditions of the order.

2. If the suspension or revocation order rendered pursuant to subsection (4)(b)3 or (5) of this section is hand delivered by a cabinet representative, the suspended or revoked certificate shall be immediately surrendered to the representative delivering the order. If the order is served by certified or registered mail, the certificate shall be immediately hand delivered and surrendered to the department's appropriate regional office.

(7)(a) If the blaster's Kentucky Blaster's License expires, is revoked, or otherwise lapses or becomes invalid during the term of certification, in accordance with Section 6(5) of this regulation the blaster's certification shall automatically be rendered invalid. Once the certification has been rendered invalid, the certificate shall immediately be delivered by hand and surrendered to the department's appropriate regional office. The certificate shall only be returned and certification reinstated after the blaster has demonstrated, and the cabinet has found, that the blaster once again holds a valid Kentucky Blaster's License. If certification expires during the period in which the certification is invalid, the provisions of Section 3 of this regulation shall apply; in addition, the cabinet shall not accept an application for certification renewal unless and until the Kentucky Blaster's License has been restored. [The cabinet may, and upon a finding of willful conduct shall, suspend the certification for a definite or indefinite period, or revoke the certification of a blaster during the term of the certification or take other necessary action if the certified blaster:]

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

(b) The provisions of paragraph (a) of this subsection shall apply automatically, and issuance of a notice or a suspension order pursuant to subsection (2) of this section shall not be required in order to invalidate a blaster's certification pursuant to Section 6(5) of this regulation. [Handles or uses explosives while under the influence of alcohol, narcotics or other dangerous drugs or uses same in the workplace.]

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

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

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

Section 5. [6.] Protection of Certification. Certified blasters shall take every reasonable precaution to protect their certificates from loss, theft, and [or] unauthorized duplication. Any such occurrence shall be immediately reported [immediately] to the cabinet.

Section 6. [7.] Conditions. The following are conditions for maintaining certification:

(1)(a) His or her [A] Kentucky Blaster's License, his or her [and a] Kentucky Blaster Certificate, and at least one (1) other form of identification [Certification] shall be carried by the certified blaster during blasting operations. If the blaster is operating under a

postponement of certification expiration rendered pursuant to Section 3(2)(a)2 of this regulation, the blaster shall also carry the letter granting the postponement.

(b) A certified blaster shall immediately exhibit his or her certificate, Kentucky Blaster's License, letter postponing expiration of certification (if applicable), and one (1) other form of identification to any authorized representative of the cabinet or OSM upon request.

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

(3) Certified blasters shall not delegate their responsibilities [responsibility] to any persons [individual] who are [is] not [a] certified blasters.

(4) The certified blaster who is responsible for conducting blasting operations [blasters] shall provide direction and on-the-job training to non-certified persons who are assigned to his or her [a] blasting crew or who assist in the storage, use, or transportation of explosives incident to the blasting operations.

(5) Each certified blaster [blasters] shall hold a valid Kentucky Blaster's License throughout the term of the certification.

Section 7. Change of Information. A certified blaster shall submit written notification to the cabinet whenever there is a change in his or her name, address, telephone number, or place of employment. Such notifications shall be submitted to the central office of the department's Division of Field Services, located in Frankfort, Kentucky, within thirty (30) days of the change.

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

Section 9. Reinstatement. (1) Reinstatement following revocation. Unless a longer term is specified in the Secretary's revocation order rendered pursuant to Section 4(4)(b)3 or (5) of this regulation, during the one (1)-year period following issuance of the order the blaster shall not be eligible for reinstatement of certification. After this period of ineligibility, certification shall only be reinstated after re-applying for certification pursuant to Section 2 of this regulation. All of the information contained in the application shall be provided anew; this shall include new letters of reference pursuant to Section 2(4) of this regulation; documentation that the applicant has been retrained pursuant to Section 2(2) of this regulation and retested pursuant to Section 2(5) of this regulation; and a demonstration, pursuant to Section 2(3) of this regulation, that the applicant holds a valid blaster's license issued by the Kentucky Department of Mines and Minerals. [A certified blaster who has had his certificate revoked for the term of certification may reapply for

certification after the term of certification has passed. The procedure for reinstatement of certification shall be as set forth in Sections 2 and 3 of this regulation except that] In addition to containing such information [those requirements], the application [applicant] must demonstrate, and the cabinet must find, that the conditions that led to the revocation have been corrected and are not likely to reoccur. When these requirements have been met, the cabinet may reissue the [a] blaster certification.

(2) Reinstatement following suspension.

(a)1. Following suspension of certification pursuant to an order of the secretary rendered under Section 4(4)(b)3 or (5) of this regulation, certification shall be reinstated only upon a demonstration by the blaster that he or she has met the term and conditions of the suspension.

2. The cabinet shall not reinstate a certification which has expired pursuant to Section 3(6) of this regulation solely upon a demonstration that the requirements of subparagraph 1 of this paragraph have been met. If the certification expires during the suspension period, in order to have certification reinstated without re-applying under Section 2 of this regulation, a renewal application must be submitted within thirty (30) days of meeting the term and conditions of the suspension; provided however, if the order suspending certification does not specify a termination date for the suspension, the remedial measures prescribed in the order must be completed within one (1) year following certification expiration to qualify for reinstatement through the renewal process. Renewal applications filed for reinstatement shall contain the information required by subparagraph 1 of this paragraph and the information and fees required by Section 3(1)(a) of this regulation. Failure to submit a renewal application within these constraints will result in certification being reinstated only if, in addition to complying with subparagraph 1 of this paragraph, the application requirements of Section 2 of this regulation are met, with all of the information contained in the application being provided anew; this shall include new letters of reference pursuant to Section 2(4) of this regulation; documentation that the applicant has been retrained pursuant to Section 2(2) of this regulation and retested pursuant to Section 2(5) of this regulation; and a demonstration, pursuant to Section 2(3) of this regulation, that the applicant holds a valid blaster's license issued by the Kentucky Department of Mines and Minerals.

(b) After the demonstrations required by paragraph (a) of this subsection have been made and the cabinet is satisfied as to the adequacy of the demonstrations, the cabinet shall either return the surrendered certificate, renewed if applicable, or shall tender to the blaster the reissued certificate. The surrendered or reissued certificate shall be accompanied by a notice of reinstatement.

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

[Section 11. The provisions of Sections 1 through 4 and Sections 6 through 10 of this regulation shall become effective on the date of approval of Kentucky's blaster certification program by OSM. The provisions of Section 5 of this regulation shall become effective on the date twelve (12) months after approval of Kentucky's blaster certification program by OSM.]

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: June 11, 1987

FILED WITH LRC: June 12, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this proposed amendment has been scheduled to take place on Thursday, July 23, 1987, at 10 a.m. (EDT) in the main conference room of the Hudson Hollow Office Park, 2 Hudson Hollow Road, Frankfort, Kentucky. Persons interested in attending this hearing should submit written notification of such by July 18, 1987. If a written notice of intent to testify is not received on or before this deadline, the hearing will be cancelled. To assure an accurate record, the cabinet requests that each person who testifies at the hearing provide the cabinet with a written copy of his or her testimony. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. (EDT) on July 23, 1987. Comments received after July 23, 1987, will not be considered. Written comments and written requests to attend or testify at the hearing must be submitted to: James B. Hale, Department for Surface Mining Reclamation and Enforcement, Hudson Hollow Office Park, 2 Hudson Hollow Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: George Risk

(1) Type and number of entities affected: This regulation sets forth certification requirements for those persons who are responsible for surface blasting or the use of explosives in coal exploration operations and permanent-program surface coal mining and reclamation operations (including underground mining operations). Under the cabinet's blaster certification program, which has been in existence since December 10, 1985, approximately 1100 persons have pursued and obtained certification.

This amendment neither decreases nor increases the number of persons required to be certified; therefore, the amendment will directly affect those 1100 persons. Additionally, the amended regulation will affect all future applicants for certification, as well as those whose applications are currently being processed.

On December 10, 1986, each permittee of a surface coal mining operation and each person responsible for a coal exploration operation was required to begin having all surface blasting operations conducted under the direction of a certified blaster. Therefore, the regulation and this amendment also affect operators, permittees, and other persons affiliated with surface coal mining and coal exploration. The total number of active coal exploration operations and permanent-program surface coal mining operations in Kentucky is approximately 5000; however, blasting is not needed for many of the exploration operations and many of the underground mines will not be conducting additional surface blasting since their mine

entries are existing.

By affecting those persons identified above, the regulation and this amendment also affect, directly or indirectly and in varying degrees, persons living in or with interests in the coal field regions of Kentucky.

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

1. First year: Some of the most significant changes of this amendment pertain to the provisions for denying, suspending, and revoking certifications when a blasting violation occurs. These provisions are highly significant since they govern removal of a person's livelihood and temporarily stopping blasting at a mining or exploration site.

The current certification regulation has a 2-option approach for blasting violations. If the violation is likely to threaten the environment or public safety, the cabinet immediately suspends the blaster's certification until a hearing can be held to determine whether the certification should be reinstated, revoked, or further suspended. If the violation does not threaten the public or the environment, the cabinet issues a blaster citation, a document that allows the blaster to continue operations until the hearing. In both the immediate suspension option and the blaster citation option, the violation must be adjudicated unless the order is vacated because it was issued in error.

Similarly, the proposed amendment requires the cabinet to immediately suspend certification if there is reason to believe that further blasting operations conducted by or under the direction of the blaster would constitute an imminent danger to the health and safety of the public or would cause significant, imminent environmental harm. As with the current regulation, the amendment proposes that the suspension be adjudicated at a hearing; but in contrast to current requirements the amended language calls for an abbreviated time frame for the hearing to assure swift disposition of the matter.

For violations that do not warrant immediate suspension of certification, the amendment requires the cabinet to conduct an evaluation of the blaster and the violation. This evaluation will consist of a comprehensive review of factors such as the seriousness of the violation, the history of the blaster's performance, whether the blaster willfully caused the violation, and the extent to which the blaster used well-founded blasting procedures and reasonable precautions to assure that the violation would not occur. After conducting this evaluation, the cabinet will convene a hearing and seek suspension or revocation of certification only if information suggests that the blaster willfully caused or committed the violation or if suspension or revocation of certification is otherwise warranted. If the cabinet determines that the violation was not caused or committed willfully, and if revocation or suspension is not warranted, the cabinet will simply advise the blaster of the violation and will not pursue any punitive recourse.

If the cabinet does not pursue punitive recourse, the violation will be documented and used by the cabinet in compiling a historical record of the blaster's performance. This record may then be used at some future point in judging whether action should be taken to remove the

blaster's certification.

This amendment allows the cabinet greater flexibility for taking action only against blaster's who threaten the public or the environment. Since the amendment would not require that every violation be adjudicated, there should be fewer instances when blasters incur hearing-related expenses.

2. Continuing costs or savings: In addition to the issues discussed in paragraph 1 above, this amendment will result in minor increases in the expenses (i.e., payment of a testing and/or training fee) for certain classes of blasters renewing their certifications. Since issued certificates are valid for a 3-year period, and since the first certificates were issued early in 1986, the need for certification renewal will not exist until 1989; therefore, these minor renewal expenses will not be incurred until that year.

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

(b) Reporting and paperwork requirements: Under the amendment, a certified blaster will be required to notify the cabinet when his or her name, address, telephone number, or place of employment changes. This will be an additional reporting requirement.

Also, there has been an expansion of the class of blasters that will be required to take an examination before obtaining renewal of their certifications.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The cabinet projects that the need to hold formal hearings will decrease as a result of the amendment. This decrease in hearings will result in savings to the cabinet.

2. Continuing costs or savings: Those discussed in paragraph 1 above.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on local revenue; however, state revenue will be affected in the following manner: The amendment will result in a minimal increase in the number of blasters who will need to be retested in order to have their certifications renewed. Because a testing fee will be charged to these blasters, state revenue will increase slightly. However, since the fee will be used to offset the expenses incurred by the state in administering the examination, there will be no net effect on state revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There were no alternative methods that could have been used to implement the change indicated in this amendment.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The cabinet's certification program overlaps the Blaster Licensing Program of Kentucky's Department of Mines and Minerals. To the extent that such would be consistent with the Surface Mining Control and Reclamation Act of 1977 and federal regulations adopted pursuant thereto, this amendment supplements that program.

(a) Necessity of proposed regulation if in conflict: A blaster certification program is required by the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87). The

Mines and Minerals program is insufficient to meet the federal requirements promulgated pursuant to that law.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: The regulation does not conflict with the Mines and Minerals Program; it complements it.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable because, in order to fulfill the requirements of federal regulations, the certification provisions must apply equally to each person who is certified or pursues certification.

#### FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: At Section 719, the Surface Mining Control and Reclamation Act of 1977 (PL 95-87) orders state regulatory authorities to promulgate regulations requiring the training, examination, and certification of persons engaged in or directly responsible for blasting or the use of explosives in surface coal mining operations. As the primary federal agency responsible for overseeing the regulatory implementation of PL 95-87, the Office of Surface Mining Reclamation and Enforcement has promulgated regulatory guidelines - codified at 30 CFR Part 850 and amended on March 4, 1983 - establishing requirements for these state "blaster certification programs." 30 CFR Part 850 as amended lays out the framework for the state programs and charges the state regulatory authorities with the responsibility of establishing most of their programs' specific provisions. This approach allows each regulatory authority to tailor its program to best fit the needs of its state.

Responding to PL 95-87 and amended 30 CFR Part 850, the cabinet - functioning as the primary regulatory authority for surface mining in Kentucky - developed a blaster certification program designed to complement the Kentucky Department of Mines and Minerals' blaster licensing program. To implement the program, the cabinet promulgated a certification regulation (405 KAR 7:070), which was adopted on May 14, 1985.

Since its initial development, the cabinet has realized that several areas of Kentucky's blaster certification program, and its implementing regulation, need improvement. These improvements are necessary in order for the program to operate as smoothly as possible within the framework set forth at the federal level. This amendment makes these improvements while keeping the cabinet's certification program within the federal limits. The improvements can generally be grouped into two categories: those which change the requirements of the initial certification regulation and those which clarify and expand concepts in the initial regulation.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: As noted above, the federal mandate delegates to the state regulatory authorities the responsibility of establishing specific provisions for their blaster

certification programs. To some extent, this delegation of responsibility renders this portion of the federal mandate comparison moot. Notwithstanding this point, the proposed amendment comports with the federal mandate and does not impose stricter requirements or other responsibilities on the regulated entities.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: As previously noted, the proposed amendment has been designed to improve upon the cabinet's initial blaster certification regulation. The initial certification regulation contained requirements beyond those enumerated in the federal mandate in order to meet the demands of 30 CFR 850. This proposed amendment will revise the cabinet's initial certification requirements and does not exceed the limits established at the federal level.

#### 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 June 12 [May 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 (Amended 6/12/87)
- 9.5 Return of Escapees by Automobile
- 9.6 Contraband (Amended 6/12/87)
- 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
- 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 (Amended 6/12/87)
- 17.1 Inmate Personal Property (Amended 6/12/87)
- 17.2 Assessment Center Operations
- 17.3 Controlled Intake of Inmates (Amended 6/12/87)
- 18.4 Classification of the Inmate
- 18.5 Custody/Security Guidelines
- 18.6 Classification Document
- 18.7 Transfers
- 18.8 Guidelines for Transfers Between Institutions
- 18.9 Out-of-State Transfers
- 18.10 Pre-Parole Progress Reports
- 18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
- 18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
- 18.13 Population Categories
- 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: June 12, 1987

FILED WITH LRC: June 12, 1987 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 23, 1987 at 9 a.m. in the State Office Building Auditorium. 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: 2192 employees of the Corrections Cabinet, 6553 inmates, 11,016 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 June 12 [May 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 03-00-14 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 03-00-24 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  
KSR 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 (Amended 6/12/87)  
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/Optomety 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 14-00-05 Inmate Marriages (Added 6/12/87)  
 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 (Amended 6/12/87)  
 KSR 15-00-02 Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)  
 KSR 15-00-03 Governor's Meritorious Good Time Award  
 KSR 15-00-04 Restoration of Forfeited Good Time  
 KSR 15-00-05 Differential Status for SU (QUIT) Inmates  
 KSR 15-00-06 Inmate I.D. Cards (Amended 6/12/87)  
 KSR 15-00-07 Inmate Rules and Discipline - Adjustment Committee Procedures  
 KSR 15-00-08 Firehouse Living Area  
 KSR 16-00-01 Visiting Regulations  
 KSR 16-00-02 Inmate Correspondence and Mailroom Operations  
 KSR 16-00-03 Inmate Access to Telephones  
 KSR 17-00-01 Housing Unit Assignment  
 KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting  
 KSR 17-00-04 Assessment/Classification Center Operations, Rules and Regulations  
 KSR 17-00-05 Dormitory 10 Operations  
 KSR 17-00-06 Identification Department Admission and Discharge Procedures  
 KSR 17-00-07 Inmate Personal Property [(Amended 5/15/87)]  
 KSR 18-00-01 Special Management Inmates - Unit D Classification  
 KSR 18-00-04 Returns from Other Institutions  
 KSR 18-00-05 Transfer of Residents to Kentucky Correctional Psychiatric Center  
 KSR 18-00-06 Classification  
 KSR 18-00-07 Special Notice Form  
 KSR 19-00-01 Inmate Work Incentives  
 KSR 19-00-02 On-the-Job Training Program (Amended 6/12/87)  
 KSR 19-00-03 Safety Inspections of Inmate Work Assignment Locations  
 KSR 20-00-01 Vocational School Referral and Release Process  
 KSR 20-00-03 Academic School Programs  
 KSR 20-00-04 Criteria for Participation in Jefferson Community College Program  
 KSR 20-00-08 Integration of Vocational and Academic Education Programs  
 KSR 21-00-01 Legal Aide Office and Law Library Services and Supervision [(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: June 12, 1987

FILED WITH LRC: June 12, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 23, 1987 at 9 a.m. in the State Office Building Auditorium. 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: 538 employees of the Kentucky State Reformatory, 1411 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 June 12 [May 15], 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 070000-25	Food Service Inspections
KSP 010000-04	Public Information and Media Communication	KSP 070000-30	Therapeutic Diets
KSP 020000-01	General Guidelines for KSP Employees	KSP 090000-01	Inmate Work Programs <u>(Amended 6/12/87)</u>
KSP 020000-02	Service Regulations, Attendance, Hours of Work, Accumulation and Use of Leave	KSP 090000-03	Correctional Industries
KSP 020000-03	Work Planning and Performance Review (WPPR)	KSP 100000-02	Visiting Program <u>[(Amended 5/15/87)]</u>
KSP 020000-04	Employee Disciplinary Procedure	KSP 100000-03	Disposition of Unauthorized Property
KSP 020000-05	Proper Dress for Uniformed and Non-Uniformed Personnel	KSP 100000-04	Inmate Grooming and Dress Code
KSP 020000-06	Employee Grievance Procedure	KSP 100000-05	Procedures for Providing Clothing, Linens and Other Personal Items
KSP 020000-07	Personnel Registers and Advertisements	KSP 100000-06	Inmate Mail and Packages <u>[(Amended 5/15/87)]</u>
KSP 020000-09	Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files	KSP 100000-07	Inmate Telephone Access
KSP 020000-10	Overtime Policy	KSP 100000-08	Behavioral Counseling Record
KSP 020000-15	Legal Assistance	KSP 100000-09	Due Process/Disciplinary Procedures
KSP 020000-20	Equal Employment Opportunity Complaints	KSP 100000-11	Authorized and Unauthorized Inmate Property <u>[(Amended 5/15/87)]</u>
KSP 020000-23	Recruitment and Employment of Ex-Offenders	KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 020000-24	Educational Assistance Program	KSP 100000-15	Uniform Cell Standards for Fire Safety, Sanitation and Security <u>(Amended 6/12/87)</u>
KSP 020000-29	Promotional Opportunity Announcement Program	KSP 100000-18	Inmate Grievance Committee Hearings
KSP 030000-01	Inventory Records and Control <u>(Amended 6/12/87)</u>	KSP 100000-20	Legal Services Program
KSP 030000-04	Requisition and Purchase of Supplies and Equipment	KSP 100000-21	Photocopies for Non-Indigent Inmates with Special Court Deadlines
KSP 030000-05	Inmate Personal Funds	KSP 110000-03	Governor's Meritorious Good Time Award Committee
KSP 030000-06	Inmate Commissary Program	KSP 110000-04	Pre-Parole Progress Report
KSP 040000-01	<u>Management Information System (Added 6/12/87)</u>	KSP 110000-06	General Guidelines of the Classification Committee
KSP 040000-02	Inmate Records <u>(Amended 6/12/87)</u>	KSP 110000-07	Statutory Good Time Restoration
KSP 040000-08	Inmate Equal Opportunity Policy	KSP 110000-08	Award of Meritorious Good Time
KSP 050000-14	Searches and Preservation of Evidence	KSP 110000-10	Special Needs Inmates
KSP 060000-01	Special Security Unit <u>(Amended 6/12/87)</u>	KSP 110000-11	Classification Committee - Transfer Requests
KSP 060000-02	Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units	KSP 110000-12	Classification Committee - Inmate Work Assignments <u>(Amended 6/12/87)</u>
KSP 060000-04	Protective Custody Unit	KSP 110000-13	Classification Document
KSP 060000-11	Criteria for Disciplinary Segregation and Incentive Time Reduction Program	KSP 110000-14	Vocational School Placement
KSP 060000-12	Maximum Protective Custody	KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center (KCPC)
KSP 070000-01	Hospital Services	KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release
KSP 070000-02	Sick Call	KSP 110000-19	Custody/Security Guidelines
KSP 070000-03	Health Evaluations	KSP 120000-04	Academic Education
KSP 070000-04	Consultations	KSP 120000-07	Community Center Program <u>(Amended 6/12/87)</u>
KSP 070000-05	Emergency Medical Procedure	KSP 120000-08	Inmate Furloughs <u>(Amended 6/12/87)</u>
KSP 070000-13	Pharmacy Procedures	KSP 120000-11	Religious Services - Staffing
KSP 070000-14	Medical Records	KSP 120000-18	Religious Services - Religious Programming
KSP 070000-16	Psychiatric and Psychological Services	KSP 120000-20	Marriage of Inmates
KSP 070000-17	Dental Services for Special Management Units	KSP 120000-24	Muslim Services
KSP 070000-19	Optometric Services	KSP 120000-31	Extended Furloughs
KSP 070000-20	Menu Preparation and Planning	KSP 120000-32	Discharge of Inmates by Shock Probation
KSP 070000-24	Food Service, General Sanitation, Safety, and Protection Standards and Requirements	KSP 130000-10	Execution Plan

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 12, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 23, 1987 at 9 a.m. 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, 783 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 6:060. Northpoint Training Center.

RELATES TO: KRS Chapters 196, 197, 439

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

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

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on June 12 [April 15], 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
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 (Amended 6/12/87)
NTC 02-08-01	Inmate Canteen (Amended 6/12/87)
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 08-07-01	Safety Standards (Added 6/12/87)
NTC 10-01-01	Special Management Inmates (SMU) (Amended 6/12/87) [(Amended 4/15/87)]
NTC 10-02-01	Security Guidelines for Special Management Inmates (Amended 6/12/87)
NTC 10-03-01	Protective Custody (Amended 6/12/87)
NTC 11-03-01	Food Services: General Guidelines
NTC 11-04-01	Food Service: Meals

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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 (Amended 6/12/87)  
 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 Utilization of Pharmaceutical Products [Pharmacy] (Amended 6/12/87)  
 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 Special Health Care Programs [Disabled and Infirm Inmates] (Amended 6/12/87)  
 NTC 13-13-01 Medical Alert System (Deleted 6/12/87)  
 NTC 13-14-01 Management of Chemically Dependent Inmates (Deleted 6/12/87)  
 NTC 13-15-01 Health Education for Inmates (Deleted 6/12/87)  
 NTC 13-16-01 Continuity of Health Care (Deleted 6/12/87)  
 NTC 13-17-01 Inmates Assigned to Health Services  
 NTC 13-19-01 Mental Health Care Program [Psychological Services] (Amended 6/12/87)  
 NTC 13-19-02 Mentally Retarded Inmates (Deleted 6/12/87)  
 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 (Amended 6/12/87)  
 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 General Population Dormitories (Amended 6/12/87)  
 NTC 15-04-01 Inmate Identification  
 NTC 16-01-01 Mail Regulations  
 NTC 16-02-01 Visiting (Amended 6/12/87)  
 NTC 16-02-03 Honor Dorm Visiting  
 NTC 16-03-01 Inmate Furloughs  
 NTC 16-05-01 Telephone Use and Control

NTC 17-01-01 Personal Property Control  
 NTC 17-01-02 Authorized Inmate Personal Property  
 NTC 17-01-03 Unauthorized Inmate Property  
 NTC 17-01-04 Disposition of Unauthorized Property  
 NTC 17-03-01 Assessment/Orientation  
 NTC 18-01-01 Pre-Parole Progress Report  
 NTC 18-02-01 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 (Amended 6/12/87)  
 NTC 22-03-01 Conducting Inmate Organizational Meetings and Programs  
 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 (Amended 6/12/87)  
 NTC 25-01-01 Release Preparation Program  
 NTC 25-01-02 Temporary Release/Community Center Release  
 NTC 25-01-03 Graduated Release  
 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

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 12, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 23, 1987 at 9 a.m. in the State Office Building Auditorium. 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: 245 employees of the Northpoint Training Center, 712 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 6:080. Corrections Cabinet Manuals.

RELATES TO: KRS Chapters 196, 197, 439

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

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

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on June 12, 1987 [December 15, 1986] and hereinafter should be referred to as Corrections Cabinet Manuals. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

Offender Records Manual - None.

Stock Procedure Manual - None.

Food Services Manual - Yes.

Classification Manual - Yes Completely Revised [None].

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 12, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 23, 1987 at 9 a.m. in the State Office Building Auditorium. 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: 2192 employees of the Corrections Cabinet, 6553 inmates, 11,016 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 6:120. 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 June 12 [May 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 13-04-01	Licensure and Training Standards
BCC 02-06-01	Purchasing	BCC 13-05-01	Medical Alert System
BCC 02-07-01	Inmate Personal Accounts	BCC 13-06-01	Health Care Practices
BCC 04-02-01	Firearms Training	BCC 13-08-01	Inmate Health Screening and Evaluation
BCC 05-01-01	Inmate Participation in Authorized Research <u>(Amended 6/12/87)</u>	BCC 13-09-01	Prohibition on Medical Experimentation
BCC 06-01-01	Storage of Expunged Records	BCC 14-01-01	Office of Public Advocacy Attorney Visits
BCC 06-02-01	Records - Release of Information	BCC 14-02-01	Law Library <u>(Amended 6/12/87)</u>
BCC 06-02-02	Offender Records	BCC 14-03-01	Inmate Grievance Procedure
BCC 06-03-01	Reporting Inmate Misconduct Following Favorable Recommendation by the Parole Board	BCC 14-04-01	Inmate Rights and Responsibilities
BCC 08-01-01	Simplified Fire Safety System (SFSS)	BCC 14-05-01	Inmate Claims
BCC 08-02-01	Natural Disaster Plan (Tornado)	BCC 15-01-01	Authorized Inmate Personal Property
BCC 08-03-01	Emergency Preparedness Plan Manual	BCC 15-02-01	Meritorious Living Unit (B-1)
BCC 08-04-01	Fire Safety Plan, Drills and Related Staff Duties	BCC 15-03-01	Rules and Regulation for Dormitories
BCC 08-07-01	Facility Furnishings: Exit and Emergency Lights and Non-Combustible Containers	BCC 15-04-01	Restoration of Forfeited Good Time
BCC 09-02-01	Restricted Areas	BCC 15-05-01	Extra Duty Assignments
BCC 09-02-02	Inmate Pass System to Restricted Areas	BCC 15-06-01	Due Process/Disciplinary Procedures
BCC 09-02-03	Regulation of Inmate Movement	BCC 16-01-01	Inmate Furloughs
BCC 09-03-01	Inmate Identification	BCC 16-02-01	Visiting
BCC 09-04-02	Complex Entry & Exit	BCC 16-03-01	Mail Regulations - Packages
BCC 09-05-01	Key Control	BCC 16-03-02	Outgoing Inmate Packages
BCC 09-06-02	Transportation to Courts	BCC 20-01-01	Academic and Vocational School <u>[(Amended 5/15/87)]</u>
BCC 09-07-01	Drug Abuse and Intoxicants Testing	BCC 20-02-01	College Programs <u>[(Amended 5/15/87)]</u>
BCC 09-09-01	Population Counts	BCC 20-04-01	Educational Program Evaluation
BCC 09-10-03	Development of Institutional Post Orders	BCC 20-05-01	Educational Program Planning
BCC 09-10-04	Governmental Services, Study Release Officer Post Orders <u>[(Added 5/15/87)]</u>	BCC 20-06-01	Academic and Vocational Curriculum
BCC 09-10-05	Unit A-1 Post Orders <u>(Added 6/12/87)</u>	BCC 21-01-01	Library Services
BCC 09-12-01	Use of Physical Force; Prohibition of Personal Abuse and Corporal Punishment	BCC 22-01-01	Arts and Crafts/Production and Sale of Items
BCC 09-13-01	Perimeter Patrol	BCC 22-02-01	Privileged Trips
BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates	BCC 22-03-01	Recreational Employees
BCC 09-15-01	Search Policy/Disposition of Contraband <u>[(Added 5/15/87)]</u>	BCC 22-04-01	Recreation and Inmate Activities <u>[(Added 5/15/87)]</u>
BCC 09-16-01	Security Activity Logs <u>[(Added 5/15/87)]</u>	BCC 22-04-02	Inmate Clubs and Organizations
BCC 09-18-01	Use of State Vehicles and Staff Owned Vehicles <u>[(Added 5/15/87)]</u>	BCC 23-01-01	<u>Religious Services (Added 6/12/87)</u>
BCC 09-19-01	Duties and Responsibilities of the Institutional Captain <u>[(Added 5/15/87)]</u>	BCC 24-03-01	Social Services
BCC 09-19-02	Duties and Responsibilities of the Shift Supervisor <u>[(Added 5/15/87)]</u>	BCC 25-01-01	Inmate Check Out Procedure
BCC 10-01-01	Special Management Inmates	BCC 25-02-02	Temporary Release/Community Center Release
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 <u>[(Added 5/15/87)]</u>		
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		

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 12, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 23, 1987 at 9 a.m. 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: 86 employees of the Blackburn Correctional Complex, 343 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 6:130. Western Kentucky Farm Center.

RELATES TO: KRS Chapters 196, 197, 439

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

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590 and 439.640 authorizes the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. This regulation is 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 June 12 [April 15], 1987 and hereinafter should be referred to as Western Kentucky 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.

WKFC 03-00-01 Fishing and Hunting on the Property of Western Kentucky Farm Center

WKFC 04-02-01 Employee Training and Development

WKFC 05-01-01 Inmate Participation in Research and use of Consultants and Student Interns (Added 6/12/87)

WKFC 06-00-01 Offender Records and Information Access (Added 6/12/87)

WKFC 06-00-02 Court Orders, Orders of Appearance, Warrants, Detainers, Etc. (Added 6/12/87)

WKFC 09-00-01 Drug Abuse Testing (Amended 6/12/87)

WKFC 09-14-01 Count Procedure

WKFC 11-00-02 Food Service Inmate Work Responsibilities, Evaluations, and Health Requirements

WKFC 11-00-03 Food Service Inspections, Sanitation, Purchasing, Storage, and Corrections Cabinet Farm Products

WKFC 11-02-01 Food Service General Guidelines

WKFC 11-02-02 Food Service Security

WKFC 11-03-01 Food Service Meals, Menus, Nutrition and Special Diets

WKFC 12-01-01 Inmate Clothing

WKFC 14-00-01 Inmate Rights and Responsibilities

WKFC 14-04-01 Legal Services Program

WKFC 14-06-01 Inmate Grievance Procedure

WKFC 15-01-01 Hair and Grooming Standards

WKFC 15-03-01 Meritorious Good Time

WKFC 15-05-01 Restoration of Forfeited Good Time

WKFC 16-01-01 Visiting Policy and Procedures

WKFC 16-02-01 Inmate Correspondence

WKFC 16-03-01 Inmate Access to Telephones

WKFC 16-04-01 Inmate Packages

WKFC 17-01-01 Inmate Personal Property

WKFC 18-01-01 Structure, Guidelines, and Functions of the Classification Committee

WKFC 18-13-01 Meritorious Housing

WKFC 19-03-01 Inmate Wage Program

WKFC 19-04-01 Work/Program Assignments

WKFC 20-04-01 Academic Education Program(s)

WKFC 20-03-01 Vocational Education Program(s) (Added 6/12/87)

WKFC 22-00-01 Inmate Recreation and Leisure Time Activities (Added 6/12/87)

WKFC 25-01-01 Gratuities

WKFC 25-02-01 Inmate Release Process (Added 6/12/87)

WKFC 25-03-01 Pre-Release Programs (Added 6/12/87)

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 12, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 23, 1987 at 9 a.m. 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: 70 employees of the Western Kentucky Farm Center, 273 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  
Office of Administrative Services  
(Proposed Amendment)**

**600 KAR 1:070. Motor pool procedure.**

RELATES TO: 1984 Acts Chapters 344 and 406

PURSUANT TO: KRS 174.080

NECESSITY AND FUNCTION: To implement the authority for administration of the state motor pool authorized by Executive Orders 83-70 and 82-798 which were confirmed by the 1984 General Assembly.

Section 1. In order to facilitate the administration and operation of the state motor pool, the Transportation Services Guidance Manual, as revised May 11, 1987 [October 30, 1984], published by the Transportation Cabinet, a copy of which is open for public inspection during business hours in the office of the Commissioner of Administrative Services in the State Office Building, High Street, Frankfort, Kentucky 40622, is incorporated herein by reference and made part hereof as fully as if set forth in length. The manual incorporated by reference contains information on the use and assignment of vehicles, the operation and care of vehicles, and the use of Transportation credit cards.

Section 2. Any employee who fails to adhere to the requirements of this regulation is subject to disciplinary action.

C. LESLIE DAWSON, Secretary

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on July 23, 1987 at 1 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by July 18, 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 state employees using vehicles from the state's motor pool.

(a) Direct and indirect costs or savings to those affected: Allows vehicles to be parked at home overnight to accommodate those personnel with early or late trips. The savings is one of time rather than money.

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: Permits a credit card to be used for emergency purchases of \$25 rather than \$20. The paperwork required did not change.

(2) Effects on the promulgating administrative body: Essentially none. Minor procedural changes are incorporated.

(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 largest change, allowing vehicles to be taken home, was adopted to match regulation 200 KAR 5:010, Section 5(3), promulgated to govern all state purchased vehicles.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 200 KAR 5:010 - Duplicate Section. See (4) above.

(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? Yes

**TRANSPORTATION CABINET  
Department of Highways  
(Proposed Amendment)**

**603 KAR 5:061. Intrastate toll bridges and toll ferries.**

RELATES TO: KRS 280.010 to 280.130

PURSUANT TO: KRS 280.080

EFFECTIVE: March 12, 1985

NECESSITY AND FUNCTION: KRS 280.080 requires the Department of Highways to make such regulations for the control of toll bridges or toll ferries, as defined in KRS 280.010, as the department deems necessary.

Section 1. Application for Certificate of Convenience and Necessity. (1) Any bridge company or ferry company, except any which can prove to the department that it holds a perpetual and irrevocable franchise for such operation, who seeks to operate a toll bridge or toll ferry connected to the state primary road system shall make application at the highway district office of the highway district in which the toll bridge or toll ferry is located for the certificate of convenience and necessity required by KRS 280.020. Application forms are available in all highway district offices and from the Transportation Cabinet, Division of Traffic, Frankfort, Kentucky 40622.

(2) The application form must be completed in its entirety and contain at a minimum, the information required by KRS 280.030.

(3) Upon receipt of the application, the department shall fix a date for hearing the application and shall immediately notify the applicant of the date, time and location of the



hearing.

(4) The applicant shall present proof as to the applicant's general ability, experience, organization and equipment. The applicant shall, at the hearing, submit any additional proof that the public convenience and necessity require the applicant's toll bridge or toll ferry operation.

(5) Department representatives may inspect the applicant's equipment prior to the issuance of a certificate of public convenience and necessity.

(6) The department shall issue a decision on any application within thirty (30) days of the hearing.

(7) The applicant may appeal the decision of the department in accordance with KRS 280.110.

**Section 2. Annual Report.** On forms furnished by the department, every toll bridge and toll ferry company which does not hold a perpetual and irrevocable franchise shall submit an annual report of the previous year's operation on or before March 1 of each year to the chief district engineer of the highway district in which the toll bridge or toll ferry is located. The company president, secretary, treasurer, superintendent or manager shall under oath make and sign a statement on the annual report that the information contained in the annual report is correct. The report shall include the information required in KRS 280.030 and also the following:

(1) The number, by class, of vehicles accommodated during the report year and the toll schedule for each class of vehicle;

(2) For toll ferries, a description of the barges and power units in use during the year;

(3) The schedule of hours of service and trips made; and

(4) Any additional relevant information required by the department.

**Section 3. Toll Rates.** (1) No change in toll rates charged may be made by a toll bridge or toll ferry company including one which holds a perpetual and irrevocable franchise without the approval of the department.

(2) To request a change in toll rates, the company must apply, in writing, to the department's chief district engineer of the highway district in which the toll bridge or toll ferry is located. The request shall include the reasons for the requested change and the toll bridge or toll ferry company shall make available to the department's chief district engineer all financial reports of the company.

(3) The company shall give notice to the public of the filing of the rate change request by publication of the proposed rate schedule and information for filing a formal protest of the proposed rate change with the department in accordance with the requirements of KRS Chapter 424.

(4) If a formal protest is filed within two (2) weeks of the final publication of the notice or the department has reservations about the proposed rate increase, the department's chief district engineer shall fix a date between thirty (30) and forty-five (45) days of final publication of the notice for hearing the application for a toll rate change.

(5) The department shall give notice of the hearing by means of publication of a notice in accordance with the requirements of KRS Chapter 424.

(6) The department shall issue a decision on

any request for a toll rate change within thirty (30) days of the hearing or within thirty (30) days of final publication of the notice.

(7) The company may appeal the decision of the department in accordance with KRS 280.110.

**Section 4. Operation of a Toll Ferry or Toll Bridge.** (1) A copy of the irrevocable franchise or the certificate of public convenience and necessity shall be posted on all ferry boats and in the toll booths of all bridges affected by this administrative regulation.

(2) A toll bridge or toll ferry company holding a certificate of public convenience and necessity shall not operate over any bridge or stream other than those specified in the certificate.

(3) Hours of operation, toll rates, services to be performed, and the safety of operation as set forth by the department in the certificate of public convenience and necessity shall be strictly complied with by all certificate holders. The hours of operation shall be posted on the ferry dock or apron and at both ends of a toll bridge.

(4) If a toll bridge or toll ferry company including one holding a perpetual and irrevocable franchise is found, during an inspection, to be in noncompliance with any regulation, statute or order, it shall have ten (10) days, following the inspection to correct the noncompliance. If at the end of the ten (10) days the company is still in noncompliance the department shall fix a hearing date on the noncompliance. The hearing date will be upon ten (10) days written notice to the toll bridge or toll ferry company.

(5) The department's determination shall be issued within thirty (30) days of the hearing.

**Section 5. Safety Devices.** (1) Safety devices as required by KRS 280.120 and 280.130 shall be provided and properly maintained by each toll ferry company. In addition, the department may require any toll bridge or toll ferry company including any holding a perpetual and irrevocable franchise to place and maintain other traffic control devices such as, but not limited to, signs, signals, lighting, pavement markings, and barricades that may be necessary for the safety of the motoring public. All such devices required shall conform to the specifications set forth in 603 KAR 5:050.

(2) Each toll ferry company shall provide and maintain in reasonable condition the number of life preservers or floats, fire extinguishers, axes, and yawls or life boats as required by the U.S. Coast Guard in their regulations governing the operation of ferries.

**Section 6.** The administrative regulation of the department as herein outlined is intended to supplement the specific requirements contained in KRS Chapter 280 and regulations of appropriate agencies of the federal government. In all cases where the department's regulations conflict with the regulations of such agencies, or where the regulations of other governing agencies are more stringent than those of the department, the regulations of the other agency shall prevail.

C. LESLIE DAWSON, Secretary

APPROVED BY AGENCY: June 8, 1987

FILED WITH LRC: June 9, 1987 at 9 a.m.

**PUBLIC HEARING SCHEDULED:** A public comment hearing will be held on this administrative regulation on July 23, 1987 at 9 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 July 18, 1987 so notify: Sandra G. Pullen, Executive's Staff Advisor, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: Three toll ferries.

(a) Direct and indirect costs or savings to those affected: Minimal cost of posting hours of operation.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The hours of operation were not previously required to be posted and that left members of the public unaware of when they could use the facilities.

(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. With so few facilities, they should all be treated alike.

#### TRANSPORTATION CABINET Department of Highways (Proposed Amendment)

**603 KAR 5:110. Permits for moving mobile homes.**

RELATES TO: KRS 189.270

PURSUANT TO: KRS 189.270

NECESSITY AND FUNCTION: KRS 189.270 authorizes the Department of Highways to issue permits for the movement of house trailers exceeding legal dimensions. This regulation determines requirements necessary in the interest of highway safety.

Section 1. No house trailer of a width greater than eight (8) feet on any highway governed by KRS 189.221, or eight and one-half (8 1/2) feet on any highway governed by KRS 189.222 or with a combined length of house trailer and towing vehicle greater than sixty (60) feet, shall be

towed upon any Kentucky highway unless, and until, a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

Section 2. Permits may be issued for single trips on all overdimensional house trailers. At the option of owners as set forth in Section 3 of this regulation, an annual permit may be issued to authorize the movement of house trailers not exceeding twelve (12) feet in width. Registration and capacity of towing vehicles for house trailers in excess of the allowed legal width shall be the same as noted in Section 3 of this regulation. Single trip permits will be issued for a period of not more than ten (10) calendar days.

Section 3. Annual permits for the movement of house trailers not exceeding twelve (12) feet in width on specified highways as indicated on the permit may be issued only to dealers and manufacturers located within the Commonwealth of Kentucky; to certificated motor carriers who are properly licensed as such by the Department of Vehicle Regulation and; to private owner-residents of Kentucky for movements of their personally owned house trailers. No annual permit shall [will] be issued for the movement of a house trailer in excess of twelve (12) feet in width. Each towing vehicle for house trailers greater than the legal width shall [must] be registered in Kentucky for a gross weight of not less than 22,000 pounds, have dual wheels on the rear and be rated at least one and one-half (1 1/2) ton capacity. Towing vehicles for house trailers greater than twelve (12) feet wide must have a minimum of 185 horsepower, shall [must] have a minimum of two (2) ton capacity, and shall [must] be licensed for a gross weight equal to the combined weight of the towing vehicle and the house trailer.

Section 4. The issuance cost of an annual or a single trip permit, as set forth in KRS 189.270, shall apply to the towing vehicle and the cost will not be prorated. A permit shall [will] not be issued for any unit, including towing vehicle and house trailer combined, which exceeds ninety-five (95) feet in length or fourteen (14) feet in width exclusive of usual and ordinary overhang. Single trip permits will specify the highway to be used for a trip.

Section 5. All permits shall be issued by the Division of Motor Carriers, Department of Vehicle Regulation, Frankfort, Kentucky.

Section 6. One (1) lead escort vehicle is required for the movement of house trailers greater than the legal width but not exceeding twelve (12) feet wide on all two (2) lane highways except on sections of toll roads which may be two (2) lanes. Escort vehicles, both front and rear, may be required on some highways where highway conditions dictate the need. Red flags twelve (12) inches by twelve (12) inches square must be displayed on both sides of the front bumper of the lead escort and on both sides of the rear of a following escort. Amber flashing lights may be used on both the escort and towing vehicles. All overdimensional mobile homes shall be marked and lighted in accordance with those requirements set forth in 601 KAR 1:005.

Section 7. All single trip permit forms and requests shall specify the make of towing vehicle, the vehicle's license number and state of registration, name and address of the owner, dates for travel and the specific routes of travel. Requests and permit forms for annual permits shall specify the make of towing vehicle, rated capacity, serial number, license number, and whether the carrier is a for-hire or private carrier.

Section 8. A duplicate permit which is needed to replace a lost or destroyed annual permit or to transfer the permit to another vehicle may be obtained from the Division of Motor Carriers, Frankfort, Kentucky by the payment of ten (10) dollars.

Section 9. Prior departmental approval shall [must] be secured from the Division of Motor Carriers, Frankfort, Kentucky for any house trailer hauled under an annual permit which deviates from the routes prescribed in the permit issued for the towing vehicle.

Section 10. Permits shall be carried in the towing vehicles at all times and shall [must] be presented, upon request, to any law enforcement officer or any authorized personnel of the Department of Vehicle Regulation for inspection.

Section 11. Permits are valid during daylight hours only, from Monday through Saturday noon, except for those periods before, during and after the following holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day. In connection with these holidays, travel is not permitted from noon the preceding day until daylight of the next permissible day. If the holiday occurs on Sunday or Monday the restricted period will extend from noon of the preceding Friday to daylight of the following Tuesday. If satisfactory proof of an emergency is furnished the Division of Motor Carriers, moves may be authorized during the restricted hours. The term "daylight hours" means the period from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset, but it does not include such period or part thereof when atmospheric conditions render visibility lower than is ordinarily the case during such daylight hours.

Section 12. Single trip permits for moves involving house trailers more than twelve (12) feet wide may be issued by the Division of Motor Carriers, Frankfort, Kentucky 40622. The permit fee shall be as described in KRS 189.270.

Section 13. Moves of house trailers more than twelve (12) feet wide will be limited to highways of four (4) or more lanes and to a reasonable distance of two (2) lane highways to reach the unit's ultimate destination. The definition of a reasonable distance from a four (4) lane highway to the unit's ultimate destination is defined in the sense that the Department of Vehicle Regulation will in its best judgment designate the shortest and best route to be used. The department shall deny movements on any routes deemed unsuitable for move.

Section 14. Moves of house trailers more than

twelve (12) feet wide cannot be made on any highway when wind velocity exceeds twenty-five (25) MPH or when adverse weather conditions would prohibit such moves. No house trailer greater than twelve (12) feet is permitted to move on any two (2) lane road when the pavement is wet. The current standards of traffic safety, based on traffic volumes, require that moves of house trailers twelve (12) feet wide or more be permitted only on weekdays during daylight hours with the exception of movement within or through Jefferson, Fayette, Boone, Kenton, and Campbell Counties where movements are to be restricted to between the hours of 9:00 a.m. and 3:00 p.m. and 6:00 p.m. to sundown.

Section 15. When house trailers more than twelve (12) feet wide are moved, one (1) escort shall [will] be required in the rear on highways with four (4) or more lanes and one (1) escort vehicle, both front and rear, on other highways. Escort vehicles shall have an amber flashing light on the roof. The house trailer shall be equipped with [a] four (4) [way] amber flashing lights located on each front and rear corner of the house trailer [flasher on each side of the towed vehicle] spaced not less than six (6) feet above the roadway [located near the rear of the vehicle]. All running lights must be on while in motion. The number, type, size and design of brake assemblies required to assist the towing vehicle in controlling and stopping a house trailer shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour does not exceed forty (40) feet. House trailers which are not equipped with brakes on all axles shall certify that the towing unit has sufficient brake assemblies to meet the braking distance specified herein. Such certification shall be in the form of a manufacturers statement, documented technical data, or adequate engineering analysis or its equivalent, specifying that the braking distance requirement has been met. Such certificate shall be carried in the towing unit at all times and must be presented upon request, to any law enforcement officer.

Section 16. The speed limit for the movement of house trailers greater than twelve (12) feet wide on interstate highways is forty-five (45) MPH. On other highways the speed limit is thirty-five (35) MPH, unless posted minimum speed exceeds this, then the speed limit may be increased to the minimum posted speed.

C. LESLIE DAWSON, Secretary

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on July 23, 1987 at 10 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 July 18, 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 mobile home transporters operating in Kentucky.

(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: Erases confusion about the number and placement of required flashing lights.

(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 existing Section 15 was ambiguous. The new wording was necessary to ease any confusion. No alternative method was considered since no change in procedure or requirement was adopted.

(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? Yes

## LABOR CABINET

Department of Workplace Standards  
Kentucky Occupational Safety & Health  
(Proposed Amendment)

803 KAR 2:020. Adoption of 29 CFR Part 1910.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS Chapter 338

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1910 of the Code of Federal Regulations revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows:

"The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Secretary of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions or the adoption or use of one (1) or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National Consensus Standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established federal standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Labor Cabinet, U.S. 127 South, Frankfort, Kentucky 40601.

(3) 29 CFR 1910.19(f) "Special Provisions for Air Contaminants," is removed as published in the Federal Register, Volume 50, Number 240, December 13, 1985, is adopted by reference.

(4) 29 CFR 1910.20 "Access to employee exposure and medical records" is amended as follows:

(a) 29 CFR 1910.20(e)(1)(i) is amended to read "Whenever an employee or designated representative requests access to an exposure or medical record, the employer shall assure that access is provided in a reasonable time, place, and manner, but no longer than fifteen (15) days after the request for access is made unless sufficient reason is given why such a time is unreasonable or impractical."

(b) 29 CFR 1910.20(e)(1)(ii) is amended to read "Whenever an employee or designated representative requests a copy of a record, the employer shall, except as specified in (v) of this section, within the period of time previously specified assure that either:"

(c) 29 CFR 1910.20(e)(1)(v) is added and shall read "Original x-ray film will be made available to the employee and/or designated representative for inspection, review, and duplication under the supervision of the employer or his representative. The employer is not required to bear the cost of duplication of x-ray film."

(d) 29 CFR 1910.20(g)(1) is amended to read "Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform each employee exposed to toxic substances or harmful physical agents of the following:"

(e) 29 CFR 1910.20(g)(2) is amended to read

"Each employer shall make readily available to employees any informational materials concerning this standard which are provided to the employer by the Assistant Secretary of Labor for Occupational Safety and Health."

(5) Subparagraph 29 CFR 1910.23(a)(7) shall be amended to read as follows: "Every temporary or permanent floor opening shall have standard railings, or shall be constantly attended by someone."

(6) Revision to 29 CFR 1910.68(e)(3), Manlifts, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(7) 29 CFR 1910.95 "Hearing Conservation Program" is amended as follows:

(a) 29 CFR 1910.95(h)(1) shall read: Audiometric tests shall be pure tone, air conduction, hearing threshold examinations with test frequencies including as a minimum 500, 1,000, 2,000, 3,000, 4,000, and 6,000 Hz. Testing at 8,000 Hz must be included in the audiometric tests for employers using audiometers with that capacity and all audiometric tests must include 8,000 Hz after January 15, 1985.

(b) 29 CFR 1910.95(h)(4) shall read: Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix D: Audiometric Test Rooms. When an audiometric test room is located in a mobile test van, background sound pressure level measurements shall be taken at each testing location.

(c) 29 CFR 1910.95(h)(5)(ii) shall read: Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix E: Acoustic Calibration of Audiometers. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this check. Deviations of fifteen (15) decibels or greater require an exhaustive calibration.

(d) 29 CFR 1910.95(h)(5)(iii) shall read: An exhaustive calibration shall be performed at least every two (2) years in accordance with sections 4.1.2; 4.1.3; 4.1.4.3; 4.2; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6-1969. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this calibration.

(e) 29 CFR 1910.95(L)(1) shall read: The employer shall make available to affected employees or their representatives copies of this standard and shall also post a notice of the availability of this standard in the workplace.

(f) 29 CFR 1910.95(o) shall read: Paragraphs (c) through (n) of this section shall not apply to employers engaged in oil and gas well drilling and servicing operations, agriculture, or construction.

(g) 29 CFR 1910.95 Appendix E shall read: Acoustic Calibration of Audiometers.

This Appendix is Mandatory.

Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band

filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerances permitted by American Standard Specification for Audiometers, S3.6-1969.

1. Sound Pressure Output Check.

a. Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.

b. Set the audiometer's hearing threshold level (HTL) dial to seventy (70) dB.

c. Measure the sound pressure level of the tones that each test frequency from 500 Hz through 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) for each earphone.

d. At each frequency the readout on the sound level meter should correspond to the levels in Table E-1 or Table E-2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

2. Linearity check.

a. With the earphone in place, set the frequency to 1,000 Hz and the HTL dial on the audiometer to seventy (70) dB.

b. Measure the sound levels in the coupler at each ten (10) dB decrement from seventy (70) dB to ten (10) dB, noting the sound level meter reading at each setting.

c. For each ten (10) dB decrement on the audiometer the sound level meter should indicate a corresponding ten (10) dB decrease.

d. This measurement may be made electrically with a voltmeter connected to the earphone terminals.

3. Tolerances.

When any of the measured sound levels deviate from the levels in Table E-1 or Table E-2 plus or minus three (3) dB at any test frequency between 500 and 3,000 Hz, four (4) dB at 4,000 Hz, or five (5) dB at 6,000 Hz and 8,000 Hz, an exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than ten (10) dB at any test frequency.

TABLE E-1 - REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-39 EARPHONES

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading dB
500	11.5	81.5
1000	7	77
2000	9	79
3000	10	80
4000	9.5	79.5
6000	15.5	85.5
8000	13.0	83.0

TABLE E-1 - REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-39 EARPHONES

Frequency, Hz	Reference threshold level for TDH-49 earphones, dB	Sound level meter reading dB
500	13.5	83.5
1000	7.5	77.5
2000	11	81.0
3000	9.5	79.5
4000	10.5	80.5
6000	13.5	83.5
8000	13.0	83.0

(8) 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlets P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(9) 29 CFR 1910.106 "Flammable and combustible liquids" is amended as follows: 29 CFR 1910.106(a)(3) shall read: "The term automotive service station, or service stations, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

(10) 29 CFR 1910.106(g)(1)(i)(g), Flammable and Combustible Liquids as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is removed.

(11) 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response, as published in the Federal Register, December 19, 1986, Volume 51, No. 244, is adopted by reference.

(12) 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response, as published in the Federal Register, May 4, 1987, Volume 52, No. 85, is adopted by reference.

(13) [(11)] 29 CFR 1910.134 is amended as follows:

(a) 29 CFR 1910.134(c) shall read: "Proper selection of respirators shall be made according to the guidance of American National Standard Practices for Respiratory Protection Z88.2 - 1980."

(b) 29 CFR 1910.134(d) the third sentence shall read: "Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G-7.1 - 1973."

(c) 29 CFR 1910.134(g) shall read: Identification of Air-Purifying Respirator Canisters and Cartridges.

1. The primary means of identifying an air-purifying respirator canister or cartridge shall be by means of properly worded labels. The secondary means of identifying an air-purifying respirator canister or cartridge shall be by an identifying color or colors.

2. All who issue or use air-purifying respirators falling within the scope of this

standard shall ensure that all canisters and cartridges purchased or used by them are properly labeled and colored in accordance with this standard before they are placed in service and that the labels and colors are properly maintained at all times thereafter until the canisters and cartridges have completely served their purpose. The user shall refer to the label wording to determine the type and degree of protection the canister or cartridge will afford.

3. On each air-purifying respirator canister and cartridge, the following shall appear in bold letters:

CANISTER FOR \_\_\_\_\_  
(Name of atmospheric contaminant)  
or

CARTRIDGE FOR \_\_\_\_\_  
(Name of atmospheric contaminant)

In addition, either or both of subparagraphs a and b of this paragraph, and subparagraph (c) of this paragraph, shall appear beneath the appropriate phrase on the canister or cartridge label.

a. For respiratory protection in atmospheres containing not more than \_\_\_\_\_  
by volume of

(Concentration)

\_\_\_\_\_  
(Name of atmospheric contaminant)

b. For respiratory protection in atmospheres containing

\_\_\_\_\_  
(Type of particulate contaminant)

c. Do not use in atmospheres containing less than nineteen and five-tenths (19.5) percent oxygen by volume at sea level.

4. Each respirator canister or cartridge, or canister or cartridge label, shall be a distinctive color as indicated in Table I-1. The color coating used shall offer a high degree of resistance to changes such as chipping, scaling, peeling, blistering, and fading, and to the effects of ordinary atmospheres to which they may be exposed under normal conditions of storage and use.

(d) 29 CFR 1910.134 Table I-1 shall read:

TABLE I-1  
Color Assigned to Canister or Cartridge

Atmospheric Contaminant(s) to Be Protected Against	Color Assigned	ISCC-NBS Centroid Color Number	ISCC-NBS Centroid Color Name
Acid gases	White	263	White
Organic vapors	Black	267	Black
Ammonia gas	Green	139	Vivid green
Carbon monoxide gas	Blue	178	Strong blue
Acid gases and organic vapors	Yellow	82	Vivid yellow
Acid gases, ammonia, and organic vapors	Brown	75	Deep yellow brown

Acid gases, ammonia, carbon monoxide, and organic vapors	Red	11	Vivid red
Other vapors and gases not listed above	Olive	106	Light olive
Radioactive materials (except tritium and noble gases)	Purple	218	Strong purple
Dusts, fumes, and mists (other than radioactive materials)	Orange	48	Vivid orange

NOTES:

(1) A purple (ISCC-NBS Centroid Number 218) stripe shall be used to identify radioactive materials in combination with any vapor or gas.

(2) An orange (ISCC-NBS Centroid Number 48) stripe shall be used to identify dusts, fumes, and mists in combination with any vapor or gas.

(3) Where labels only are colored to conform with this table, the canister or cartridge body shall be gray (ISCC-NBS Centroid Number 265), or a metal canister or cartridge body may be left in its natural metallic color.

(4) The user shall refer to the wording of the label to determine the type and degree of protection the canister or cartridge will afford.

(14) [(12)] 29 CFR 1910.141(c)(2)(i) shall read as follows: "(1) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(15) [(13)] Amendment to 29 CFR 1910.145(f), Accident Prevention Tags, as published in Federal Register, Volume 51, Number 182, September 19, 1986, is adopted by reference.

(16) [(14)] 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

"(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health."

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by the consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees."

"(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available."

"(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use."

(17) [(15)] 29 CFR 1910.156(a)(2) "Application" is amended to read: "The

requirements of this section apply to fire brigades; industrial fire departments; private fire departments; and municipal public fire departments and fire protection districts. Personal protective equipment requirements apply to members of fire brigades and fire departments performing interior structural fire fighting. The requirements of this section do not apply to airport crash rescue, forest fire fighting operations, or volunteer fire fighters."

(18) [(16)] Revision to 29 CFR 1910.157(f)(16), Portable Fire Extinguishers, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(19) [(17)] Revisions to 29 CFR 1910.179(j)(2)(iii) and (iv), Overhead and Gantry Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(20) [(18)] Revision to 29 CFR 1910.179(m)(1), Overhead and Gantry Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(21) [(19)] Revision to 29 CFR 1910.180(d)(6), Crawler Locomotive and Truck Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(22) [(20)] Revisions to 29 CFR 1910.180(g)(1) and (2)(ii), Crawler and Locomotive Truck Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(23) [(21)] Revisions to 29 CFR 1910.181(g)(1) and (3), Derricks, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(24) [(22)] 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(25) [(23)] Revisions to 29 CFR 1910.217(e)(1)(i) and (ii), Mechanical Power Presses, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(26) [(24)] Revisions to 29 CFR 1910.218(a)(2)(i) and (ii), Forging Machines, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(27) [(25)] Amendments to 29 CFR 1910.243, "Guarding of Portable Powered Tools" as published in the Federal Register, Volume 50, Number 22, February 1, 1985 are adopted by reference.

(28) [(26)] Subparagraph 29 CFR 1910.252(a)(6)(iv), (d)(2) shall be corrected to read as follows:

"Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.309(a) for Class I, Division 2 locations."

(29) [(27)] Revision to 29 CFR 1910.252(c)(6), Welding, Cutting and Brazing, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(30) [(28)] Amendment to 29 CFR 1910.430(e)(1), Commercial Diving Equipment, as published in the Federal Register, Volume 51,



Number 181, September 18, 1986, is adopted by reference.

(31) [(29)] 29 CFR 1910.440(a)(1), Commercial Diving Recordkeeping Requirements, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is removed.

(32) [(30)] 29 CFR 1910 Subpart T Appendix B "Commercial Diving Operations" as published in the Federal Register, Volume 50, Number 6, January 9 1985, is adopted by reference.

(33) [(31)] 29 CFR 1910.1000, "Air Contaminants," Table Z-1 is amended as published in the Federal Register, Volume 50, Number 240, December 13, 1985, is adopted by reference.

(34) [(32)] 29 CFR 1910.1001 "Asbestos" is amended as follows:

(a) Amendments as published in the Federal Register, Volume 51, Number 119, June 20, 1986, are adopted by reference.

(b) 29 CFR 1910.1001(d)(6)(ii) is amended to add: "The employer shall ensure that all sampling will be conducted in accordance with the ORM in Appendix A, before sampling commences."

(c) 29 CFR 1910.1001(d)(6)(iv) is amended to add: "The employer shall ensure that all analyses are performed in accordance with the elements outlined in Appendix A, and that all asbestos counters meet the criterion specified in Appendix A. This notice shall be given prior to the start of the analyses."

(d) 29 CFR 1910.1001(g)(3)(i) is amended to read: "Where respiratory protection is required, the employer shall institute a respirator program in accordance with American National Standards Practices for Respiratory Protection, ANSI Z88.2 - 1980, with the exception of Appendix A5, Suggested Procedures for Carrying Out Qualitative Respirator - Fitting Tests, and Appendix A6, Suggested Procedures for Carrying Out Quantitative Respirator - Fitting Tests."

(e) 29 CFR 1910.1001(j)(1)(ii) is amended to read: "Sign specifications. The warning signs required by paragraph (j)(1)(i) of the section shall be of a vertical format measuring twenty (20) inches in length and fourteen (14) inches in width, and shall be printed in letters of sufficient size and contrast as to be readily visible and legible, and shall bear the following information:"

(35) 29 CFR 1910.1001, Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite, as published in Federal Register, October 17, 1986, Volume 51, No. 201, is adopted by reference.

(36) 29 CFR 1910.1001, Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite, as published in Federal Register, May 12, 1987, Volume 52, No. 91, is adopted by reference.

(37) [(33)] 29 CFR 1910.1005 4,4'-methylene bis (2-chloroaniline) and 29 CFR 1910.1003 through .1016 paragraphs (c)(6), Laboratory Activities, printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(38) [(34)] Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows:

"Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to

handle such materials."

(39) [(35)] 29 CFR 1910.1025 "Occupational Exposure to Lead" shall be amended as follows: "Table 1 - Implementation Schedule" is amended to read:

(40) [(36)] 29 CFR 1910.1029 "Coke Oven Emissions" shall be amended as follows: Revision as published in the Federal Register, Volume 50, Number 178, September 13, 1985 are adopted by reference.

(41) [(37)] Corrections to 29 CFR 1910.1043, Cotton Dust as published in the Federal Register, Volume 51, Number 128, July 3, 1986, are adopted by reference.

(42) [(38)] Amendments and corrections to 29 CFR 1910.1047, Ethylene Oxide and Appendices A, B, C and D, as published in the Federal Register, Volume 51, Number 132, July 10, 1986 are adopted by reference.

(43) [(39)] Revision of 29 CFR 1910.1200(i)(3), Hazard Communication, and an amendment removing the last paragraph in 1910.1200 Appendix D, as published in the Federal Register, Volume 51, Number 189, September 30, 1986, are adopted by reference.

TABLE 1 - Implementation Schedule

INDUSTRY <sup>1</sup> ug/m <sup>3</sup>	COMPLIANCE DATES		
	200 ug/m <sup>3</sup>	100 ug/m <sup>3</sup>	50
Primary Lead Production	(2)	June 29, 1984	June 29, 1991
Secondary Lead Production	(2)	June 29, 1984	June 29, 1986
Lead Acid Battery Manufacture	(2)	June 29, 1983	June 29, 1986
Automobile/Manufacture/Solder Grinding	(2)	N/A	June 29, 1988
Electronics, Gray Iron Foundries, Ink Manufacture, Paints and Coatings Manufacture, Wall Paper Manufacture, Can Manufactures, and Printing	(2)	N/A	June 29, 1982
Lead Pigment Manufacture, NonFerrous Foundries, Leaded Steel Manufacture, Lead Chemical Manufacture, Ship Building and Ship Repair, Battery Breaking in the Collection and Processing of Scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), Secondary Smelting of Copper, and Lead Casting	(2)	N/A	N/A
All Other Industries	(2)	N/A	June 11, 1984

<sup>1</sup> Includes ancillary activities located on the same worksite.

2. On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.

CAROL M. PALMORE, Chairman

APPROVED BY AGENCY: June 11, 1987

FILED WITH LRC: June 11, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing concerning this regulation has been scheduled for July 22, 1987 at 1 p.m. (EST) to be held at the Kentucky Labor Cabinet, U.S. 127 Building South, Bay 2 Conference Room, Frankfort, Kentucky. Those interested in attending must provide by July 17, 1987, written notice to Mr. Guy Schoolfield, Kentucky Labor Cabinet, Division of Education and Training, OSH Technical Assistance Branch, U.S. 127 Building South, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoolfield

(1) Type and number of entities affected: This regulation affects all employers in the Commonwealth with hazardous waste operations and emergency response operations.

(a) Direct and indirect costs or savings to those affected: Cost figures for employers are not available, as Federal OSHA has not yet published their impact analysis figures.

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: Medical surveillance recordkeeping reports are required by the employer.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of this adoption of amendments.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reports or records are required by this adoption of amendments.

(3) Assessment of anticipated effect on state and local revenues: This adoption of amendments will have no effect on state and local revenues.

(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: No regulations, rules, or governmental policy conflict, overlap, or duplicate this adoption of amendments.

(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. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH Program has received worker complaints.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoolfield

(1) Type and number of entities affected: This regulation affects all employers in the Commonwealth with hazardous waste operations and emergency response operations.

(a) Direct and indirect costs or savings to those affected: No costs or savings to employers will occur as a result of this adoption of corrections.

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 reports or records are required by this adoption of corrections.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of this adoption of corrections.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reports or records are required by this adoption of corrections.

(3) Assessment of anticipated effect on state and local revenues: This adoption will have no effect on state and local revenues.

(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: No regulations, rules, or policies conflict, overlap, or duplicate this adoption of corrections.

(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. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH Program has received worker complaints.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoolfield

(1) Type and number of entities affected: This regulation affects all employers in the Commonwealth with operations involving non-asbestos form asbestos, tremolite, anthophyllite, and actinolite.

(a) Direct and indirect costs or savings to those affected: No costs or savings to employers will occur as a result of this adoption of an amendment.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No reports or records are required by this adoption of amendment.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of this adoption of an amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reports or records are required by this adoption of an amendment.

(3) Assessment of anticipated effect on state and local revenues: This adoption of amendments will have no effect on state and local revenues.

(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: No regulations, rules, or governmental policy conflict, overlap, or duplicate this adoption of amendments.

(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. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH Program has received worker complaints.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoofield

(1) Type and number of entities affected: This regulation affects all employers in the Commonwealth with operations involving asbestos, tremolite, anthophyllite, and actinolite.

(a) Direct and indirect costs or savings to those affected: No costs or savings to employers will occur as a result of this adoption of corrections.

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 reports or records are required by adoption of corrections.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of this adoption of corrections.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reports or records are required by this adoption of corrections.

(3) Assessment of anticipated effect on state and local revenues: This adoption of amendments will have no effect on state and local revenues.

(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: No regulations, rules, or governmental policy conflict, overlap, or duplicate this adoption of amendments.

(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. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH Program has received worker complaints.

#### LABOR CABINET

Department of Workplace Standards  
Kentucky Occupational Safety and Health  
(Proposed Amendment)

803 KAR 2:030. Adoption of 29 CFR Part 1926.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction.

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1926 of the Code of Federal Regulations, revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby adopted by reference with the following additions, exceptions, and deletions:

(1) 29 CFR Part 1926.1 shall read as follows:

The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1926 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR 1926.58, Asbestos, tremolite, anthophyllite, and actinolite, as published in the Federal Register, Volume 51, Number 119, June 20, 1986 is adopted by reference with the following amendments:

(a) 29 CFR 1926.58(e)(6)(iii) is amended to add: "The employer shall ensure that contractors provide in writing that they have a competent person meeting the requirements of paragraph (b) "competent person" and paragraphs (e)(6)(ii) and (III) before work commences."

(b) 29 CFR 1926.58(f)(3) is amended to add: "The respirators required by this exception are to be Type "C" supplied - air respirators; continuous flow or pressure - demand class."

(c) 29 CFR 1926.58(f)(5)(ii) is amended to add: "The employer shall ensure that all sampling is conducted in accordance with the ORM

in Appendix A before sampling commences."

(d) 29 CFR 1926.58(f)(5)(iii) is amended to add: "The employer shall ensure that all analyses are performed in accordance with the elements outlined in Appendix A, and that all asbestos counters meet the qualifications listed in Appendix A. This notice shall be given prior to the start of the analyses."

(e) 29 CFR 1926.58(h)(3)(i) is amended to read: "Where respiratory protection is used, the employer shall institute a respirator program in accordance with American National Standards Practices for Respiratory Protection, ANSI Z88.2 - 1980, with the exception of Appendix A5, Suggested Procedures for Carrying Out Qualitative Respirator - Fitting Tests, and Appendix A6, Suggested Procedures for Carrying Out Quantitative Respirator - Fitting Tests."

(f) 29 CFR 1926.58(j)(2)(1) is amended to add: "The decontamination area shall be separated from the regulated area by an air lock. Air locks shall be used to separate the clean room, shower area and equipment room. An "air lock" is

an open area used to separate the clean room, shower room and equipment room from each other, and to separate the decontamination area from the work area. It is accessible through doorways protected by two overlapping polyethylene sheets."

(g) 29 CFR 1926.58(k)(1)(ii) is amended to read: "Sign specifications. The warning signs required by paragraph (k)(1)(i) of this section shall be of a vertical format measuring twenty (20) inches in length and fourteen (14) inches in width, and shall be printed in letters of sufficient size and contrast as to be readily visible and legible, and shall bear the following information:"

(3) 29 CFR 1926.58, Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite, as published in Federal Register, May 12, 1987, Volume 52, No. 91, is adopted by reference.

(4) [(3)] 29 CFR 1926.103 "Respiratory Protection" Table E-4 is amended as follows:

Table E-4  
Respirator Protection Factors<sup>a</sup>

Permitted for Use in Type of Respirator	Permitted for Use in Immediately-Dangerous-to-Life-Oxygen-Deficient Atmosphere	Respirator Protection Factor		
		or-Health Atmosphere <sup>f</sup>	Qualitative Test	Quantitative Test
Particulate-filter, quarter-mask or half-mask face-piece <sup>b,c</sup>	No	No	10	As measured on each person with maximum of 100.
Vapor-or gas-removing, quarter-mask or half-mask facepiece <sup>c</sup>	No	No  ever is less.	10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or
Combination particulate-filter and vapor- or gas-removing, quarter-mask or half-mask facepiece <sup>b,c</sup>	No	No	10, or maximum use limit or cartridge or canister for vapor or gas, whichever is less.  gas, <sup>i,j</sup> , whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or
Particulate-filter, full facepiece <sup>b</sup>	No	No	100  of 100 if dust, fume or mist filter is used, or maximum of 1000 if high-efficiency filter is used.	As measured on each person with maximum
Vapor- or gas-removing, full facepiece	No	No  vapor or gas, which ever is less.	100, or maximum use limit of cartridge or canister for use limit of cartridge or canister for vapor or gas <sup>i,j</sup> , whichever is less.	As measured on each person with maximum of 1000, or maximum

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Combination particulate-filter and vapor- or gas-removing, full facepiece <sup>b</sup>	No	No	100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less. 1000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100 if dust, fume or mist filter is used and maximum of
Powered particulate-filter, any respiratory-inlet covering <sup>b,c,d</sup>	No	No (yes, if escape provisions are provided <sup>d</sup> )	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3000 if high-efficiency filter is used.	N/A
Powered vapor- or gas-removing, any respiratory-inlet covering <sup>c,d</sup>	No	No (yes, if escape provisions are provided <sup>d</sup> )	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 3000, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	N/A
Powered combination particulate-filter and vapor- or gas-removing, any respiratory-inlet covering <sup>b,c,d</sup>	No	No (yes, if escape provisions are provided <sup>d</sup> )	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	N/A
Air-line, demand, quarter-mask or half-mask facepiece, with or without escape provisions <sup>c,e</sup>	Yes <sup>f</sup>	No	10  immediately-dangerous-to-life-or-health (IDLH) values	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the
Air-line, demand, full facepiece, with or without escape provisions <sup>e</sup>	Yes <sup>f</sup>	No	100  concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the
Air-line, continuous-flow or pressure-demand type, any facepiece, without escape provisions <sup>c</sup>	Yes <sup>f</sup>	No	N/A No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.	N/A
Air-line, continuous-flow or pressure-demand type, any facepiece, with escape provisions <sup>c,e</sup>	Yes <sup>g</sup>	Yes	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factors is 10000 plus <sup>h</sup> .	N/A

Air-line, continuous-flow, helmet, hood, suit without escape provisions	Yes <sup>f</sup>	No	N/A	N/A
			No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.	
Air-line, continuous-flow, helmet, hood, or suit, with escape provisions <sup>e</sup>	Yes <sup>g</sup>	Yes	N/A	N/A
		plus <sup>h</sup> .	No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10000	
Hose mask, with or without blower, full facepiece	Yes <sup>f</sup>	No	10	As measured on each person, but limited to the use of the
			respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.	
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, quarter-mask or half-mask facepiece <sup>c</sup>	Yes <sup>f</sup>	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, full facepiece or mouthpiece/nose clamp <sup>c</sup>	Yes <sup>f</sup> (Yes, if respirator is used for mine rescue and mine recovery operations.)	No (yes, if respirator is used for mine rescue and mine recovery operations.)	100	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values except when the respirator is used for mine rescue and mine recovery operations.
Self-contained breathing apparatus, pressure-demand-type open-circuit or positive-pressure-type closed-circuit, quarter-mask or half-mask facepiece, full facepiece, or mouthpiece/nose clamp <sup>c</sup>	Yes <sup>g</sup>	Yes	N/A	N/A
			No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10000 plus.	
Combination respirators not listed.	The type and mode of operation having the lowest respirator protection factor shall be applied to the combination respirator.			

N/A means not applicable since a respirator-fitting test is not carried out.

<sup>a</sup> A respirator protection factor is a measure of the degree of protection provided by a respirator to a respirator wearer. Multiplying the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or the maximum permissible airborne concentration for a radionuclide, by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance for which the respirator can be used. Limitations of filters, cartridges, and canisters used in air-purifying respirators shall be considered in determining protection factors.

<sup>b</sup> When the respirator is used for protection against airborne particulate matter having a permissible time-weighted average concentration less than 0.05 milligram particulate matter per cubic meter of air or less than 2 million particles per cubic foot of air, or for protection against airborne radionuclide particulate matter, the respirator shall be equipped with a high-efficiency filter(s).

<sup>c</sup> If the air contaminant causes eye irritation, the wearer of a respirator equipped with a quarter-mask or half-mask facepiece or mouthpiece and nose clamp shall be permitted to use a protective goggle or to use a respirator equipped with a full facepiece.

<sup>d</sup> If the powered air-purifying respirator is equipped with a facepiece, the escape provision means that the wearer is able to breathe through the filter, cartridge, or canister and through the pump. If the powered air-purifying respirator is equipped with a helmet, hood, or suit, the escape provision shall be an auxiliary self-contained supply of respirable air.

<sup>e</sup> The escape provision shall be an auxiliary self-contained supply of respirable air.

<sup>f</sup> "Oxygen deficiency--not immediately dangerous to life or health"--an atmosphere having an oxygen concentration below the minimum legal requirement but above that which is immediately dangerous to life or health.

<sup>g</sup> "Oxygen deficiency--immediately dangerous to life or health"--an atmosphere which causes an oxygen partial pressure of 100 millimeters of mercury column or less in the freshly inspired air in the upper portion of the lungs which is saturated with water vapor.

<sup>h</sup> The protection factor measurement exceeds the limit of sensitivity of the test apparatus. Therefore, the respirator has been classified for use in atmospheres having unknown concentrations of contaminants.

<sup>i</sup> The service life of a vapor- or gas-removing cartridge or canister depends on the specific vapor or gas, the concentration of the vapor or gas in air, the temperature and humidity of the air, the type and quantity of the sorbent in the cartridge or canister, and the activity of the respirator wearer. Cartridges and canisters may provide only very short service lives for certain vapors and gases. Vapor/gas service life testing is recommended to ensure that cartridges and canisters provide adequate service lives. Reference should be made to published reports which give vapor/gas life data for cartridges and canisters.

<sup>j</sup> Vapor- and gas-removing respirators are not approved for contaminants that lack adequate warning properties of odor, irritation, or taste at concentrations in air at or above the permissible exposure limits.

NOTE: Respirator protection factors for air-purifying-type respirators equipped with a mouthpiece/nose clamp form of respiratory-inlet covering are not given, since such respirators are approved only for escape purposes.

(5) [(4)] Amendment to 29 CFR 1926.151(a)(1), as published in the Federal Register, Volume 51, Number 133, July 11, 1986 is adopted by reference.

(6) [(5)] Revision to 29 CFR 1926.152(b)(4)(v) as published in the Federal Register, Volume 51, Number 133, July 11, 1986 is adopted by reference.

(7) [(6)] 29 CFR 1926.200(g)(2), .201(a)(2) and .202 shall be amended to require signs, signaling and barricades to conform to specifications as set forth in ANSI D6.1 "Manual of Uniform Traffic Control Devices for Streets and Highways" (1978 Edition).

(8) [(7)] Revision to 29 CFR 1926.351(d)(5), as published in the Federal Register, Volume 51, Number 133, July 11, 1986 is adopted by reference.

(9) [(8)] Revision of 29 CFR 1926, Subpart K, Electrical, 1926.400, .401, .402, .403, .405, .406, .407, .408, .409, .416, .417, .418, .431, .432, .433, .441, .442 and .449, as published in Federal Register, Volume 51, Number 133, July 11, 1986 is adopted by reference.

(10) [(9)] 29 CFR 1926.451(a)(4) shall read as follows: Guardrails and toeboards shall be installed on all open sides and ends of platforms more than ten (10) feet above the ground or floor, except needle beam scaffolds

and floats (see paragraphs (p) and (w) of this section). Toeboards shall not be required on the loading side of platforms which are loaded by means of a high lift tractor or fork truck provided that employees are prohibited from entering the area beneath the scaffolding where they could be exposed to objects which might fall from the scaffolding. Scaffolds four (4) to ten (10) feet in height, having a minimum horizontal dimension in either direction of less than forty-five (45) inches, shall have standard guardrails installed on all open sides and ends of the platform.

(11) [(10)] 29 CFR 1926.552(b)(8) of the paragraph on "Material hoists" shall read as follows: All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists, with the exception that material hoists manufactured prior to January 1, 1970 may be used with a drum pitch diameter at least eighteen (18) times the nominal rope diameter provided the hoisting wire rope is at least equal in flexibility to 6 x 37 classification wire rope.

(12) [(11)] Revoke paragraph "514 - Warning Device" of ANSI B56.1 - 1969 - Safety Standards for Powered Industrial Trucks and adopt paragraph "512 - Warning Device" of ANSI B56.1 - 1975 - Low Lift and High Lift Trucks for



standard reference as specified in 29 CFR 1926.602(c)(1)(vi): effective July 1, 1979.

(13) [(12)] Revision of 29 CFR 1926.803(j)(3), as published in the Federal Register, Volume 51, Number 133, July 11, 1986 is adopted by reference.

(14) [(13)] The following paragraphs of 29 CFR 1926, Subpart U, Blasting and the Use of Explosives, which were previously adopted by reference, are hereby revised and shall read as follows:

(a) 1926.900(k)(3)(i) The prominent display of adequate signs warning against the use of mobile radio transmitters, on all roads within 1,000 feet of blasting operations. Whenever adherence to this 1,000 foot distance would create an operational handicap, a competent person shall be consulted to evaluate the particular situation, and alternative provisions may be made which are adequately designed to prevent premature firing of electric blasting caps. The competent person may be a blaster certified by the Kentucky Department of Mines and Minerals with a working knowledge of mobile radio transmission and receiving hazards as related to use of electric blasting cap firing systems and designated by the employer. A description of any alternative shall be in writing describing the unusual conditions at the site and the alternative measure used. The description shall be maintained at the construction site during the duration of the work and shall be available for inspection by representatives of the Commissioner, Kentucky Department of Labor.

(b) 1926.900(k)(4) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, in other than original containers, shall be de-energized, and have the radio transmission circuit or vehicle effectively locked against transmitter usage.

(c) 1926.900(p) The use of black powder shall be prohibited except when a desired result cannot be obtained with another type of explosive, such as in quarrying certain types of dimension stone.

(d) 1926.900(r) All electric blasts shall be fired with an electric blasting machine or properly designed electric power source, and in accordance with the provisions of subsection .906(a) and (r).

(e) 1926.902(d) Explosives or blasting agents shall be transported in separate vehicles unless the detonators are packaged in specified containers and transported all in compliance with DOT Regulation 49 CFR 177.835(g).

(f) 1926.905(h) Machines and all tools not used for loading explosives into the boreholes shall be removed from the immediate location of holes before explosives are delivered. Equipment shall not be operated within fifty (50) feet of a loaded hole except that which is required when the containment of the blast is necessary to prevent flyrock. When equipment or machinery is used to place mats, over-burden, or protective material on the shot area, a competent person (who may be a blaster certified by the Kentucky Department of Mines and Minerals) shall implement adequate precautions to protect the leadwires or initiating systems such as protecting the components from direct contact with materials which sever, damage, impact, or conduct stray currents to the explosives system. This would include preventing the dragging of blasting mats or running over the holes and systems with the equipment used.

(g) 1926.905(i) No activity of any nature other than that which is required for loading holes with explosives and preparation required for initiating the blast and containment of flyrock from the blast shall be permitted in a blast area.

(h) 1926.905(k) Holes shall be inspected prior to loading to determine depth and conditions. When necessary to drill a hole in proximity to a charged or misfired hole, the distance between these two holes must be greater than the depth being drilled and precautions taken to ensure the integrity of any adjacent-charged hole or misfired hole. This distance must be determined by a competent person (who may be a blaster certified by the Kentucky Department of Mines and Minerals) in order to insure that there is no danger of intersecting the charged or misfired hole.

(i) 1926.905(n) In blasting, explosives in Fume Class I, as set forth by the Institute of the Makers of Explosives, shall be used; however, Fume Class I explosives are not required when adequate ventilation is provided and the workings are abandoned for a period of time sufficient to allow dissipation of all fumes.

(j) 1926.906(p) The blaster shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine except under the immediate physical and visual supervision of the blaster.

(k) 1926.906(q) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers equipped with a silver chloride cell especially designed for this purpose or an instrument designed solely for use in blasting, which incorporates a current-limiting device into its circuitry. No instrument capable of producing over fifty (50) milliamps on direct short circuit shall be used.

(l) 1926.906(s) Leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(m) 1926.907(a) The use of a fuse that has been hammered or injured in any way shall be forbidden.

(15) [(14)] Amend subparagraph 1926.950(c)(1)(i) to read as follows:

"The employee is insulated or guarded from the energized part. Insulating gloves, as well as insulating sleeves when necessary, rated for the voltage involved shall be considered insulation of the employee from the energized part, or ....."

CAROL M. PALMORE, Chairman

APPROVED BY AGENCY: June 11, 1987

FILED WITH LRC: June 11, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing concerning this regulation has been scheduled for July 22, 1987 at 1 p.m. (EST) to be held at the Kentucky Labor Cabinet, U.S. 127 Building South, Bay 2 Conference Room, Frankfort, Kentucky. Those interested in attending must provide by July 17, 1987, written notice to Mr. Guy Schoolfield, Kentucky Labor Cabinet, Division of Education and Training, OSH Technical Assistance Branch, U.S. 127 Building South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schofield

(1) Type and number of entities affected: This regulation affects all employers in the Commonwealth with operations involving asbestos, tremolite, anthophyllite, and actinolite.

(a) Direct and indirect costs or savings to those affected: No costs or savings to employers will occur as a result of this adoption of corrections.

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 reports or records are required by adoption of corrections.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of this adoption of corrections.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reports or records are required by this adoption of corrections.

(3) Assessment of anticipated effect on state and local revenues: This adoption of amendments will have no effect on state and local revenues.

(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: No regulations, rules, or governmental policy conflict, overlap, or duplicate this adoption of amendments.

(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. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH Program has received worker complaints.

**PUBLIC PROTECTION & REGULATION CABINET**  
Department of Financial Institutions  
Divisions of Banking & Thrift Institutions  
(Proposed Amendment)

808 KAR 3:050. Conduct.

RELATES TO: KRS 290.070, 290.100, 290.225, 290.585, 290.715

PURSUANT TO: KRS 290.070

NECESSITY AND FUNCTION: KRS 290.070 requires the Department of Financial Institutions to prescribe rules and regulations for the proper conduct and regulation of credit unions. This regulation is to assure the proper conduct of credit unions.

Section 1. Refund of Interest. When an

interest refund is authorized by the board of directors pursuant to the Act, it shall be recorded in the books of the credit union as a reduction of interest income from loans for that year or period.

Section 2. Advertising. No credit union shall represent by any means nor permit any representation by any means (including any means of advertisement) that it is under the supervision or regulation of the Department of Financial Institutions.

Section 3. Fee for Examination. (1) Each credit union shall pay the department a fee for each examination in accordance with the schedule of fees fixed by this section.

(2) In establishing such fees, the commissioner shall consider the anticipated aggregate cost of the examination program of the department including supervision, salaries, travel, and all other items which affect the cost of the examination program along with the ability of credit unions to pay such fees.

(3) The schedule of examination fees shall be as follows:

(a) Newly organized credit unions. No fee will be charged a newly organized credit union for the first examination made within a year of the date of its organization being approved.

(b) Credit unions with assets of less than \$25,000; a fee of \$50.

(c) Credit unions with assets of \$25,000 to \$50,000; a fee of \$50 plus \$2 per \$1,000 of assets over \$25,000.

(d) Credit unions with assets of \$50,000 to \$100,000; a fee of \$100 plus \$1.90 per \$1,000 of assets over \$50,000.

(e) Credit unions with assets of \$100,000 to \$250,000; a fee of \$195 plus \$1.75 per \$1,000 of assets over \$100,000.

(f) Credit unions with assets of \$250,000 to \$500,000; a fee of \$457.50 plus \$1.20 per \$1,000 of assets over \$250,000.

(g) Credit unions with assets of \$500,000 to \$1,000,000; a fee of \$757.50 plus \$.55 per \$1,000 of assets over \$500,000.

(h) Credit unions with assets of \$1,000,000 to \$2,000,000; a fee of \$1,032.50 plus \$.45 per \$1,000 of assets over \$1,000,000.

(i) Credit unions with assets of \$2,000,000 to \$5,000,000; a fee of \$1,482.50 plus \$.30 per \$1,000 of assets over \$2,000,000.

(j) Credit unions with assets of \$5,000,000 to \$20,000,000; a fee of \$2,382.50 plus \$.15 per \$1,000 of assets over \$5,000,000.

(k) Credit unions with assets of \$20,000,000 to \$50,000,000; a fee of \$4,632.50 plus \$.13 per \$1,000 of assets over \$20,000,000.

(l) Credit unions with assets of \$50,000,000 to \$100,000,000; a fee of \$8,532.50 plus \$.10 per \$1,000 of assets over \$50,000,000.

(m) Credit unions with assets over \$100,000,000; a fee of \$11,532.50 plus \$.05 per \$1,000 of assets over \$100,000,000.

Section 4. Fidelity Bond. (1) Every credit union shall, by July 1, 1985, purchase a blanket fidelity bond to protect the credit union against losses caused by the occurrences covered therein. The minimum amount of such bond shall be the amount set out in 12 CFR 701.20, effective September 7, 1984. Copies of 12 CFR 701.20 may be obtained from the Department of Financial Institutions, 911 Leewood Drive,

Frankfort, Kentucky 40601.

(2) The board of directors of every credit union shall review their blanket fidelity bond coverage at least once each year, in order to ascertain its adequacy in relation to risk exposure.

Section 5. Stocks and Bonds. Credit unions may invest, up to a maximum of five (5) percent of members shares in:

(1) Stocks of corporations rated A+ in the April 1987 [December 1985] issue of Standard and Poore's Corporation Security Owners Stock Guide; and

(2) Corporate bonds rated AAA or higher in the April 1987 [December 1985] issue of Standard and Poore's Corporation Bond Guide, or rated AAA in the January 1987 issue of Moody's Bond Record. Copies [of the Guides] may be obtained from the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601.

Section 6. Risk Assets. Risk assets, for the purpose of establishing the regular reserve, shall be defined as set out in 12 CFR 700, effective July 14, 1980. Copies of 12 CFR 700 may be obtained from the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601.

Section 7. Charitable Contributions. The board of directors may authorize contributions to civic, charitable or service organizations, each contribution not to exceed \$100.

Section 8. Conversions. A state-chartered credit union may convert to another charter by complying with the following procedures:

(1) The board of directors shall first put the question of conversion to a vote of the members. Written notice of the proposed conversion shall be given to all members, including the reasons for the proposed conversion. The notice may be mailed or hand delivered to the members. The notice shall set forth the date and place for this meeting called to vote on the proposed conversion, which shall be at least fifteen (15) days after the date of the notice.

(2) Approval of the proposed conversion shall be by a vote of the majority of the members who vote on the proposed conversion, in person or by absentee ballot if the bylaws of the credit union allow absentee ballots.

(3) A statement of the results of the vote, verified by the president and secretary, shall be filed with the commissioner.

(4) The commissioner shall issue an order that, on the effective date of the conversion, the credit union is no longer incorporated under the laws of Kentucky. A copy of the order shall be forwarded to the Secretary of State.

ROBERT M. DAVIS, Secretary  
THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: May 21, 1987

FILED WITH LRC: May 27, 1987 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on July 23, 1987 at 10 a.m., prevailing local time, in the offices of the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing no later than July 18, 1987: J. Rick Jones, Esq., Department of Financial Institutions, 911 Leawood Drive, Frankfort,

Kentucky 40601.

## REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. Rick Jones

(1) Type and number of entities affected: 90 state-chartered credit unions.

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

1. First year: Zero

2. Continuing costs or savings: Zero

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: Zero

1. First year: Zero

2. Continuing costs or savings: Zero

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Zero

(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: None

TIERING: Was tiering applied? No. Statute applies to all credit unions.

## 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 June [May] 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 June [May] 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 June [May] 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 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. Eastern State Hospital Policy Manual

D-17 - The following changes are made in Laboratory Policies and Procedures:

- 1) Page 4A, second paragraph changed to read: "Sensitivity studies are performed routinely on all pathogens that are isolated on culture except Streptococcus

and Haemophilus. These pathogens are predictable pattern organisms with specific drugs of choice."

- 2) Page 8, #1 regarding stat orders, this has been changed to indicate that a ward clerk or charge nurse phones in a STAT order to the lab immediately. It also outlines what the charge nurse does after hours to contact technicians and that a written report will follow the verbal report of results.
- 3) Page 33, regarding Equipment, this has been outlined in more detail.
- 4) New Policy on "Consulting Pathologist" added to outline duties, etc.
- 5) Table of Contents changed to include this new policy.

#### D10 - X-Ray Policies & Procedures.

The following changes are made:

- 1) Organizational Chart changed to reflect that the Radiologic Consultant works with Director of Medical Services under supervision of the Chief of Staff.
- 2) Page 3, Organization, following statement added - "The Director of Medical Services will provide emergency radiological readings in the absence of the radiologist and will also ensure that the radiological technicians are performing their assigned duties in a professional and timely manner."
- 3) Page 13, Radiation Safety Officer, #4 will state "radiation physicist" instead of "radiation safety officer."
- 4) Page 21, Q.A. Program, changed to reflect that monthly reports will be done instead of quarterly, beginning in June, 1986.

#### Section 5 - Central State Hospital Policy Manual

E 1 -

Section B - Content Page - revised to add new material.

No. 28 - Staff Interaction with Patients - new policy added to the Management Section to alert all staff of the treatment which patients are to be given at all times.

Section N - No. 2 - Educational Services - new policy added to indicate services for education by the Social Service Department and Vocational Rehabilitation.

Section U No. 1 - Library Services - revised policy in order to show that patient education is regularly scheduled. Under Procedure No. 1 - trained librarian has been changed to trained library technician. In sentence No. 2 some wording has been changed around.

Section Z No. 1, 2, & 3 - Quality Assurance - delete the entire Section Z and add the revised policies and forms. The written plan for Central State Hospital's Quality Assurance Program has been reviewed and rewritten in order to more clearly define the purpose, organization, administration, objectives & scope of monitoring activities in order to comply with Joint Commission Standards:

Page 1 - Section I - The first section will be entitled "Purpose" instead of "Statement of Scope" in order to address monitoring & evaluation activities for the purpose of improving the quality of patient care. Paragraph

#2 was deleted. Paragraph #3 was incorporated into the statement under "Purpose".

Page 1 - Section II - Under the title "Organization & Administration," it is stated that the governing body delegate the responsibility and authority for the operation of the Quality Assurance program through the Quality Assurance Committee appointed by the Hospital Director. The remainder of this section concerning appointment of committee members, meetings and annual evaluation of the program remains the same.

Page 1 - Section III - The principal objective of the Quality Assurance Committee has changed from a problem-oriented, reviewing and monitoring of committees/departments quality assurance meetings to one of a systematic monitoring in order to detect trends, patterns of performance or potential problem areas that have an impact on the quality of care. The effectiveness of the program will be evaluated at least yearly and modified when indicated. This is stated in Section III.

Page 2 - Section IV - "Problem Identification and Description" has been changed to "Scope of Monitoring Activities" as each department/service/discipline has a monitoring system to evaluate the quality and appropriateness of patient care. The first paragraph and No. 1-5 has been deleted.

Page 3 - Section V - The entire section "Problem Assessment" has been deleted from the plan.

Page 4 & 5 - These pages have been deleted.

The following section has been added to the plan:

Page 3 - Section VI - "Annual Evaluation of the Quality Assurance Program" - This section has been added in order to show that the quality assurance program is evaluated on an annual basis to show the effectiveness of the program in regard to the following:

1. Identifying current problems, potential problems & patterns & trends that affect the quality of patient care.
2. Evaluation is to show the effectiveness of monitoring activities & any changes/revisions that are made as a result of this.

A paragraph entitled "Procedure for Annual Evaluation" has been added.

Section CC No. 1 - Staff Development & Training - revised policy.

Procedure No. 7 changed Department to read Cabinet & Bureau for Health Service changed to Department for Mental Health/Mental Retardation services.

Section FF No. 1 - Utilization Review - revised policy:

Under Policy No. 1 - second sentence Children's Treatment Service has been removed from the sentence.

No. 10 - second sentence Children's Treatment Services has been deleted.

No. 13 - has been added to the policy.

Alcoholism & Substance Abuse - new form to be added behind Section FF No. 1 behind the Admission Criteria.

Section HH No. 2.88 - Emergency/Non-Emergency Services - Referrals to Humana Hospital University - revised policy - A second paragraph was added under the Policy.

Section HH No. 4.05 - AWOL (Absent Without Leave) - revised policy - Under Procedure No. 3(d) Hospital Director (Administrator-on-call after hours).

Under Procedure No. 4(f) Hospital Director (Administrator-on-call after hours)

Under Procedure No. 4(j) has been added to the policy.

Under Procedure No. 9 the sentence has been changed with (a) through (d) added.

Section HH No. 6.70 - Procedure for Mechanical Restraint - revised policy & revised form attached.

Under Procedure No. 13 second sentence the wording (i.e. "We're going to restrain your right arm first") was deleted.

The entire page 3 regarding CHARTING was added to the policy.

A new revised restraint report was added.

Section HH No. 6.80 - Seclusion - revised policy starting on page two CHARTING has been added to the policy along with a new seclusion report form.

Section HH No. 7.20 - Human Rights Committee - revised policy and form -

Under Procedure No. 1 the words "or more" were added after five in sentence No. 1.

Under Procedure No. 5, third sentence case coordinator was changed to treatment team.

Under Procedure No. 8 the entire paragraph has been added to the policy.

The Human Rights Committee Complaint Form has been revised and needs to be added.

The new and revised policies have been updated and corrected and no additional funding nor staffing will result from these changes.

Section 6 - Western State Hospital Policy Manual

F 2 - Nursing Procedures Manual

Procedure #19 is revised to reflect current practice in treatment of decubiti.

F 4 - Dental Clinic Policies & Procedures

Cover Page is revised.

Infection control procedure revised to agree with current CDC guidelines.

F 18 - Barber & Beautician Policies

Cover page is revised to reflect change.

Infection control procedures are revised according to requirements of the Kentucky Board of Hairdressers & Cosmetologists.

F 19 - EEG, EKG, & Physical Therapy

Cover page is revised to reflect change.

Procedures for disease & infection control are revised with more practical methods in the EKG laboratory.

Policies for the EEG laboratory are revised to include disinfection of disc-type electrodes.

[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 eligibility, 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, gonococcal in newborns; 3) Staphylococcal in newborns; 4) Influenza 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 changed 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 Pericarditis, 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 I - 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 responsibility 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 Pictorial 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 responsibility 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 initiate 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, Q, 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 for 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 (O2) 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.]

DENNIS D. BOYD, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 5, 1987

FILED WITH LRC: June 12, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 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 July 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:

(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 Certificate of Need and Licensure Board (Proposed Amendment)

902 KAR 20:132. Certificate of need expenditure minimums.

RELATES TO: KRS 216B.010 to 216B.131, 216B.990(2)

PURSUANT TO: KRS 216B.040, 216B.130, Executive Order 86-366

NECESSITY AND FUNCTION: KRS 216B.040 authorizes the Certificate of Need and Licensure Board to promulgate administrative regulations. KRS 216B.130 requires the Certificate of Need and Licensure Board to annually adjust expenditure minimums provided in KRS Chapter 216B. This regulation provides for the adjustment of expenditure minimums for capital expenditures, [and] operating costs, and major medical equipment for the period beginning July 15, 1987 [1986] and ending July 14, 1988 [1987]. 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. (1) Expenditure minimums or limits provided in KRS Chapter 216B and regulations promulgated pursuant thereto shall be adjusted for the twelve (12) month period beginning July 15, 1987 [1986] and ending July 14, 1988 [1987] to reflect the changes in the preceding twelve

(12) month period [in an index designated by Federal regulation pursuant to the Health Planning and Resources Development Amendments of 1979, P.L. 96-79, as amended].

(2) [Federal regulations designated] The Department of Commerce Composite Construction Cost Index has been [to be] used in making these adjustments [(42 CFR 123.401)]. The changes in the Index for the twelve (12) month period ending October 1986 [1985] represent[s] a one and one-tenth (1.1) [three and three-tenths (3.3)] percent increase, subsequently rounded upward to the nearest thousand.

Section 2. The expenditure minimums provided in KRS Chapter 216B shall be increased for the twelve (12) month period from July 15, 1987 [1986] to July 14, 1988 [1987] as follows:

(1) The expenditure minimum of \$655,129 [634,200] for capital expenditures shall be increased [by three and three-tenths (3.3) percent,] to \$663,000 [655,129];

(2) The expenditure minimum of \$272,970 [264,250] for operating costs shall be increased [by three and three-tenths (3.3) percent,] to \$276,000 [272,970]; and

(3) The expenditure minimum of \$436,752 [422,800] for major medical equipment shall be increased [by three and three-tenths (3.3) percent,] to \$442,000 [436,752].

JACK S. LESSHAFFT, SR., Commissioner  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 8, 1987

FILED WITH LRC: June 12, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 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 July 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: Jack S. Lesshafft, Sr.

(1) Type and number of entities affected: Applicants for certificates of need where proposals project expenditures in excess of specified minimums.

(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: Certificates of need will not be required for certain proposals when projected expenditures fall below the minimums.

(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: Increased expenditure minimums have the

potential for reducing the number of applications to be reviewed.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: KRS 216B requires the annual adjustment of expenditure minimums.

(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: No TIERING: Was tiering applied? No. Certificate of need is required for all proposals which exceed expenditure minimums.

#### 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 Employment Services (Proposed Amendment)

903 KAR 5:270. Maximum weekly benefit rates.

RELATES TO: KRS 341.380

PURSUANT TO: KRS 194.050, 341.380

NECESSITY AND FUNCTION: KRS 341.380 requires the Secretary for Human Resources to determine the average weekly wage for insured employment. Fifty-five (55) percent of this amount adjusted to the nearest multiple of one (1) dollar constitutes the maximum weekly unemployment insurance benefit rate for those workers whose benefit year commences on or after July 1, 1987 [1986], and prior to July 1, 1988 [1987]. This regulation applies the mathematical computation required by statute and contains the determination of the maximum weekly benefit rate.

Section 1. The secretary finds the following to exist:

(1) The "total monthly employment" reported by subject employers for the calendar year of 1986 [1985] was 14,202,083 [13,894,786];

(2) The "average monthly employment," obtained by dividing the total monthly employment by twelve (12), was 1,183,507 [1,157,899];

(3) The "total wages" reported by subject employers for the calendar year of 1986 [1985] was \$20,341,317,154 [19,399,262,305];

(4) The "average weekly wage" for the calendar year of 1986 [1985] for insured employment,

obtained by dividing the average monthly employment into total wages for such year and dividing by fifty-two (52), was \$330.53 [322.19];

(5) Fifty-five (55) percent of the average weekly wage of \$330.53 [322.19] for the calendar year of 1986 [1985] was \$181.79 [177.20];

(6) However, the "trust fund balance" as of December 31, 1986 [1985], was \$151,205,970.56 [76,598,469.22] and KRS 341.380 states that if the trust fund balance on December 31 equals or exceeds \$150,000,000 but is less than \$250,000,000, the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than eight (8) percent [is less than \$120,000,000 the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate]; and

(7) The prior year's maximum weekly benefit rate was \$140.

Section 2. On the basis of the above findings, and in accordance with KRS 341.380(3), the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July, 1987 [1986], and prior to the first day of July, 1988 [1987], is determined to be \$151 [140].

JAMES P. DANIELS, Commissioner  
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: June 1, 1987

FILED WITH LRC: June 12, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 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 July 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: James P. Daniels

(1) Type and number of entities affected: All eligible U.I. recipients for the year 7-1-87 through 6-30-88.

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

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: This regulation satisfies the statutory requirement of KRS 341.380(3), which mandates that the Secretary determines the maximum weekly rate prior to July 1, each year.

TIERING: Was tiering applied? No. All claimants treated equally.

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance (Proposed Amendment)

907 KAR 1:140. Alternative home and community based services for the mentally retarded.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the coverage provisions applicable to home and community based services provided to the mentally retarded as an alternative to intermediate care facility services for the mentally retarded.

Section 1. General Coverage Provisions. The home and community based services described in this regulation may be provided only to those individuals eligible for medical assistance who meet intermediate care for the mentally retarded patient status criteria as set forth in 907 KAR 1:024. These services described herein are designed to prevent or reduce institutionalization at the intermediate care level and may therefore be provided only to individuals in community residence living situations (which may include personal care facilities). These services are termed alternative intermediate services/mental retardation (AIS/MR), and are henceforth referred to as AIS/MR services.

Section 2. Provider Participation. Any qualified provider may provide AIS/MR services, upon application to the cabinet for a provider participation agreement accompanied by data sufficient in the opinion of the cabinet to show that the provider is qualified under applicable law to provide the services and has the capability to do so. Community mental health/mental retardation centers, which are required by law and Kentucky administrative regulations to provide services to the mentally retarded, need only to be licensed by the cabinet to be considered qualified to enter into the appropriate AIS/MR provider participation agreement. Participating providers shall be required to provide, or arrange for the provision of, all services described in this regulation, and to operate the AIS/MR program as described herein.

Section 3. The Cluster Concept. The cluster concept shall be used in the provision of AIS/MR

services. Each cluster shall consist of one (1) core residence and several alternative residences that are administratively attached to the core, in which specified residential services as shown in Section 4 of this regulation are provided. The cluster will also include those eligible individuals living in their own homes who are being provided specified covered services under the direction of core personnel. Within the cluster, the core residence personnel will perform five (5) major functions: client evaluation, program administration, program support, emergency backup, and respite care.

Section 4. Covered Services. The following services are covered as AIS/MR services:

(1) Cluster residential services, including the core residence and alternative living units, providing residential (home) training, homemaker/home health aide support, personal care, and respite care. Room and board are excluded.

(a) "Residential (home) training" means services designed to facilitate the acquisition of communication, sensory-motor, independent living, and social skills.

(b) As part of the residential service residential staff may provide homemaker/home health aide support, including the provision of minor home physical adaptation, laundry services, meal planning and preparation, shopping and light housekeeping.

(c) "Personal care" means services to assist and train in ambulation, grooming, feeding, etc.

(d) "Respite care" means short-term care (more than one (1) hour, less than thirty (30) days) provided to AIS/MR residential clients for the temporary relief of residential alternative living unit staff. Respite care for the residential client may not exceed forty (40) total days per year, except that extended respite exceeding this limit may be provided when pre-authorized in writing by the cabinet's AIS/MR project manager (or his/her designee) based on a crisis situation.

(2) Case management/client evaluation, including case coordination, client evaluation, and plan of care preparation and implementation, provided by core staff to all cluster service recipients.

(3) In-home support, including in-home training, homemaker/home health aide services, and personal care services provided to persons living in nonspecialized residential settings (family homes, apartments, etc.) other than alternative living units (which are under more direct supervision by core personnel).

(a) "In-home training" means services designed to facilitate the acquisition of language and communication, sensory-motor, social and self-help skills.

(b) "Homemaker/home health aide support" means services to clients in their family homes including the provision of minor physical adaptations, laundry services, meal planning and preparation, shopping and housecleaning.

(c) "Personal care" means services to assist and train in ambulation, grooming, feeding, etc.

(4) Habilitation services, including behavior management, psychological services, medical services, occupational therapy, physical therapy, speech therapy, expressive therapies and leisure time services. Services are available to both adults and children when not

required to be provided by the local schools and when directed at the resolution of problems not associated with mental illness.

(5) Effective June 1, 1987, [Adult] day habilitation services [(limited to adults only)] may be provided for a minimum of four (4) hours per day, five (5) days per week, twelve (12) months per year, in nonresidential non-inpatient settings [that are designed to provide an employment oriented program of work training and development of basic work skills. Whenever possible, actual work will be used and clients will be reimbursed in accordance with federal and state wage and hour regulations]. Services must be age [and vocationally] appropriate. [Transportation to facilitate participation is included.] Adult means an individual not less than eighteen (18) years of age. For children, day habilitation services will be covered only during the summer months when school is not in session.

(6) Respite services, meaning short-term care (more than one (1) hour, less than thirty (30) days) provided to nonresidential AIS/MR clients in or out of their home residential environments for the temporary relief of the individual or the family. Respite care may be provided in a variety of settings. Respite service to the nonresidential client may not exceed thirty (30) consecutive days and sixty (60) total days per year, except that extended respite exceeding these limits may be provided when pre-authorized in writing by the cabinet's AIS/MR project manager (or his/her designee) based on a crisis situation.

Section 5. Patient Status Determinations. The cabinet shall make patient status determinations using the criteria specified in 907 KAR 1:024.

Section 6. Authorization for Services; Hearing Rights. The cabinet shall authorize AIS/MR services to insure that patient status is met, that AIS/MR services are adequate for the needs of the client, and that AIS/MR services are financially feasible (i.e., do not cost significantly more than would institutional services). A client found unsuitable due to failure to meet any of the specified reasons may be denied AIS/MR services. An individual, if eligible for AIS/MR services, will be given the choice of AIS/MR services or traditional intermediate care facility services for the mentally retarded. Any denial of service may be appealed in the manner provided for by 907 KAR 1:075 and/or 904 KAR 2:055.

Section 7. Subcontracting. A participating provider may subcontract for services. Such service must be provided in accordance with the provider participation agreement and the terms and conditions contained herein, and the subcontractor must meet applicable requirements of law and regulations governing the performance of the service. When subcontracting is used, the participating provider remains responsible for the provision of the service.

Section 8. Auditing and Reporting. All participating providers, including subcontract providers, shall be required to maintain fiscal and service records and to provide such reports as may be determined necessary by the cabinet for the effective functioning and administration of the program. Providers, including subcontract

providers, shall be required to make available upon request all service and financial records to representatives of the Cabinet for Human Resources; the federal Department of Health and Human Services, Comptroller General and Health Care Financing Administration; and the General Accounting Office, and/or their designees, for auditing and/or monitoring purposes.

Section 9. Effective Date. The amendments to this regulation shall be effective with regard to services provided on or after June 1, 1987. [Implementation. Participating providers may provide service pursuant to the terms and conditions of Sections 1 through 8 of this regulation beginning on April 1, 1983.]

R. HUGHES WALKER, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 29, 1987

FILED WITH LRC: June 4, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 21, 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 July 16, 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: R. Hughes Walker

(1) Type and number of entities affected: 12 comprehensive care centers, approximately 186 children who are Medicaid 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: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Not applicable for Medicaid regulations.

#### FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or

contained in the federal mandate: This regulation relates to a waiver project. There are no mandated federal standards.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No, there are no mandated federal standards.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: Not applicable.

#### CABINET FOR HUMAN RESOURCES Department for Medicaid Services (Proposed Amendment)

907 KAR 1:150. Payments for alternative home and community based services for the mentally retarded.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the payment provisions relating to home and community based services provided to the mentally retarded as an alternative to intermediate care facility services for the mentally retarded.

Section 1. Coverage. The Cabinet for Human Resources shall reimburse participating providers of alternative intermediate services for the mentally retarded (AIS/MR) for services rendered to eligible medical assistance recipients who meet patient status criteria for intermediate care for the mentally retarded, and who are authorized for the AIS/MR service by the cabinet. The covered service elements are described and defined in 907 KAR 1:140, Alternative home and community based services for the mentally retarded, and services must be provided in accordance with the terms and conditions described therein. Payments may not exceed the limits specified in Section 3 of this regulation.

Section 2. Payment Amounts. (1) Residential services, including residential (home) training, personal care, and homemaker/home health aide, shall be paid for at the rate of forty (40) dollars per day.

(2) Case management services shall be paid for at the rate of forty (40) dollars per hour.

(3) Habilitation services shall be paid for at the rate of forty (40) dollars per hour; however, medical services and/or items (e.g., dentures, eyeglasses, hearing aids, etc.) prescribed for a recipient by an appropriate specialist as necessary to the client's habilitation but not otherwise covered by the medical assistance programs shall be paid for on the basis of reasonable cost. Minor home physical adaptations shall be paid for on the basis of reasonable cost not to exceed \$1,500



per client per patient year. The "patient year" for a client begins on the first day of admittance of the client to the AIS/MR program, with a new patient year beginning for that client on that same day in each succeeding calendar year.

(4) Effective June 1, 1987, all [Adult] day habilitation services shall be paid for at the rate of five (5) dollars per hour.

(5) In-home support services shall be paid for at the following rates:

(a) In-home training services shall be paid for at the rate of forty (40) dollars per hour.

(b) Homemaker/home health aide support services shall be paid for at the rate of twenty (20) dollars per hour.

(c) Personal care services shall be paid for at the rate of twenty (20) dollars per hour.

(6) Respite care (twenty-four (24) hours or more) shall be paid for at the rate of thirty-two (32) dollars per day. Respite care (less than twenty-four (24) hours) shall be paid for at the rate of three (3) dollars and fifty (50) cents per hour, with the total not to exceed the upper limit of thirty-two (32) dollars for one (1) full day of care.

Section 3. Payment limits. (1) Payments shall be made on the above stated rate basis not to exceed the AIS/MR cluster annualized upper limit on payment.

(2) Under this system, an AIS/MR cluster will receive a total of Title XIX payments during the year in the amount of the established rates for services rendered Title XIX eligible recipients, so long as such payments (on a cumulative basis) do not exceed the annualized upper limits (total payment amount) which has been set for the cluster. Each cluster will also be required to maintain average expenditures per recipient (on a cumulative basis) as described by the Health Care Financing Administration, 42 CFR 441.303(d)(1), and interpreted for the AIS/MR cluster by the Cabinet for Human Resources.

(3) Utilizing the formula described in 42 CFR 441.303(d)(1) as a guideline and applying accumulated statistical data, the cabinet will set effective April 1 each year the annualized upper limits and averages to be applied to the AIS/MR cluster services for the waiver year April 1 through March 31, applicable for waiver years beginning April 1, 1985 and thereafter.

(4) The cabinet may reduce payment by the percentage amount which will assure that the payments to the cluster do not exceed the annualized upper limit or average expenditures. Reduction factors shall (to the extent possible) be applied in such a manner as to ensure as even flow of reimbursement to the AIS/MR cluster through the year, i.e., generally so as to ensure that the payments for any one (1) month do not exceed by a substantial amount the prorated annual amount.

(5) Any overpayment due the program at the end of the period as a result of exceeding the upper limit shall be recouped by settlement or by withholding payment.

R. HUGHES WALKER, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 29, 1987

FILED WITH LRC: June 4, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 21, 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 July 16, 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: R. Hughes Walker

(1) Type and number of entities affected: 12 comprehensive care centers, and approximately 186 children receiving Medicaid services.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Not applicable for Medicaid regulations.

#### 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; this regulation relates to a waiver project.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No, there is no federal mandate.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: Not applicable.

**CABINET FOR HUMAN RESOURCES**  
**Department for Medicaid Services**  
**(Proposed Amendment)**

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

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

**NECESSITY AND FUNCTION:** The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Medical Assistance Program and is applicable for both the categorically and medically needy.

**Section 1. Incorporation by Reference.** The cabinet shall incorporate by reference materials used in the implementation of the Medical Assistance Program. In the event of a conflict between material incorporated by reference in this regulation and a specific regulation of the cabinet relating to a particular phase of the Medical Assistance Program the latter shall prevail.

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

(1) Federal Medicaid regulations at 42 CFR Parts 430-456 and 1002-1004, and interim final regulations at 42 CFR Parts 430-456, effective November 1, 1986. The regulations contain federal supplementary policies, interpretations and implementing instructions for the Medical Assistance Program as authorized by Title XIX of the Social Security Act.

(2) Federal "State Medicaid Manual," effective May 1, 1987 [November 1, 1986]. The "State Medicaid Manual" contains federal interpretations and clarifications of policy relating to implementation of the Medical Assistance Program.

(3) Federal action transmittals and program memoranda issued by the Health Care Financing Administration as follows: HCFA-AT-79-63, 79-72, 79-98, 80-9, 80-59, 81-23, 81-33, 81-35, 82-1, 82-2, 82-20, 83-1, 83-4, 83-7, 83-8, 83-11, 84-1, 84-2, 84-4, 84-5, 84-10, 84-16, 85-1, and HCFA PM-85-4, 85-10, 85-13, 86-7, 86-8, 86-12, 86-13, 86-15, 86-16, [and] 86-17 and 87-1 effective May 1, 1987 [November 1, 1986]. Action transmittals and program memoranda contain federal instructions relating to implementation of the Medical Assistance Program.

(4) Federal transmittal notices issued by the Health Care Financing Administration as follows: DQC-1-82, 10-82; DPO-76-81, 77-81, 78-81; MCD-46-81, 48-81, 55-81, 61-81, 62-81, 64-81, 67-81, 82-81, 86-81, 87-81, 89-81, 92-81, 1-82, 2-82, 6-82, 7-82, 10-82, 14-82, 16-82, 17-82, 18-82, 19-82, 25-82, 26-82, 28-82, 30-82, 33-82, 34-82, 35-82, 38-82, 41-82, 42-82, 50-82, 52-82, 2-83, 5-83, 9-83, 11-83, 12-83, 13-83, 14-83, 15-83, 19-83, 20-83, 26-83, 28-83, 29-83, 30-83, 35-83, 39-83, 40-83, 42-83, 1-84, 6-84, 7-84,

8-84, 9-84, 11-84, 13-84, 14-84, 15-84, 16-84, 18-84, 20-84, 23-84, 24-84, 25-84, 26-84, 27-84, 29-84, 34-84, 35-84, 36-84, 39-84, 48-84, 50-84, 51-84, 55-84, 2-85, 4-85, 5-85, 6-85, 8-85, 10-85, 11-85, 14-85, 18-85, 19-85, 21-85, 22-85, 23-85, 24-85, 25-85, 27-85, 28-85, 29-85, 30-85, 31-85, 32-85, 33-85, 34-85, 36-85, 37-85, 38-85, 39-85, 41-85, 42-85, 43-85, 44-85, 46-85, 47-85, 01-86, 03-86, 04-86, 05-86, 07-86, 10-86, 11-86, 14-86, 16-86, 17-86, 18-86, 20-86, 21-86 (May 9, 1986), 21-86 (May 27, 1986), 24-86, 25-86, 26-86, 27-86, 32-86, 33-86, 34-86, 35-86, 36-86, 37-86, 38-86, 39-86, 40-86, 41-86, 42-86, 43-86, [and] 44-86, 45-86, 46-86, 47-86, 48-86, 49-86, 50-86, 51-86, 52-86, 54-86, 01-87, 02-87, 03-87, 04-87, 05-87, 06-87, 09-87, 10-87, and 11-87 effective May 1, 1987 [November 1, 1986].

Transmittal notices contain federal clarifications of policy relating to implementation of the Medical Assistance Program.

(5) Medicare and Medicaid Guide, Volumes I, II, III, and IV, as published by the Commerce Clearing House, Inc., with the following related new developments transfer binders: 1981-1, 1981-2, 1982, 1983-1, 1983-2, and 1984-1, effective May 1, 1987 [November 1, 1986]. The Medicare and Medicaid Guide contains reprints of federal laws and regulations relating to the Medicare and Medicaid programs; reprints of Medicare/Medicaid related court decisions; Medicare principles of reimbursement; summaries of state plan characteristics; and other items of general information relating to the Medicare and Medicaid programs. Although the cabinet is bound by federal Medicaid law regulations and notices in the implementation of the Medical Assistance Program, the Guide is used principally as supplementary material for reimbursement issues in situations where the cabinet's vendor reimbursement system uses the Medicare cost principles in unaddressed areas.

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

(a) Home and Community Based Services Waiver Project Adult Day Health Care Services, effective May 1, 1987 [November 1, 1986];

(b) Alternative Intermediate Services/Mental Retardation Project, effective May 1, 1987 [November 1, 1986];

(c) Birthing Center Services, effective May 1, 1987 [1986];

(d) Community Mental Health Benefits, effective May 1, 1987 [November 1, 1986];

(e) Dental Benefits, effective November 1, 1986;

(f) Early and Periodic Screening, Diagnosis and Treatment Benefits, effective May 1, 1987 [November 1, 1986];

(g) Family Planning Benefits, effective November 1, 1986;

(h) Hearing Services Benefits, effective November 1, 1986;

(i) Home and Community Based Services Waiver Project, effective May 1, 1987 [November 1, 1986];

(j) Home Health Benefits, effective May 1, 1987 [November 1, 1986];

(k) Hospital Services Benefits, effective May 1, 1987 [November 1, 1986];

(l) Independent Laboratory Services Benefits,

effective May 1, 1987 [November 1, 1986];  
 (m) Intermediate Care Facility Benefits, effective May 1, 1987 [November 1, 1986];  
 (n) Mental Hospital Services Benefits, effective May 1, 1987 [November 1, 1986];  
 (o) Nurse Anesthetist Services, effective May 1, 1987 [November 1, 1986];  
 (p) Nurse Midwife, effective May 1, 1987 [November 1, 1986];  
 (q) Pharmacy Services, effective May 1, 1987 [November 1, 1986] and updated Outpatient Drug List, including preauthorization list, effective May 1, 1987 [October 1, 1986];  
 (r) Physician Services Benefits, effective May 1, 1987 [November 1, 1986];  
 (s) Primary Care Benefits, effective May 1, 1987 [November 1, 1986];  
 (t) Rural Health Clinic Benefits, effective May 1, 1987 [November 1, 1986];  
 (u) Skilled Nursing Facility Benefits, effective May 1, 1987 [November 1, 1986];  
 (v) Ambulance Transportation Benefits, effective November 1, 1986;  
 (w) Vision Services Benefits, effective May 1, 1987 [November 1, 1986];  
 (x) Podiatry Services, effective November 1, 1986;  
 (y) Ambulatory Surgical Center Benefits, effective May 1, 1987 [November 1, 1986];  
 (z) Renal Dialysis Center Benefits, effective May 1, 1987 [November 1, 1986];  
 (aa) General Provider Letters A-8, [and] A-9, A-10, A-11, and A-12 effective May 1, 1987 [August 1, 1986];  
 (bb) Medical Director's Letter dated April 26, 1985, effective July 1, 1985;  
 (cc) EDS Federal Hospital Letter (as fiscal agent for the Medicaid Program) dated April 1, 1985, effective July 1, 1985;  
 (dd) Provider Letters dated September 20 and 23, 1985 relating to KenPac, effective February 1, 1986;  
 (ee) KenPAC Benefits, effective May 1, 1987 [August 1, 1986];  
 (ff) Hospice Benefits, effective November 1, 1986; and  
 (gg) Transportation Benefits, effective November 1, 1986.

Section 3. All documents included by reference herein may be reviewed during regular working hours in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which will not exceed approximate cost.

R. HUGHES WALKER, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 29, 1987

FILED WITH LRC: June 4, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 21, 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 July 16, 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: R. Hughes Walker

(1) Type and number of entities affected: All providers and recipients participating in the Medicaid program.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None\*

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: \*Any program cost is shown in the specific implementing regulation whereby any program change is made.

TIERING: Was tiering applied? No. Not applicable for Medicaid regulations.

#### FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The regulation incorporates, by reference, various federal and state materials used in the implementation of the Medicaid program but does not set compliance standards.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: The regulation does not set compliance standards.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: Not applicable.

## PROPOSED REGULATIONS RECEIVED THROUGH JUNE 15

**TOURISM CABINET**  
**Department of Fish and Wildlife Resources**

**301 KAR 2:240. Special bobcat harvest season.**

RELATES TO: KRS 150.010, 150.025, 150.170, 150.180, 150.183, 150.300, 150.305, 150.330, 150.340, 150.360, 150.365, 150.370, 150.390, 150.399, 150.400, 150.410, 150.415, 150.416, 150.417

PURSUANT TO: KRS Chapter 13A.350, 150.025

**NECESSITY AND FUNCTION:** This regulation is necessary to reinstitute a bobcat harvest season in Kentucky for the continued protection of bobcats while insuring a permanent and continued supply of this wildlife resource for present and future residents of the state. The function of this regulation is to provide for the prudent taking of bobcats within reasonable limits based upon an adequate supply.

**Section 1. Bobcat Taking Season, Zone, Methods of Harvest, Limits and Zone Quota, and License Requirements.** (1) Bobcat taking season. November 24 through January 31 or until the season quota is attained, whichever comes first.

(2) Harvest zone. That portion of the state east of the line formed by and including Lewis, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski and Wayne counties.

(3) Methods of harvest. Bobcats may be taken by hunting or by calling during daylight hours only, or by trapping. Callers may use only hand or mouth operated calls.

(4) Limits and zone quota.

(a) The limit is two (2) bobcats per person per season.

(b) The bobcat harvest quota is 400. Should it be determined that the quota of 400 bobcats will be filled prior to January 31, the season will close. Notice will be given a minimum of twenty-four (24) hours in advance of the time and date of closing. All participants in the special bobcat season should regularly contact department officials within the harvest zone, or call the wildlife division during business hours (8 a.m. - 4:30 p.m.) at 502/564-4406 to determine the status of the harvest. No bobcats will be tagged later than four (4) days after the announced date of closing or no later than forty-eight (48) hours following the January 31 season ending date, whichever comes first.

(5) License requirements. Bobcat hunters or trappers must have in their possession valid Kentucky licenses for the respective method of harvest, except as exempted by KRS 150.170.

**Section 2. Requirements for Possession, Tagging of Bobcats, Untagged Pelts, Tagging Agents and Possession of Bobcat Tags.** (1) No person may possess an untagged bobcat outside the legal bobcat harvest zone. It is illegal to hold a live bobcat in Kentucky except those held for exhibition by public agencies or for temporary exhibition by individuals as permitted by the commissioner.

(2) Anyone harvesting a bobcat must take it to a tagging agent (authorized personnel of the department) for tagging within forty-eight (48) hours of being harvested, except as specified in Section 1(4)(b) of this regulation. Prior to

tagging, the taker must validate eligibility according to Section 1(5) of this regulation and provide his/her social security number. At the time a bobcat is tagged, the taker must provide the tagging agent with the entire skinned bobcat carcass suitably enclosed in a plastic bag unless the owner of the bobcat intends to have the animal mounted or otherwise processed. The tagging agent may refuse to tag any bobcat if the carcass is not suitably enclosed in plastic.

(3) The tagging agent will not tag an illegally taken bobcat. Any untagged bobcat pelt for which there is no carcass or any bobcat taken illegally may be seized.

(4) It is illegal for anyone other than a department employee to possess an unused bobcat tag.

**Section 3. Processing Requirements.** (1) Taxidermists are required to report monthly the status of bobcats in their possession. Taxidermists receiving tagged bobcat pelts or entire bobcats must leave the tag attached until after the pelt is tanned or until the pelt is to be mounted. All untanned or unmounted bobcat pelts without a tag are subject to seizure.

(2) The lower jaw from bobcat carcasses received by taxidermists or fur processors, and the removed bobcat tag or the tag number must be provided to the department when the bobcat is skinned. Jaw mail-in envelopes will be provided upon request to the wildlife division.

(3) Tags must remain attached to all bobcat pelts until the furs are processed.

DON R. MCCORMICK, Commissioner

G. WENDELL COMBS, Secretary

CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 15, 1987 at 10 a.m.

**PUBLIC HEARING SCHEDULED:** A public hearing on this regulation will be held on July 21, 1987, at 2 p.m. in the Commission Room, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Mr. Lauren Schaaf, Director, Department of Fish and Wildlife Resources, Division of Wildlife, Arnold L. Mitchell Bldg., #1 Game Farm Road, Frankfort, Kentucky 40601.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: The addition of bobcat to the furbearer list will allow their taking during the furbearer taking season within 35 eastern Kentucky counties only. This additional opportunity will be utilized by approximately 500 hunters and 1000 trappers. The total season harvest is not expected to exceed 300.

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

1. First year: This regulation applies only to people who are already licensed hunters or trappers. No special licenses are required.

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: Bobcats must be taken to department personnel for tagging.

(2) Effects on the promulgating administrative body: Requires time and effort in conducting research and preparing a population status report as required by the U.S. Fish and Wildlife Service. Requires time and effort in developing and publishing the proposed regulation. Department personnel will be required to tag all bobcats taken. No extra enforcement effort will be required.

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

1. First year: The estimated cost associated with establishing and advertising this regulation is \$500. Personnel will be required to tag bobcats as part of their normal duties.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Annual bobcat population status report required by the U.S. Fish and Wildlife Service.

(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?

#### CORRECTIONS CABINET

501 KAR 8:010. Hearings, procedures, disposition.

RELATES TO: KRS Chapters 196, 197, 431

PURSUANT TO: KRS 196.035, 197.020, 431.240

NECESSITY AND FUNCTION: The Secretary of the Kentucky Corrections Cabinet is authorized by KRS 196.035, 197.020 to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein.

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

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

(3) "Hearing officer" means a hearing officer appointed by the secretary of the cabinet.

(4) "Proceeding" means any proceeding before a hearing officer to determine competency for execution.

(5) "Day" means a calendar day.

(6) "Order" means the order of the hearing officer.

(7) "Petitioner" means a condemned person who requests a hearing as to competency to be executed with a verified petition as described in Section 2 of this regulation.

(8) "Condemned person" means a person who has received a sentence of death.

Section 2. Petition for Competency to be Executed. Pursuant to KRS 431.240(2), if a condemned person files a petition for a competency to be executed hearing, said petition shall be filed within three (3) days after receipt of the execution warrant with the warden of the Kentucky State Penitentiary or his deputy at the Kentucky State Penitentiary, Route 2, Box 128, Eddyville, Kentucky 42038-0128. Said petition shall be in writing, shall state the grounds for the belief that the condemned person is not competent to be executed, and shall request a competency to be executed hearing. The petition must be accompanied with a written certification from psychiatrist and psychologist duly licensed in the Commonwealth of Kentucky verifying that said petitioner does not have the mental capacity to understand the nature of the death penalty and why it is to be imposed upon him. No hearing will be scheduled or granted without the filing of the certificate by the licensed psychiatrist and psychologist.

Section 3. Assignment of Hearing; Filings. (1) Once a Petition for Competency to be Executed is filed with the warden, the Secretary of the Corrections Cabinet will assign a hearing officer to conduct a hearing and issue, a Findings of Fact, Conclusions of Law and Order. Cases may be withdrawn by agreement of the parties, dismissed for cause, or otherwise disposed of before hearing in the discretion and judgment of the hearing officer.

(2) An adjudication by the hearing officer, if dismissed or disposed of as provided in subsection (1) of this section, shall become the final order of the hearing officer under the provision of KRS 431.240 and immediately appealable to the Supreme Court within two (2) days from the date of the issue.

(3) Subsequent to the assignment of the case to a hearing officer and prior to the issuance of any decision, all papers or pleadings shall be filed with the hearing officer and the parties prior to the issuance of any decision at the address given in the notice of hearing.

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

(5) All hearings shall be held in Eddyville, Kentucky unless otherwise ordered by the hearing officer.

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

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

Section 4. Scope of Rules; Applicability of Kentucky Rules of Civil Procedure. Technical rules of evidence and procedure do not apply.

Section 5. Computation of Time. (1) In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall be included unless it is a Saturday, Sunday, or federal or state holiday, in which event the period begins to run on the next working day. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday in which event the period runs until the end of the next working day. When the

period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

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

Section 6. Notice and Time of Hearing. (1) Notice of hearings shall be given to all parties within five (5) days from the receipt of the request for hearing unless otherwise ordered by the secretary or his designee. No hearing shall be held later than ten (10) days from the date of request.

(2) The notice of hearing shall include:

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

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

(c) The name and address of the parties and legal counsel, if any.

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

Section 7. Continuance of Hearing. (1) Continuance of a hearing ordinarily will not be allowed.

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

(3) Continuance of hearing not in excess of three (3) days may be granted in the discretion of the hearing officer. No additional continuance may be granted without approval of the secretary.

Section 8. Failure to Appear. (1) Subject to the provisions of subsection (3) of this section, the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the decision of the hearing officer.

(2) Requests for a newly scheduled hearing must be made in the absence of extraordinary circumstances within one (1) day after receipt of the notice of the scheduled hearing date.

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

Section 9. Service. (1) At the time of filing pleadings or other documents a copy thereof shall be served by the filing party on every other party.

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

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

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

(5) Where service is accomplished by posting, proof of such posting shall be filed not later

than the first working day following the posting.

Section 10. Statement of Position. At any time prior to the commencement of the hearing before the hearing officer, any person entitled to appear as a party may file a statement of position with respect to any or all issues to be heard.

Section 11. Response to Motions. Any party upon whom a motion is served shall have two (2) days from service of the motion to file a response.

Section 12. Failure to File. Failure to file any pleading pursuant to these rules when due, may, in the discretion of the hearing officer, constitute a waiver of right to further participation in the proceedings.

Section 13. Withdrawal of Notice of Hearing. At any stage of a proceeding, a party may withdraw his notice of hearing, subject to the approval of the hearing officer.

Section 14. Prehearing Conference. (1) At any time before a hearing, the hearing officer, on his/her own motion or on motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.

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

Section 15. Requests for Admissions. (1) At any time after the filing of responsive pleadings, any party may request of any other party admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within three (3) days after service of the request, or within such shorter or longer time the hearing officer may prescribe, the party to whom the request is directed serves upon the party requesting the admission of a specific written response.

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

Section 16. Discovery Depositions and Interrogatories. (1) Except by special order of the hearing officer, discovery depositions of parties, or witnesses, and interrogatories directed to parties, intervenors, or witnesses shall not be allowed.

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

Section 17. Failure to Comply with Orders for Discovery. If any party fails to comply with an order of the hearing officer to permit discovery in accordance with the provisions of these rules, the hearing officer may issue appropriate orders.

Section 18. Reporter's Fees. Reporter's fees shall be equally shared by all parties. This shall include the reporter's per diem costs and the cost of the original transcript. All other copies will be paid by the requesting party unless the condemned party is determined a needy person pursuant to KRS 31.110.

Section 19. Transcript of Testimony. All hearings shall be videotaped. A copy of the video tape taken at the hearing, duly certified by the reporter, shall be filed with the hearing officer before whom the matter was heard. The hearing officer shall promptly serve notice upon each of the parties of such filing. Participants desiring copies of such video tapes may obtain the same from the official reporter upon payment of fees fixed therefor.

Section 20. Duties and Powers of Hearing Officers. It shall be the duty of the hearing officer to conduct a fair and impartial hearing, to assure that the facts are fully elicited, to adjudicate all issues and avoid delay. The purpose of the hearing is to determine whether the petitioner does not have the mental capacity to understand the nature of the death penalty and why it is to be imposed on him, as pled in the petition. The hearing officer shall have authority with respect to cases assigned to him/her between the time he/she is designated and the time he/she issues his/her decision, subject to the rules and regulations of the cabinet; to:

- (1) Administer oaths and affirmations;
- (2) Rule upon offers of proof and receive relevant evidence;
- (3) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;
- (4) Hold conferences for the settlement or simplification of the issues;
- (5) Dispose of procedural requests or similar matters, also to dismiss petition or portions thereof, and to order hearings reopened prior to issuance of this final decision;
- (6) Examine witnesses and to introduce into the record documentary or other evidence;
- (7) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;
- (8) Adjourn the hearing as the needs of justice and good administration require; and
- (9) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the cabinet.

Section 21. Exhibits. (1) All exhibits offered in evidence shall be numbered and marked with a designation identifying the party or intervenor by whom the exhibit is offered.

(2) In the absence of objection by another party exhibits shall be admitted into evidence as a part of the record, unless excluded by the hearing officer pursuant to Section 25 of this regulation.

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

(4) All exhibits offered, but denied admission into evidence, shall be identified as in

subsection (1) of this section and shall be placed in a separate file designed for rejected exhibits.

Section 22. Burden of Proof. In all proceedings commenced by the filing of a petition for a hearing, the burden of proof shall rest with the petitioner. Petitioner must establish by substantial evidence that the condemned person with an established execution date does not understand the nature of the death penalty and why it is to be imposed upon him.

Section 23. Objections. (1) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling of the hearing officer, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and shall be included in the record. No such objection shall be deemed waived by further participation in the hearing.

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

Section 24. Final Order. (1) The decision of the hearing officer shall be issued within three (3) days of the hearing and shall include findings of fact, conclusions of law, and an order disposing of all issues before him/her.

Section 25. If the hearing officer determines that the prisoner is not mentally competent to be executed the warden will notify the governor and the governor shall stay the execution and order the Corrections Cabinet to continue to monitor the condemned person. Within six (6) months of a determination that the condemned person is not competent to be executed a rehearing will be conducted to determine whether or not the condemned person is competent to be executed. Said hearing will be conducted in the same manner and under the same conditions as provided in these regulations.

Section 26. If at the second competency to be executed hearing it is determined by the hearing officer that the condemned person is competent to be executed, the order shall be forwarded by the warden and secretary to the governor who will then issue the appropriate warrants for execution.

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: June 12, 1987

FILED WITH LRC: June 12, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 23, 1987 at 9 a.m. 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: 2192 employees of the Corrections Cabinet, 6553 inmates, 11,016 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.

**TRANSPORTATION CABINET**  
Department of Vehicle Regulation

**601 KAR 9:125. Dealer plates.**

RELATES TO: KRS Chapter 186  
PURSUANT TO: KRS 186.070  
NECESSITY AND FUNCTION: To outline the administrative adjudication procedure before the Transportation Cabinet concerning the cancellation of a dealer's license plate for misuse of the plate by a registered holder.

Section 1. Definitions. For the purposes of this regulation unless the context requires otherwise:

- (1) Registered holder means the dealer, manufacturer, bona fide salesman or employee to whom a dealer's plate is issued pursuant to KRS 186.070.
- (2) Misuse of a dealer plate means use of a dealer plate in a manner unauthorized by KRS 186.070.
- (3) Commissioner means the Commissioner of the Department of Vehicle Regulation or his designee.

Section 2. Complaints and Investigations. (1) A complaint may be made by any person concerning the alleged abuse of a dealer's plate. Such complaint may be made by the filing of written charges with the Transportation Cabinet, Department of Vehicle Regulation, Office of the Commissioner. In those circumstances where the original complaint is not in writing, it shall be reduced to writing by the Department of Vehicle Regulation. The written complaint shall state clearly and concisely the facts which constitute the basis of the complaint.

(2) Investigation. Upon receipt of the complaint the department shall cause an

investigation to be made into the allegations contained in the complaint. Upon the completion of the investigation, the person or persons making the investigation shall submit a full written report to the commissioner with a copy being sent to the Motor Vehicle Commission, as the licensing agent of the dealer, containing a succinct statement of the facts disclosed by the investigation.

Section 3. Results of the Investigation. (1) Upon the receipt of the investigative report, if it is determined by the commissioner that the facts produced by the investigation constitute cause for a charge of misuse of a dealer's plate the commissioner shall cause a notice to be issued setting the matter for formal hearing.

(2) If after receiving the investigative report, it is determined by the commissioner that the facts produced from the investigation do not constitute a misuse of a dealer plate the complaint shall be dismissed and no further action taken.

Section 4. Notice and Hearing. (1) After a determination that a hearing is required under Section 3(1) of this regulation the commissioner shall cause a notice to be issued notifying the registered plate holder of the date and time of the hearing.

(2) The notice shall state the time and place where the hearing will be held, describe the matter to be heard, state the name of the registered holder of the dealer plate against whom the allegations are being made, the legal authority and jurisdiction under which the hearing is to be held, and a short, plain statement of the complaint or charges which are being preferred, and the remedy which is being sought.

(3) The department shall give a minimum of thirty (30) days written notice of each hearing concerning dealer plate misuse. A copy of the notice shall be mailed to the registered holder of the plate.

(4) The registered holder shall upon written request be given a copy of the complaint.

(5) All hearings held by the department shall be conducted in accordance with 601 KAR 1:030, Section 6.

Section 5. Actions to be Taken Upon Conclusion of the Hearing. (1) Upon the conclusion of the hearing, the hearing examiner shall make a report and recommended order which shall contain findings of fact and conclusions of law. The report and recommended order shall contain a recommendation of action to be taken by the commissioner.

(2) After due consideration, the commissioner shall issue a final order. Such final order may adopt in part, adopt in whole, or reject the report and recommended order of the hearing examiner. The commissioner shall by final order either dismiss the complaint or cancel the plate or plates of the registered holder for a fixed period of time. Such final order when signed by the commissioner shall be the final order of the department.

JOHN K. PENROD, Commissioner  
C. LESLIE DAWSON, Secretary

APPROVED BY AGENCY: May 12, 1987

FILED WITH LRC: June 8, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public comment

hearing will be held on this administrative regulation on July 23, 1987 at 11 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 attends this hearing must in writing by July 18, 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: Marjorie Klee

(1) Type and number of entities affected: Any person allegedly misusing a dealer's plate.

(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: Upon investigating into misuse, the accused must show that he was authorized by KRS 186.070 to use the plate.

(2) Effects on the promulgating administrative body: Places the enforcement of dealer's plate under the Department of Vehicle Regulation.

(a) Direct and indirect costs or savings: Department of Vehicle Regulation will pay a small amount to have the Motor Vehicle Commission perform the initial investigation.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: At the request of the Department of Vehicle Regulation, the Motor Vehicle Commission will investigate any complaints of misuse and submit a full written report to the Commissioner of the Department of Vehicle Regulation.

(3) Assessment of anticipated effect on state and local revenues: Not applicable.

(4) Assessment of alternative methods; reasons why alternatives were rejected: It was decided to have the investigation into the misuse of the dealer plate handled by someone other than the Department of Vehicle Regulation. The Department of Vehicle Regulation has had no experience in investigating dealer plate abuse, and, we are the agency who administers the sale of dealer's plates.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Not applicable.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Tiering did not apply in this situation.

CABINET FOR HUMAN RESOURCES  
Office of Inspector General

902 KAR 20:230. Facility specifications; comprehensive physical rehabilitation.

RELATES TO: KRS 216B.010 to 216B.131, 216B.990  
PURSUANT TO: KRS 216B.040(2) to 216B.105,  
Executive Order 86-366

NECESSITY AND FUNCTION: KRS 216B.040 and 216B.105(3) mandate that the Cabinet for Human Resources regulate health facilities and health services. Executive Order 86-366 transferred the authority to regulate health services and health facilities from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board to the Office of the Inspector General. This regulation provides the licensure requirements for the structural specifications and physical plant requirements for new construction and alteration and maintenance of comprehensive physical rehabilitation facilities. Comprehensive physical rehabilitation facilities licensed prior to the effective date of this regulation shall meet the structural specifications in force on the date of their most recent licensure inspection.

Section 1. Definitions. (1) "Certificate of need" means an authorization by the Commission for Health Economics Control in Kentucky to proceed to acquire, to establish, to offer, to substantially change the bed capacity, or to substantially change a health service pursuant to KRS Chapter 216B.

(2) "Commission" means the Commission for Health Economics Control in Kentucky.

(3) "License" means an authorization issued by the Commission for the purpose of operating a hospital facility.

(4) "Licensure agency" means the Division for Licensing and Regulation in the Office of the Inspector General, Cabinet for Human Resources.

Section 2. Preparation and Approval of Plans and Specifications. After receiving a certificate of need, the following procedures shall be followed:

(1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any change in a facility, the licensee or applicant shall submit plans to the licensure agency for approval.

(2) All architectural, mechanical and electrical drawings shall bear the seal of an architect registered in the Commonwealth of Kentucky or the seal of a professional engineer registered in the Commonwealth of Kentucky, or both.

(3) Drawings shall not exceed thirty-six (36) inches by forty-six (46) inches when trimmed.

(4) All such plans and specifications must be approved by the licensure agency prior to commencement of construction of new buildings or alterations of existing buildings.

(5) Plans and specifications in specific detail as required by the Kentucky Building Code shall be submitted, together with architectural and/or engineering stamps as required by KRS Chapters 322 and 323, to the Department of Housing, Buildings and Construction for determining compliance with the Kentucky Building Code. All such plans and specifications must be approved by the Department of Housing, Buildings and Construction. Appropriate local

building permits shall be obtained prior to commencement of construction.

Section 3. Submission of Plans and Specifications for Facilities. (1) First stage, schematic plans.

(a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical patient room layouts scaled (one-half (1/2) inch = one (1) foot) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition, or is otherwise related to existing buildings on the site, plans shall show the existing facilities and general arrangements of those buildings.

(2) Second stage, preliminary plans. Preliminary sketch plans shall include the following:

(a) Architectural.

1. Plans of basement, floors and roof showing space assignment, sizes, and outline of fixed and movable equipment;

2. All elevators and typical sections;

3. Plot plan showing roads, parking, and sidewalks;

4. Areas and bed capacities by floors.

(b) Mechanical.

1. Single line layout of all duct and piping systems;

2. Riser diagrams for multistory construction;

3. Scale layout of boilers and major associated equipment and central heating, cooling, and ventilating units.

(c) Electrical.

1. Plans showing space assignments, sizes and outlines of fixed equipment such as transformers, main switch and switchboards, and generator sets;

2. Simple riser diagram for multistory building construction, showing arrangement of feeders, subfeeders, bus work, load centers, and branch circuit panels.

(d) Outline specifications.

1. General description of the construction, including interior finishes, types and locations of acoustical material, and special floor covering;

2. Description of the air-conditioning, heating, and ventilation systems and their controls; duct and piping systems; and dietary, laundry, sterilizing and other special equipment;

3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(3) Third stage, contract documents.

(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:

1. Architectural drawings.

a. Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas;

b. Plan of each basement, floor, and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

f. Schedule of doors, windows, and room finishes;

g. Layout of typical and special rooms indicating all fixed equipment and major items of movable equipment. Equipment not included in contract shall be so indicated;

h. Conveying systems. Details of construction, machine and control spaces necessary, size and type of equipment, and utility requirements for the following: dumbwaiters: electric, hand, hydraulic; elevators: freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings.

a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

b. Dimensions of special openings;

c. Details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings.

a. Heating, steam piping, and air-conditioning systems. Radiators and steam heated equipment such as sterilizers, warmers, and steam tables; heating and steam mains and branches with pipe sizes; diagram of heating and steam risers with pipe sizes; sizes, types, and capacities of boilers, furnaces, hot water heaters with stokers, oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerator piping, and ducts; supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems - size and elevation of: street sewer, house drains, street water main, and water service into the building; location and size of soil, waste, and water service with connection to house drains, clean-outs, fixtures, and equipment; size and location of hot, cold and circulating branches, and risers from the service entrance, and tanks; riser diagram for all plumbing stacks with vents, water risers, and fixture connections; gas, oxygen, and vacuum systems; standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings.

a. Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder breakers or switches;

c. Light outlets, receptacles, switches, power outlets and circuits;

d. Telephone layout showing service entrance telephone switchboard, strip boxes, telephone outlets and branch conduits;

e. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams;

f. Emergency electrical system with outlets, transfer switch, sources of supply, feeders, and circuits;

g. All other electrically operated systems and equipment.

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;
2. Index;
3. Sections describing materials and workmanship in detail for each class of work.

(c) Access to the work. Representatives of the appropriate state agencies shall have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

Section 4. Compliance with Building Codes, Ordinances and Regulations. (1) This section may be administered independently from other sections of this regulation.

(2) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(3) The following requirements shall apply where applicable and as adopted by the respective agency authority:

(a) Requirements for safety pursuant to 815 KAR 10:020, as amended;

(b) Requirements for plumbing pursuant to 815 KAR 20:010-191, as amended;

(c) Requirements for air contaminants for incinerators pursuant to 401 KAR 59:020 and 401 KAR 61:010;

(d) Requirements for elevators pursuant to 815 KAR 4:010;

(e) Requirements for making buildings and facilities accessible to and usable by the physically handicapped pursuant to KRS 198B.260 and regulations promulgated thereunder.

(4) Prior to occupancy the facility shall have final approval from appropriate agencies.

(5) All facilities shall be currently approved by the Fire Marshal's office in accordance with the Life Safety Code before relicensure is granted by the licensing agency.

Section 5. Facility Requirements and Special Conditions. (1) A copy of the narrative program as submitted in the Certificate of Need application for each project shall be provided by the sponsor which describes the functional space requirements, staffing patterns, departmental relationships, and other basic information relating to the fulfillment of the objectives of the facility.

(2) The extent (number and types of rooms) of the diagnostic, clinical, and administrative facilities to be provided shall be determined by the services contemplated and the estimated patient load as described in the narrative program.

(3) Facilities shall be available to the public, staff, and patients who may be physically handicapped with special attention given to ramps, drinking fountain height, and mirrors.

Section 6. Nursing Unit. (1) Patient rooms. Each patient room shall meet the following requirements:

(a) Maximum room capacity shall be four (4) patients.

(b) Minimum room areas exclusive of toilet

rooms, closets, lockers, wardrobes, or vestibules shall be 125 square feet in one (1) bed rooms and 100 square feet per bed in multi-bed rooms.

(c) Multi-bed rooms shall be designed to permit no more than two (2) beds side by side parallel to the window wall with not less than a four (4) foot space provided between beds, and at least a three (3) foot space between the side of a bed and the nearest wall, fixed cabinet, or heating/cooling element. A minimum of four (4) feet is required between foot of bed and opposite wall, or foot of the opposite bed in multi-bed rooms.

(d) Window. All patient rooms must have windows operable without the use of tools and shall have sills not more than three (3) feet above the floor. Window area shall be at least eight (8) percent of patient room floor area.

(e) Nurses' calling system. See Section 34(7) of this regulation.

(f) Lavatory. In single and two (2) bed rooms with private toilet room, the lavatory may be located in the toilet room. Where two (2) patient rooms share a common toilet, a lavatory shall be provided in each patient room.

(g) Wardrobe or closet for each patient. Minimum clear dimensions shall be one (1) foot ten (10) inches by one (1) foot and eight (8) inches with full length hanging space, clothes rod and shelf.

(h) Cubicle curtains, or equivalent built-in devices shall be provided to furnish complete privacy for each patient at any one time in multi-bed rooms. Design for privacy shall not restrict patient access to the toilet, lavatory, or room entrance.

(i) No patient room shall be located more than 120 feet from the nurses' station, the clean workroom and the soiled workroom. No room shall be used as a patient room where the access is through another patient's room. At least sixty (60) percent of the beds in the nursing unit shall be located in rooms designed for one (1) or two (2) beds.

(2) Service areas in each nursing unit. The size and disposition of each service area will depend on the number of beds and types of disabilities to be served. Although identifiable spaces are required for each of the indicated functions, consideration will be given to multiple-use design solutions which provide equal, though unspecified, areas. Certain service areas may be arranged and located to serve more than one (1) nursing unit, but at least one (1) such service area shall be provided on each nursing floor unless noted otherwise. Service areas shall include:

(a) Administrative center or nurses' station for charting, doctors' charting, communications, and storage for supplies and nurses' personal effects.

(b) Clean workroom or clean holding area. The clean workroom shall contain a work counter, handwashing and storage facilities. The clean holding room shall be part of a system for storage and distribution of clean and sterile supplies and shall be similar to the clean workroom except that the work counter and handwashing facilities may be omitted.

(c) Soiled workroom or soiled holding room. The soiled workroom shall contain a clinical sink or equivalent flushing rim fixture, sink equipped for handwashing, work counter, waste receptacle, and linen receptacle. A soiled

holding room shall be part of a system for collection and disposal of soiled materials and shall be similar to the soiled workroom except that the clinical sink and work counter may be omitted.

(d) Lounge and toilet room(s) for staff including lockers for storage of personal effects readily accessible. (May serve more than one (1) nursing unit.)

(e) Multi-purpose room for conferences, demonstrations and consultation. (May serve more than one (1) nursing unit.)

(f) Medicine area. Provision shall be made for convenient and prompt twenty-four (24) hour distribution of medicine to patients. This may be from a medicine preparation room or unit, a self-contained medicine dispensing unit, or by another approved system. If used, a medicine preparation room or unit shall be under the nursing staff's visual control and a work counter, refrigerator, and locked storage for biologicals and drugs. A medicine dispensing unit may be located at the nurses' station, in the clean workroom, or in an alcove or other space under direct control of the nursing or pharmacy staff. The controlled substances locker must be under double lock. A handwashing facility shall be provided.

(g) Clean linen storage. There shall be an enclosed storage space for clean linen. This area may be designated within the clean workroom. If a closed cart system is used, storage may be in an alcove.

(h) Nourishment station. This shall contain a sink equipped for handwashing equipment for serving between scheduled meals, refrigerator, storage cabinets, and icemaking-dispenser units to provide patient service and treatment. (May serve more than one (1) nursing unit on the same floor.)

(i) Stretcher and wheelchair parking area or alcove. This shall be located out of the path of normal traffic. (May serve more than one (1) nursing unit on the same floor.)

(j) Janitor's closet for storage of housekeeping supplies and equipment with a floor receptor or service sink. (May serve more than one (1) nursing unit on the same floor.)

(k) Equipment storage room with sufficient space for equipment such as I.V. stands, inhalators, air mattresses, and walkers. (May serve more than one (1) nursing unit on the same floor.)

(l) Emergency equipment storage. Space for equipment such as crash carts shall be provided and be under direct control of the nursing staff in close proximity to the nurses' station and out of traffic. (May serve more than one (1) nursing unit on the same floor.)

(3) Patients' bathing facilities. There shall be at least one (1) shower stall or one (1) bathtub for each twelve (12) beds not individually served. Each tub or shower shall be in an individual room or privacy enclosure which provides space for the private use of the bathing fixture, for drying and dressing, and for a wheelchair and an assisting attendant. Showers and central bathing facilities shall be at least four (4) feet square without curbs, and designed to permit use by a wheelchair patient.

(4) Patient toilet rooms.

(a) The minimum dimensions of a room containing only a water closet shall be five (5) feet by six (6) feet. Additional space shall be provided if a lavatory is located within the

same room. The configuration of patient toilet rooms must provide for side transfers.

(b) A toilet room shall be directly accessible from each patient room without going through the general corridor. One (1) toilet room may serve two (2) patient rooms, but not more than four (4) beds. (The lavatory may be omitted from the toilet room if one is provided in each patient room.)

(c) Doors to toilet rooms shall have a minimum width of two (2) feet ten (10) inches to admit a wheelchair.

(5) Isolation room. If provided for in the program narrative, isolation room(s) shall be required for those prone to infections as well as those suffering from infections. Each isolation room shall have:

(a) Only one (1) patient per room;

(b) Separate toilet room with bath or shower and lavatory for the exclusive use of the patient allowing for direct entry from the patient bed area; and

(c) Facilities outside and immediately adjacent to the patient room for maintaining aseptic conditions.

Section 7. Outpatient Suite. (1) General. Facilities for outpatient clinic care shall be provided if included in the narrative plan.

(2) Outpatient department. If outpatient services are provided, the extent of the administrative, clinical and diagnostic facilities to be provided will depend on the estimated patient load as described in the program narrative. The planning of outpatient facilities shall provide for the privacy and dignity of the patient during interview, examination, and treatment. Facilities shall be located so that outpatients do not traverse inpatient areas and the following shall be provided:

(a) Entrance at grade level which is sheltered from weather and able to accommodate wheelchair access.

(b) Reception and control area located near the entrance and waiting area(s).

(c) Wheelchair storage out of the line of direct traffic.

(d) Public waiting area with toilet facilities, public telephone and drinking fountain.

(e) Interview space(s) for private interviews relating to social service, credit and admissions.

(f) General purpose examination room(s) for medical examinations. Each room shall have a minimum floor area of eighty (80) square feet, excluding such spaces as vestibule, toilet, closet and work counter. Examination table shall be placed to provide at least thirty (30) inches clearance to each side and at the foot of the table. A lavatory or sink equipped for handwashing shall be provided in each room.

(g) Patient toilet facilities shall be provided. The number required will depend on the actual patient load of the department.

(h) Nurses' station for nurses' charting, doctors' charting, communications and storage for supplies and nurses' personal effects.

(i) Staff toilet room located convenient to the nurses' station.

(j) Clean workroom. It shall contain a work counter, sink equipped for handwashing, and storage space for clean and sterile supplies.

(k) Soiled workroom. It shall contain a

clinical sink or equivalent flushing type fixture, work counter, sink equipped for handwashing, waste receptacle and linen receptacle.

(l) Drug distribution station for storage and preparation of medication. It shall contain a work counter, sink equipped for handwashing, and storage facilities. Controlled substances shall be under double lock.

(m) Wheelchair and stretcher alcove located convenient to the entrance to the department.

(n) Janitor's closet. It shall contain a floor receptor or service sink with storage space for housekeeping supplies and equipment for exclusive use in the outpatient department.

(o) Equipment storage room.

Section 8. Radiology Suite. If the facility provides diagnostic radiology services directly, then the suite shall contain the following:

(1) Radiographic room(s);

(2) Film processing facilities;

(3) Viewing and administrative area(s);

(4) Film storage facilities;

(5) Toilet room with handwashing facility. It shall be located directly accessible from each fluoroscopy room without entering the general corridor area;

(6) Dressing area(s) for ambulatory patients with convenient access to toilets;

(7) Waiting room or alcove for ambulatory patients;

(8) Holding area for stretcher patients. It shall be located out of the direct line of normal traffic; and

(9) Handwashing facilities shall be provided in each radiographic room unless the room is used only for routine diagnostic screening such as for chest x-rays.

Section 9. Laboratory Suite. Facilities shall be provided directly or through an effective contract arrangement with a nearby hospital for laboratory service for the following:

(1) Hematology;

(2) Clinical chemistry. An acid-shower and eye-washing facility shall be provided nearby;

(3) Urinalysis. A specimen toilet with handwashing facility shall be provided nearby;

(4) Cytology;

(5) Bacteriology;

(6) Waiting area for ambulatory patients;

(7) Administrative support areas;

(8) Blood storage facilities;

(9) Blood specimen collection area. It shall contain work counter, handwashing facilities, and space for patient seating;

(10) Glasswashing and sterilizing facilities; and

(11) Recording and filing facilities.

Section 10. Physical Therapy Suite. Each rehabilitation facility shall provide physical therapy services; however, the physical therapy area can be shared with the occupational therapy services, if called for in the program narrative. Each physical therapy suite shall contain the following items:

(1) Office space;

(2) Waiting space;

(3) Treatment area(s) for thermotherapy, diathermy, ultrasonics, hydrotherapy, etc. Cubicle curtains around each individual treatment area shall be provided for privacy purposes. Handwashing facilities shall be

provided but one (1) lavatory or sink may serve more than one (1) treatment cubicle. Facilities for collection of wet and soiled linen or other material shall be provided;

(4) Exercise area(s);

(5) Storage for clean linen, supplies, and equipment;

(6) Patients' dressing areas, showers, lockers and toilet rooms;

(7) Janitor's closet with floor receptor or service sink and storage space for housekeeping supplies and equipment; and

(8) Wheelchair and stretcher storage area. (Items contained in subsections (1), (2), (5), (7) and (8) of this section may be planned and arranged for shared use by occupational therapy patients and staff if the approved narrative program reflects this sharing concept.)

Section 11. Occupational Therapy Suite. Each rehabilitation facility shall provide occupational therapy services; however, the occupational therapy area can be shared with the physical therapy services, if called for in the program narrative. The following shall be provided:

(1) Office space;

(2) Waiting space;

(3) Work areas and counters suitable for wheelchair access;

(4) Handwash facilities;

(5) Storage for supplies and equipment.

Section 12. Social Work Suite. Each rehabilitation facility shall contain a social work suite. The following shall be provided:

(1) Office space(s) for staff.

(2) Office space for private interviewing and counseling for all family members.

Section 13. Psychological Services Suite. Each rehabilitation facility shall contain a psychological service suite. The following shall be provided:

(1) Office(s).

(2) Workspace for testing, evaluation, and counseling.

Section 14. Speech and Language Therapy Suite. Each rehabilitation facility shall contain a speech and language therapy suite. The following shall be provided:

(1) Office(s) for therapists.

(2) Space for evaluation and treatment.

(3) Space for equipment and storage.

Section 15. Area for Teaching Activities of Daily Living (should be combined with rehabilitative engineering function, as needed).

(1) An area for teaching activities shall be provided.

(2) It shall include a bedroom, bath, kitchen, and space for stairs.

Section 16. Prosthetics and Orthotics Service. Depending on the needs of those served and the stated institutional goals, the facility shall provide or make arrangements for the following:

(1) Work space for technician(s).

(2) Space for evaluation and fittings (with a provision for privacy).

(3) Space for equipment, supplies, and storage.

Section 17. Vocational Therapy Services. Depending upon the needs of those served and the

stated institutional goals, the facility shall provide or make arrangements for the following:

- (1) Office(s).
- (2) Workspace for vocational services activities such as evaluation (prevocational and vocational).
- (3) Training.
- (4) Counseling and placement.

Section 18. Respiratory Therapy Services. Depending upon the needs of those served and the stated institution goals, the facility shall provide or make arrangements for the following:

- (1) Storage for equipment and supplies.
- (2) Space and utilities for cleaning and sanitizing equipment.
- (3) Service facilities for calibrating, adjusting, servicing, and minor repairs and equipment.
- (4) Respiratory services shall be conveniently accessible on a twenty-four(24) hour basis to the facility.
- (5) If respiratory services such as testing and demonstration for outpatients are part of the program, additional facilities and equipment shall be provided as necessary for appropriate function of the service, including but not limited to:
  - (a) Patient waiting area with provision for wheelchairs.
  - (b) Reception and control station.
  - (c) Patient toilets and handwashing facilities.
  - (d) Room(s) for patient education and demonstration.

Section 19. Pharmacy Suite. If required by program, the size and type of services to be provided in the pharmacy will depend upon the type of drug distribution system to be used and whether the facility proposes to provide, purchase, or share pharmacy services. This shall be explained in the narrative program. Provision shall be made for the following functional areas:

- (1) Dispensing area with handwash facility.
- (2) Editing or order review area.
- (3) Area for compounding.

Section 20. Dietary Department. Food facilities shall be designed and equipped to meet requirements of the narrative program. If a commercial service will be used, dietary areas and equipment shall be designed to accommodate the requirements for sanitary storage, processing, and handling. The department shall include the following facilities unless acceptable commercially prepared dietary services, meals, and or disposables are to be used:

- (1) Control station for the receiving of food supplies.
- (2) Food preparation facilities. Conventional food preparation systems require space and equipment for preparing, cooking, and baking. Convenience food service systems such as frozen prepared meals, bulk packages entrees, and individual package portions, or systems using contractual commissary services require space and equipment for thawing, portioning, cooking and/or baking.
- (3) Handwashing facility(ies) located conveniently accessible in the food preparation area.
- (4) Patients' meals service facilities. Examples are those required for tray assembly and distribution.

(5) Dishwashing space. It shall be located in a room or alcove separate from the food preparation and serving area. Commercial-type dishwashing equipment shall be provided. Space shall also be provided for receiving, scraping, sorting and stacking of soiled dishware and tableware prior to clean-up. The area shall be designed to allow clean dishware and tableware to be removed at a different location than the one used for the soiled dishware and tableware. A handwashing lavatory shall be conveniently located.

- (6) Potwashing facilities.
- (7) Refrigerated storage to accommodate a three (3) day minimum supply.
- (8) Dry storage to accommodate a three (3) day minimum supply.
- (9) Storage areas and sanitizing facilities for cans, carts and mobile tray conveyors.
- (10) Waste storage facilities shall be located in a separate room easily accessible to the outside for direct pick-up or disposal.
- (11) Dining space for ambulatory patients, staff and visitors.
- (12) Office(s) or desk spaces for dieticians or the dietary service manager.
- (13) Toilets with handwashing facilities for use by the dietary staff shall be immediately available.
- (14) Janitor's closet located within the department. It shall contain a floor receptor or service sink with storage for housekeeping supplies and equipment to be used exclusively in this area.

Section 21. Patient's Dining, Recreation, and Day Spaces. The following areas shall be provided and may be in separate or adjoining spaces:

- (1) Inpatients and residents. A total of twenty-five (25) square feet per bed.
- (2) Outpatients. A total of twenty (20) square feet per person when dining is a part of their day care program. (If dining is not part of the program, provide at least ten (10) square feet per person for recreation and day spaces.)
- (3) Storage. Storage spaces shall be provided for recreational equipment and supplies.

Section 22. Administrative and Public Areas. The following shall be provided:

- (1) Lobby. It shall include:
  - (a) Storage space for wheelchairs;
  - (b) Reception and information counter or desk;
  - (c) Waiting space(s); and
  - (d) Public toilet facilities designed for use by the physically handicapped.
- (2) Interview space(s) for private interviews relating to social services, credit, and admissions.
- (3) Director of nurses' office.
- (4) Staff toilet rooms.
- (5) Medical library facilities.
- (6) General or individual office(s) for business transactions, medical and financial records, administrative and professional staffs use.
- (7) Administrator's office.
- (8) Multi-purpose room(s) for conferences, meetings, and health education purposes including provisions for showing visual aids.
- (9) Storage for office equipment and supplies.

Section 23. Medical Records Unit. This unit shall include:



- (1) Medical records administrator/technician office or space;
- (2) Active record storage area;
- (3) Record review and dictating room; and
- (4) Work area for sorting, recording, and microfilming.

Section 24. Sterilizing Facilities. A system for the sterilization of equipment and supplies shall be provided. Storage area for clean supplies and sterile supplies shall be provided.

Section 25. Central Stores. The following shall be provided:

- (1) Offstreet unloading facilities.
- (2) Control station for receiving supplies.
- (3) General storage rooms which are adequate in size to meet the needs of the facility.

Section 26. Laundry. On-site processing and off-site processing.

(1) If linen is to be processed on the site, the following shall be provided:

(a) Soiled linen receiving, holding, and sorting room with handwashing facilities.

(b) Laundry processing room with commercial-type equipment which can process seven (7) days of linen needs within a regularly scheduled work week. Handwashing facilities shall be provided.

(c) Storage for laundry supplies.

(d) Clean linen inspection and mending room.

(e) Clean linen storage, issuing, and holding room or area.

(f) Janitor's closet. It shall contain a floor receptor or service sink with storage space for housekeeping supplies and equipment to be utilized exclusively in this department.

(g) Cart storage and cart sanitizing facilities.

(h) Arrangement of equipment and procedures shall be in a manner to permit an orderly work flow with a minimum of cross traffic that might mix clean and soiled operations.

(2) If linen is to be processed off the site, the following shall be provided:

(a) Soiled linen holding room with a handwashing facility conveniently accessible.

(b) Clean linen receiving, holding, inspection and storage room(s).

Section 27. Employees' Facilities. (1) Female locker room. This room shall have lounge space, lockers for personal effects and a separate toilet room. The area shall be designed for use by the physically handicapped. In some cases shower facilities may be appropriate depending on the size of the facility.

(2) Male locker room. This room shall have lockers and a separate toilet room. The area shall be designed for use by the physically handicapped. In some cases shower facilities may be appropriate depending on the size of the facility.

Section 28. Engineering Service and Equipment Areas. The following shall be provided:

(1) Room(s) or separate building(s) for boilers, mechanical equipment and electrical equipment;

(2) Engineer's office;

(3) Maintenance shop;

(4) Storage room for building maintenance supplies;

(5) Storage room for central housekeeping

equipment and supplies;

(6) Office and administrative support space for person(s) in charge of central housekeeping; and

(7) Yard equipment storage.

Section 29. Waste Processing Services. Rehabilitation facilities which are part of an acute care hospital may share waste processing. Freestanding facilities shall provide the following:

(1) Storage and disposal. Space and facilities shall be provided for the sanitary storage and disposal of waste by incineration, mechanical destruction, compaction, containerization, removal or by a combination of these techniques.

(2) Incinerator. A gas, electric, or oil-fired incinerator shall be provided for the complete destruction of pathological and infectious waste. Infectious waste includes, but is not limited to, waste materials from isolation rooms, dressings and material from open wounds and laboratory specimens. The incinerator may be shared by two (2) or more institutions located on a common "campus." sterilization or incineration.

(a) The incinerator capacity required will vary with the type and quantity of waste to be processed. If approved by local authorities and described in the functional program, items of small mass such as dressings, isolation room waste, laboratory specimens, may be sterilized on site by autoclaving or rendered safe by other acceptable procedure and disposed of in municipal landfill or incinerator. Waste tissue and contaminated combustible solids shall be rendered safe by such methods as sterilization or incineration. Culture plates, tubes, sputum cups, contaminated sponges, swabs and the like shall be sterilized before they are washed and discarded.

(b) Consideration shall be given to the recovery of waste heat from on-site incinerators which are used to dispose of large amounts of waste materials.

Section 30. Details and Finishes. (1) Details.

(a) All doors to patient-room toilets and patient-room bathrooms shall swing outward or be equipped with hardware that will permit access in an emergency.

(b) Windows and outer doors which may be frequently left in an open position shall be provided with insect screens.

(c) Thresholds and expansion joint covers shall be made flush with the floor surface to facilitate use by wheelchairs and carts and shall be constructed to resist passage of smoke.

(d) The location and arrangements of lavatories and sinks equipped with blade handles for handwashing purposes shall provide a minimum of sixteen (16) inches clearance to each side of the centerline of the fixture.

(e) Provisions for hand drying shall be included at all handwash facilities except scrub sinks. These shall be single use, separate paper or cloth units enclosed in such a way as to provide protection against dust or soil and insure single unit dispensing. Hot air dryers are permitted provided that installation is such as to minimize contamination by recirculated air.

(f) Grab bars shall be provided at all patients' toilets, showers, and tubs. The bars shall have one and one-half (1 1/2) inches clearance to walls and shall be of sufficient

strength and anchorage to sustain a concentrated load of 250 pounds for a period of five (5) minutes.

(g) Handrails shall be provided on both sides of corridors used by patients. A clear distance of one and one-half (1 1/2) inches shall be provided between the handrail and the wall, and the top of the rail shall be about thirty-two (32) inches above the floor, except for special care areas such as those serving children.

(h) Ends of handrails and grab bars shall be constructed to prevent snagging the clothes of patients.

(i) Location and arrangement of handwashing facilities shall permit their proper use and operation. Particular care should be given to clearance required for blade-type operating handles. Lavatories intended for use by handicapped patients shall be installed to permit wheelchairs to slide under them.

(j) Recessed soap dishes shall be provided at all showers and bathtubs.

(k) Mirrors shall be arranged for convenient use by patients in wheelchairs as well as by patients in a standing position.

(l) Protection requirements of x-ray and gamma-ray installations shall be approved by the Radiation and Product Safety Branch, Office of Consumer Health Protection, Department for Health Services, Cabinet for Human Resources.

(m) The minimum ceiling height shall be eight (8) feet, with the following exceptions:

1. Boiler rooms shall have ceiling clearances not less than two (2) feet six (6) inches above the main boiler header and connecting piping.

2. Radiographic, and other rooms containing ceiling-mounted equipment or ceiling-mounted light fixtures shall have sufficient height to accommodate the equipment or fixtures and their normal movement.

3. Ceiling and corridors, storage rooms, and toilet rooms shall be not less than seven (7) feet eight (8) inches. Ceilings in small minor spaces which are normally unoccupied may be reduced to seven (7) feet.

4. Suspended tracks, rails, and pipes located in the path of traffic for patients in beds and/or stretchers, including service areas for inpatients shall be not less than seven (7) feet above the floor.

(n) Recreation rooms, exercise rooms, and similar spaces where impact noises may be generated shall not be located directly over patient bed areas, unless special provisions are made to minimize such noise.

(o) Rooms containing heat-producing equipment such as boiler rooms, laundries, and food preparation areas shall be insulated and ventilated to prevent any floor surface from exceeding a temperature of ten (10) degrees Fahrenheit above the ambient room temperature.

(p) Noise reduction criteria. Partition, floor, and ceiling construction in patient areas shall comply with Table 1, Section 35 of this regulation.

#### (2) Finishes.

(a) Floor materials shall be easily cleanable and have wear resistance appropriate for the location involved. Floors in areas used for food preparation or food assembly shall be water-resistant and greaseproof. Joints in tile and similar material in such areas shall be resistant to food acids. In all areas subject to frequent wet cleaning methods, floor materials shall not be physically affected by germicidal

and cleaning solutions. Floors that are subject to traffic while wet, such as shower and bath areas, kitchens and similar work areas, shall have a non-slip finish.

(b) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

(c) Walls generally shall be washable; and in the immediate area of plumbing fixtures, the finish shall be smooth and moisture-resistant. Finish, trim, and floor and wall construction in dietary and food preparation areas shall be free from spaces that can harbor rodents and insects.

(d) Wall bases in kitchens, and other areas subject to frequent wet cleaning methods shall be made integral and coved with the floor, tightly sealed within the wall, and constructed without voids that can harbor harmful bacteria.

(e) Ceilings throughout the facility shall be easily cleanable. Ceilings in dietary and food preparation areas shall have a finished ceiling covering all overhead piping and ductwork. Finished ceilings may be omitted in mechanical and equipment spaces, shops, general storage areas and similar spaces, unless required for fire-resistive purposes.

(f) Acoustical type ceilings shall be provided for corridors in patient areas, nurses' stations, dayrooms, recreation rooms, dining areas, and waiting areas.

Section 31. Elevators. General. All buildings having patients' facilities, such as bedrooms, dining rooms or recreation areas, or critical services, such as diagnostic or therapy areas, located on other than the main entrance floor shall have elevators.

#### (1) Number of elevators.

(a) At least one (1) hospital-type elevator shall be installed where one (1) to fifty-nine (59) patient beds are located on any floor other than the main entrance floor.

(b) At least two (2) hospital-type elevators shall be installed where sixty (60) to 200 patient beds are located on floors other than the main entrance floor, or where the major inpatient services are located on a floor other than those containing patient beds.

(c) At least three (3) hospital-type elevators shall be installed where 201 to 350 patient beds are located on floors other than the main entrance floor, or where the inpatient services are located on a floor other than those containing patient beds.

(d) For facilities with more than 350 beds number of elevators shall be determined from a study of the facility plan and the estimated vertical transportation requirements.

(2) Cars and platforms. Cars of hospital-type elevators shall have inside dimensions that will accommodate a hospital bed and attendant and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep. The car door shall have a minimum clear opening of not less than three (3) feet and eight (8) inches.

(3) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy within plus or minus one-half (1/2) inch.

(4) Operation. Elevators, except freight elevators, shall be equipped with a two (2) way special service switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.

Section 32. Construction. (1) Design. Every building and every portion thereof shall be designed and constructed to sustain all dead and live loads in accordance with accepted engineering practices and standards, including seismic forces when applicable.

(2) Foundations. Foundations shall rest on natural solid bearing, if a satisfactory bearing is available at reasonable depths. Proper soil-bearing values shall be established in accordance with recognized standards. If solid bearing is not encountered at practical depths, the structure shall be supported on driven piles, augured piles, poured caissons or equivalent designed to support the intended load without detrimental settlement, except that one (1) story buildings may rest on a fill designed by a soils engineer. When engineered fill is used, site preparation and placement of fill shall be done under the direct full-time supervision of the soils engineer. The soils engineer shall issue a final report on the compacted fill operation and certification of compliance with the job specifications. All footings shall extend to a depth not less than one (1) foot below the estimated frost line.

(3) Natural disasters. Special provisions shall be made in the design of buildings in geographic areas where local experience reflects loss of life or extensive damage to buildings resulting from tornadoes, floods, earthquakes, etc.

Section 33. Mechanical Requirements. (1) General. Prior to completion of the contract and final acceptance of the facility, the architect and/or engineer shall obtain from the contractor certification in writing that all mechanical systems have been tested and that the installation and performance of these systems conform with the final plans and specifications.

(2) Incinerators. The design and installation shall comply with the current Kentucky standards for control of air contaminants for incinerators regulations as applicable to hospitals.

(3) Steam and hot water systems.

(a) Boilers. If boilers are used, a minimum of two (2) shall be provided and the combined capacity of the boilers, based upon the published Steel Boiler Institute or Institute of Boiler and Radiation Manufacturer's net rating, must be able to supply 150 percent of the normal requirements for all systems and equipment in the facility.

(b) Boiler accessories. Boiler feed pumps, condensate return pumps, fuel oil pumps, and circulation pumps shall be connected and installed to provide normal and standby service.

(c) Valves. Supply and return mains and risers of cooling, heating, and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends except that vacuum condensate returns need not be valved at each piece of equipment.

(4) Thermal and acoustical installation.

(a) Insulation shall be provided on the following within the building:

1. Boilers, smoke breeching, and stacks;
2. Steam supply and condensate return piping;
3. Hot water piping above 120 degrees Fahrenheit at all hot water heaters, generators and converters;
4. Chilled water, refrigerant, other process piping and equipment operating with fluid

temperatures below ambient dew point;

5. Water supply and drainage piping on which condensation may occur;

6. Air ducts and casings with outside surface temperature below ambient dew point or temperature above eighty (80) degrees Fahrenheit; and

7. Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.

(b) Insulation on cold surfaces shall include an exterior vapor barrier.

(5) Air-conditioning, heating and ventilation systems.

(a) Temperatures for areas occupied by inpatients, the indoor winter design temperature shall be seventy-five (75) degrees Fahrenheit. For all other occupied areas, the indoor winter design temperature shall be seventy-two (72) degrees Fahrenheit. For all other occupied areas, the indoor summer design temperature shall be seventy-five (75) degrees Fahrenheit.

(b) Ventilation system details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at the discharge end of the system. The ventilation rates as shown on Table 2, Section 35 of this regulation, shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates.

1. Outdoor air intakes shall be located as far as practical but not less than twenty-five (25) feet from exhaust outlets of ventilation systems, combustion equipment stacks, medical surgical vacuum systems, plumbing vent stacks, or from areas which may collect vehicular and other noxious fumes. Plumbing and vacuum vents that terminate above the level of the top of the air intake may be located as close as ten (10) feet. The bottom of outside air intakes serving central air systems shall be located as high as practical but not less than six (6) feet above ground level or if installed above the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced in accordance with the pressure relationship as shown in Table 2, Section 35 of this regulation.

3. Where two (2) filter beds are required in central ventilation and air-conditioning equipment, Filter Bed No. 1 shall be located upstream of the air-conditioning equipment and Filter Bed No. 2 shall be located downstream of the supply fan, any recirculating spray water system, and water reservoir type humidifiers. Where only one (1) filter bed is required, it shall be located upstream of the air-conditioning equipment unless an additional pre-filter is employed. In this case, the pre-filter shall be located upstream of the equipment and the main filter may be located further downstream.

4. All room supply, return and exhaust outlets shall be located not less than three (3) inches AFF.

5. All central ventilation or air-conditioning systems shall be equipped with filters having minimum efficiencies as listed below:

Area Designation	Minimum No. of Filters	Filter Efficiencies %	
		No. 1.	No. 2
Burn Care Unit	2	25	90
Patient Care, Treatment, Diagnostic and Related Areas	2	25	90*
Food Preparation and Laundry	1	80	--
Administrative, Storage, and Soiled Holding	1	25	--

\*May be reduced to eighty (80) percent for systems using all-outdoor air.

6. All filter efficiencies as listed above shall be average atmospheric dust spot efficiencies tested in accordance with ASHRAE Standard 52-76.

7. Filter frames shall be durable and carefully dimensioned, and shall provide an air-tight fit with the enclosing ductwork. All joints between filter segments and the enclosing ductwork shall be gasketed or sealed to provide a positive seal against air leakages.

8. A manometer or its equivalent shall be installed across each filter bed in central air systems.

9. Ducts which penetrate construction intended for x-ray or other ray protection shall not impair the effectiveness of the protection.

10. Laboratories shall be provided with outdoor air at a rate of two (2) air changes per hour. If this ventilation rate does not provide the air required to ventilate fume hoods and safety cabinets, additional outdoor air shall be provided. A filter with ninety (90) percent minimum efficiency shall be installed in the air supply system at its entrance to the media transfer room.

11. Laboratory hoods for general use shall have a minimum average face velocity of seventy-five (75) feet per minute. Hoods in which infections or highly radioactive materials are processed shall have a face velocity of 100 feet per minute and each hood shall have an independent exhaust system with the fan installed at the discharge point of the system. Hoods used for processing infectious materials shall be equipped with a means of disinfection.

12. Duct systems serving hoods in which highly radioactive materials and strong oxidizing agents are used shall be constructed of stainless steel for a minimum of ten (10) feet from the hood and shall be equipped with washdown facilities.

13. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and reasonable temperatures in the rooms and in adjoining areas.

(6) Plumbing systems. All plumbing systems shall be designed and installed in accordance with the requirements of the current Kentucky plumbing standards regulations applicable to hospitals.

(a) Plumbing fixtures.

1. The material used for plumbing fixtures shall be of non-absorptive acid-resistant material.

2. Lavatories and sinks required in patient care areas shall have the water supply spout mounted so that its discharge point is a minimum of five (5) inches above the rim of the fixture. All fixtures used by medical and nursing staff and all lavatories used by patients and food handlers shall be equipped with valves which can

be operated without the use of hands. Where blade handles are used for this purpose, they shall not exceed four and one-half (4 1/2) inches in length, except that handles on scrub sinks and clinical sinks shall be not less than six (6) inches long.

3. Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

4. Shower bases and tubs shall provide non-slip surfaces for patients.

(b) Water supply systems.

1. Systems shall be designed to supply water at sufficient pressure to operate all fixtures and equipment during maximum demand periods.

2. Each water service main, branch main, riser and branch to a group fixture shall be valved. Stop valves shall be provided at each fixture.

3. Backflow preventers (vacuum breakers) shall be installed on hose bibbs, laboratory sinks, janitors' sinks, bedpan flushing attachments, and all other fixtures to which hoses or tubing can be attached.

4. Flush valves installed on plumbing fixtures shall be of a quiet operating type.

5. Bedpan flushing devices shall be provided in each patient toilet room and in the soiled workrooms located in the patient nursing units.

6. An auxiliary water supply shall be available to provide potable water in case of emergencies.

(c) Hot water heating systems.

1. The hot water heating equipment shall have a sufficient capacity to supply water at the temperature and amounts indicated below:

	Hotwater Use		
	Clinical	Dishwasher	Laundry
Gal/hr/bed	6 1/2	4	4 1/2
Temp. F.	125	180*	160**

\*Temperature may be reduced to 160 degrees Fahrenheit if a chloritizer is used. Required temperatures must be provided throughout the wash and rinse cycles.

\*\*Required temperature of 160 degrees Fahrenheit is that measured in the washing machine and shall be supplied so that the temperature will be maintained over the entire wash and rinse cycles.

2. Storage tank(s) shall be fabricated or corrosive-resistant metal or be lined with non-corrosive material.

(d) Drainage systems.

1. Drain lines from sinks in which acid wastes may be poured shall be fabricated from an acid-resistant material.

2. Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage or condensation from necessary overhead piping systems.

3. Building sewers shall discharge into a community sewerage system. Where such a system is not available, a facility providing sewage treatment shall be installed which conforms to all applicable local and state regulations.

4. Nonflammable medical gas systems. If used, nonflammable medical gas systems installations shall be in accordance with the requirements of NFPA Standard 56A and 56F.

5. At least two (2) patient rooms in each

nursing unit and the examination/treatment rooms shall have oxygen and vacuum outlets.

6. In patient rooms with oxygen and vacuum outlets, one (1) set of those outlets may serve two (2) beds.

#### Section 34. Electrical Requirements. (1) General.

(a) All material including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

(b) All electrical installations and systems shall be tested to show that the equipment is installed and operates as planned or specified. A written record of performance tests on special electrical systems and equipment shall be supplied to the owner.

(2) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload devices shall be suitable for operating properly in the ambient temperature conditions.

(3) Panelboards. Lighting and appliance panelboards shall be located on the same floor as the circuits they serve.

#### (4) Lighting.

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have lighting.

(b) Patients' bedrooms shall have general lighting and night lighting. A reading light shall be provided for each patient. Flexible light arms shall be mechanically operated to prevent the bulb from coming in contact with the bed linen. Patients' reading lights and other fixed lights not switched at the door shall have switch controls located convenient to the luminaire. A fixed type night light, mounted at approximately sixteen (16) inches above the floor, shall be provided in each patient room. All switches for control of lighting in patient areas shall be of the quiet operating type. Switches in patients' rooms shall be installed not more than forty-eight (48) inches above the floor to be reached from a wheelchair.

(c) Nursing unit corridors shall have general illumination with provisions for reduction of light levels at night. Refer to Table 3, Section 35 of this regulation.

#### (5) Receptacles (convenience outlets).

(a) Bedroom. Each patient bedroom shall have duplex receptacles as follows: one (1) on each side of the head of the bed; one (1) for the television, if used; and one (1) on another wall. Receptacles for general use shall be located convenient for use from a wheelchair.

(b) Corridors. Duplex receptacles for general

use shall be installed approximately fifty (50) feet apart and within twenty-five (25) feet of ends of corridors.

#### (6) Equipment installation in special areas.

(a) X-ray and gamma-ray installations. X-ray stationary installations and mobile equipment shall conform to the current Kentucky standards for radiographic and radioisotope equipment and use regulations applicable to hospitals.

(b) X-ray film illuminator units. At least two (2) units shall be installed in the x-ray viewing room.

(c) The electrical circuit(s) to fixed or portable equipment in hydrotherapy units shall be provided with five (5) milliamperes ground fault interrupters.

#### (7) Nurses' calling system.

(a) General. In general patient areas, each room shall be served by at least one (1) calling station and each bed shall be provided with a call button. Two (2) call buttons serving adjacent beds may be served by one (1) calling station. Calls shall register at an annunciator panel at the nurses' station and shall actuate a visible signal in the corridor at the patient room door, in the clean workroom, the soiled workroom, the nourishment station, and the nurses' lounge of the nursing unit. In multicorridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two (2) or more calling stations, indicating lights shall be provided at each station. Nurses' calling systems which provide two (2) way voice communication shall be equipped with an indicating light at each calling station which lights and remains lighted as long as the voice circuit is operating.

(b) Patients' emergency. A nurses' call emergency button shall be provided for patients' use at each patient's toilet, bath, and shower room on the nursing unit floors. Such buttons shall be usable by a collapsed patient lying on the floor; inclusion of a pull cord will satisfy this requirement.

(8) Fire alarms and fire detection systems. The design and installation of these systems must be approved by the State Fire Marshal's Office.

#### (9) Emergency electrical.

(a) General. To provide electricity during interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

(b) Sources. The source of this emergency electric service shall be as follows:

1. An emergency generating set, when the normal service is supplied by one (1) or more central station transmission lines.

2. An emergency generating set or a central station transmission line, when the normal electric supply is generated on the premises.

(c) Emergency generating set. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electrical system. Generator sets shall be self-sufficient insofar as possible without dependency on public utilities that may be subject to cutoff or outages. Exception: A system of prime movers which are ordinarily used to operate other equipment and alternately used to operate the emergency generator(s) will be permitted

provided that the number and arrangement of the prime movers are such that when one (1) of them is out of service (due to breakdown or for routine maintenance), the remaining prime mover(s) can operate the required emergency generator(s) and provided that the connection time requirements as listed in Section 34(9)(e) of this regulation are met. The emergency generator set shall be of sufficient kilowatt capacity to supply all lighting and power load demands of the emergency electrical system. The power factor rating of the generator shall be not less than eighty (80) percent.

(d) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting.

a. Exitways and all necessary ways of approach thereto, including exterior of exits, exit doorways, stairways, and corridors.

b. Laboratory, nursing station, medication preparation dispensing area.

c. Generator set location, switch-gear location, mechanical room and boiler room.

d. Elevator cabs.

e. Night light in patient rooms.

2. Equipment. Essential to life safety and for protection of important equipment or vital materials:

a. Nurses' calling system.

b. Paging or speaker systems, if intended for issuing instructions during emergency conditions. Alarms required for medical gas systems.

c. Fire pump and jockey pump, if installed.

d. Pump for central suction system.

e. Sewerage or sump lift pump, if installed.

f. Blood bank refrigerator.

g. Duplex receptacles in patient corridors, and at least one (1) duplex receptacle located on the patient headwall in each patient room.

h. Elevator service that will reach every patient floor. Manual throwover facilities shall be provided to allow temporary operation of any elevator for the release of persons who may be trapped between floors.

i. Equipment necessary for maintaining telephone service.

3. Heating. Equipment for heating general patient rooms; except that service for heating of those rooms will not be required under either of the following conditions:

a. The design temperature is higher than twenty (20) degrees Fahrenheit, based on the Median of Extremes as shown in the current edition of the ASHRAE Handbook of Fundamentals.

b. The facility is supplied by two (2) or more electrical services supplied from separate generating sources, or a utility distribution network having multiple power light sources and arranged to provide mechanical and electrical separation, so that a fault between the facility and generating sources will not likely cause an interruption of the facility service feeders.

(e) Details. The emergency electrical system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and it must be connected within ten (10) seconds through one (1) or more primary automatic transfer switches to all emergency lighting systems; alarms systems; blood banks; nurses' calling systems; equipment necessary for maintaining telephone service; pump for central suction system; and task illumination and

receptacles in patient rooms and patient corridors. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Receptacles connected to the emergency system shall be distinctively marked for identification. Storage-battery-powered lights, provided to augment the emergency lighting or for continuity of lighting during the interim of transfer switching immediately following an interruption of the normal service supply, shall not be used as a substitute for the requirement of a generator. Where stored fuel is required for emergency generator operation, the storage capacity shall be sufficient for not less than twenty-four (24) hours of continuous operation.

Section 35. Table 1 - Sound Transmission Limitations for Rehabilitation Facilities. Table 2 - Pressure Relationships and Ventilation of Certain Rehabilitation Areas. Table 3 - Lighting Levels for Rehabilitation Facilities.

Table 1.  
Sound Transmission Limitations  
in Rehabilitation Facilities.

Location	Airborne Sound Transmission Class (STC) a*	Impact Insulation Class (IIC) b*	
	Partitions	Floors	Floors
Patients' room to patients' room	45	45	45
Public space to patients' room d*	50	50	50 c*
Service areas to patients' room e*	55	55	55 c*

a\* - Sound transmission class (STC) shall be determined by tests in accordance with the methods set forth in ASTM Standard E-90 and ASTM Standard E-413.

b\* - Impact insulation class (IIC) shall be determined in accordance with criteria set forth in HUD FT/TS-24, "A Guide to Airborne, Impact and Structure Borne Noise - Control in Multi-Family Dwellings."

c\* - Impact noise limitation applicable only when corridor, public space, or service area is over patients' room.

d\* - Public space includes lobbies, dining rooms, recreation rooms, treatment rooms, and similar spaces.

e\* - Service areas include kitchens, elevators, elevator machine rooms, laundries, garages, maintenance rooms, boiler and mechanical equipment rooms, and similar spaces of high noise. Mechanical equipment located on the same floor or above patients' rooms, offices, nurses' stations and similar occupied spaces shall be effectively isolated relating to noise transmission.

Note: The requirements set forth in this table assume installation methods which will not appreciably reduce the efficiency of the assembly as tested.

Table 2.  
Pressure Relationships and  
Ventilation of Certain Rehabilitation Areas.

Area Designation	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air per Hour	Minimum Total Air Changes per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Room Units
Isolation anteroom	N	2	8	Yes	No
Isolation room	E	2	8	Yes	No
Dental operator	N	2	6	Optional	No
Patient room	V	1	4	Optional	Optional
Patient area corridor	N	1	4	Optional	Optional
Occupational therapy	N	1	4	Optional	Optional
Physical therapy and hydrotherapy	N	2	6	Optional	Optional
Speech & hearing unit	V	1	4	Optional	Optional
Soiled workroom and clean holding	N	2	8	Yes	No
Clean workroom and clean holding	P	1	4	Optional	Optional
Activities of daily living	V	1	4	Optional	Optional
X-ray, diagnostic	V	2	6	Optional	Optional
Treatment room	V	2	6	Optional	Optional
Laboratory	N	2	6	Optional	Optional
Dark room Y	N	2	10	Yes	Yes
Toilet room and locker rooms	N	Optional	10	Yes	No
Bedpan room	N	Optional	10	Yes	No
Bathroom	N	Optional	10	Yes	No
Janitor's closet	N	Optional	10	Yes	No
Sterilizer equipment room	N	Optional	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Food preparation center	N	Optional	10	Yes	No
Warewashing room	N	2	10	Yes	No
Personal care room	N	Optional	10	Yes	No
Dietary day storage	V	Optional	2	Optional	No
Laundry, general	V	2	10	Yes	No
Soiled linen sorting and storage	N	Optional	10	Yes	No
Clean linen storage	P	Optional	4	Optional	Optional

P = Positive N = Negative E = Equal V = May Vary

Table 3.  
Lighting Levels for Rehabilitation Facilities

Area	Footcandles*
Administrative and lobby areas, day	100
Administrative and lobby areas, night	20
Chapel and quiet area	30
Corridors and interior ramps	30
Corridor night lighting	10
Dining area and kitchen	50
Doorways	10
Examination and treatment room:	
General	50
Examining table	100
Exit stairways and landings	30
Janitor's closet	20
Nurses' station, general, day	50
Nurses' station, general, night	20
Nurses' desk or counter, for charts and records	150
Nurses' medicine area, preparations and storage	100
Occupational therapy	30
Patient care unit or room, general	10
Patient care room, reading	50
Patient care room, night light (variable)	.5 to 1.5

Physical therapy	30
Stairways other than exits	50
Toilet and bathing facilities	30
Clean workroom	100
Soiled workroom	100
Nurses' lounge	30
Laundry, general	50

\*Minimum on task at anytime.

E. AUSTIN, JR., Secretary  
WILLIAM M. GARDNER, Inspector General

APPROVED BY AGENCY: June 10, 1987

FILED WITH LRC: June 12, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 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 July 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: Delano Miller

(1) Type and number of entities affected: New comprehensive physical rehabilitation facilities.

(a) Direct and indirect costs or savings to those affected: Since these standards are in line with comparable national standards, there should be no additional costs or savings associated with this regulation.

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: Minimal

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Minimal increase.

(3) Assessment of anticipated effect on state and local revenues: Minimal

(4) Assessment of alternative methods; reasons why alternatives were rejected: KRS requires that minimum standards be established for licensure.

(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. These are minimum standards for licensure which relate to all new construction.

## FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: This regulation mirrors the federal guidelines for the construction of comprehensive physical rehabilitation facilities as published by the U.S. Department of Health and Human Services.

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

CABINET FOR HUMAN RESOURCES  
Office of Inspector General

902 KAR 20:240. Comprehensive physical rehabilitation services.

RELATES TO: KRS 216B.010 to 216B.131, 216B.990(1), (2)

PURSUANT TO: KRS 216B.040(2), 216B.105, Executive Order 86-366

NECESSITY AND FUNCTION: Executive Order 86-366 transferred the authority to regulate health services and health facilities from the Kentucky

Health Facilities and Health Services Certificate of Need and Licensure Board to the Office of the Inspector General. This regulation provides the minimum licensure requirements for inpatient comprehensive physical rehabilitation services including the provision of rehabilitation services in hospitals which have a rehabilitation unit.

Section 1. Scope of Operation and Services. Comprehensive physical rehabilitation programs are provided in permanent facilities with inpatient beds. These programs include medical, nursing, therapeutic, restorative, psychosocial, vocational and educational services which enable an individual with an injury or disability, either acquired or congenital, to function at their maximum potential. Comprehensive physical rehabilitation programs offer a wide range of therapeutic services provided by registered, certified, licensed or degreed professionals utilizing a multidisciplinary, goal-oriented, team approach with treatment plans designed specifically for the individual patient's needs.

Section 2. Definitions. (1) "Governing authority" means the individual, agency, partnership, or corporation, in which the ultimate responsibility and authority for the conduct of the institution is vested.

(2) "Medical staff" means an organized body of physicians, and dentists when applicable, appointed to the institution staff by the governing authority. All members of the medical staff shall be licensed to practice medicine or dentistry in Kentucky, with the exception of graduate physicians who are in the first year of facility training.

(3) "Registered records administrator" means a person who is certified as a Registered Records Administrator by the American Medical Record Association.

(4) "Accredited record technician" means a person who has graduated from a program for medical record technicians accredited by the Council on Medical Education of the American Medical Association and the American Medical Record Association; and who is certified as an Accredited Record Technician by the American Medical Record Association.

(5) "Qualified dietitian" or "nutritionist" means:

(a) A person who has a bachelor of science degree in foods and nutrition, food service management, institutional management or related services and has successfully completed a dietetic internship or coordinated undergraduate program accredited by the American Dietetic Association (ADA) and is a member of the ADA or is registered as a dietitian by ADA; or

(b) A person who has a master's degree in nutrition and is a member of ADA or is eligible for registration by ADA; or

(c) A person who has bachelor of science degree in home economics and three (3) years of work experience with a registered dietitian.

(6) "Certified radiation operator" means a person who has been certified pursuant to KRS 211.870 and 902 KAR 105:010 to 105:070 as an operator of sources of radiation.

(7) "Protective devices" means devices that are designed to protect a person from falling, to include side rails, safety vest or safety belt.

(8) "Restraint" means any pharmaceutical agent

or physical or mechanical device used to restrict the movement of a patient or the movement of a portion of a patient's body.

(9) "Full-time equivalent" (FTE) for this regulation only means one (1) employee working thirty-seven and five-tenths (37.5) hours per week or a combination of the hours worked by more than one (1) part-time employee totaling thirty-seven and five-tenths (37.5) hours per week.

(10) "Institution" means the freestanding facility or the in-hospital unit utilized for the delivery of inpatient comprehensive physical therapy services.

### Section 3. Administration and Operation. (1) Governing authority.

(a) The institution shall have a governing authority that has overall responsibility for the management and operation of the institution and for compliance with federal, state, and local laws and regulations pertaining to its operation.

(b) The governing authority shall appoint an administrator whose qualifications, responsibilities, authority and accountability are defined in writing and approved by the governing authority, and shall designate a mechanism for the periodic performance review of the administrator.

#### (2) Administrator.

(a) The administrator shall be responsible for the daily management of the institution and provide liaison between the governing authority and the medical staff.

(b) The administrator shall keep the governing authority fully informed concerning the conduct of the institution through periodic reports and by attendance at meetings of the governing authority.

(c) The administrator shall hold interdepartmental and departmental meetings (where appropriate), shall attend or be represented at such meetings on a regular basis, and shall report to such departments, as well as to the governing authority the pertinent activities of the institution.

#### (3) Administrative records and reports.

(a) Administrative reports shall be established, maintained and utilized as necessary to guide the operation, measure productivity and reflect the programs of the institution. Such reports shall include: minutes of the governing authority and staff meetings, financial records and reports, incident investigation reports, and other pertinent reports made in the regular course of business.

(b) The institution shall maintain a patient admission and discharge register.

(c) Licensure inspection reports and plans of correction shall be made available to the general public upon request.

(4) Policies. The institution shall have written policies and procedures governing all aspects of the operation of the institution and the services provided including:

(a) A written mission statement of the comprehensive physical rehabilitation service shall be made available to the general public upon request;

(b) A written program narrative which describes in detail the rehabilitation problems and conditions for which the institution provides services, the delivery of these services, and the goals and treatment;

(c) A written description of the organizational structure of the facility including lines of authority, responsibility and communication, and departmental organization;

(d) Admission policies which assure that patients shall be admitted to the institution in accordance with policies of the medical staff;

(e) Constraints imposed on admissions by limitations of services, physical facilities, staff coverage or other factors;

(f) Financial requirements for patients on admission;

(g) Requirements for informed consent by patient, parent, guardian or legal representative for diagnostic and treatment procedures;

(h) Procedures for recording accidents involving a patient, visitor or staff, and incidents of drug reactions, medication errors, etc. and for reporting in writing through the appropriate committees;

(i) Use of restraints and a mechanism for monitoring and controlling their use;

(j) Discharge and termination of services; and

(k) A policy describing the use of volunteers in program activities.

(5) Patient identification. The institution shall have a system for identifying each patient from time of admission to discharge (e.g., an identification bracelet imprinted with name of patient, date of admission, and name of case manager).

#### (6) Discharge planning.

(a) The discharge decision and plan shall be established with the participation of the person served, if possible, or a significant other person. Discharge planning shall begin early in the treatment phase; all professions involved with the person shall participate in formulating the discharge plan, including professionals from agencies outside the institution who have been or will be involved in the patient's care, if possible.

(b) A discharge authorization and summary shall be prepared for each person who has been discharged or transferred from the institution to a supportive service. The summary shall contain the reason for referral, the diagnosis, the rehabilitation problem, the services provided, the results of services, and any referral action recommended; it shall note procedures and activities to be utilized by the person served and the family to assist the individual to maintain or improve post-discharge functioning and increased independence.

(c) The individual family, appropriate staff of the institution, the referring source and other community agencies that will be working with the patient, shall receive advance notice concerning the discharge decision and plan. The requirements for notice of discharge will vary depending upon the complexity of the individual's presenting problems, the discharge plan, and the kinds and extent of resources required to implement the plan.

#### (7) Patient follow-up.

(a) The institution shall establish and follow procedures for follow-up of persons served. Follow-up shall be conducted when the person served is discharged from the institution, transferred from the program to a supportive service, or is placed in an inactive status.

(b) Follow-up reports shall be prepared which detail the individual's current status as it relates to program goals and objectives.

## (8) Transfer procedures and agreements.

(a) The facility shall have written patient transfer procedures and agreements with other health care facilities which provide a level of inpatient care not provided by the institution. Any institution which does not have a transfer agreement in effect but has documented a good faith effort to enter into such an agreement shall be considered in compliance with this requirement. The transfer procedures and agreements shall specify the responsibilities each facility assumes in the transfer of patients and shall establish responsibility for notifying the other facility promptly of the impending transfer of a patient and for arranging appropriate and safe transportation.

(b) If the patient is transferred to another health care facility a transfer form shall accompany the patient. The transfer form shall include at least: the attending physician's instructions for continuing care, a current summary of the patient's medical record, information as to special supplies or equipment needed for patient care and pertinent social information on the patient and family. When such transfer occurs, a copy of the patient's signed discharge summary shall be forwarded to the other health care facility within fifteen (15) days of the patient's discharge.

## (9) Medical staff.

(a) The institution shall have a medical staff organized by bylaws approved by the governing authority, which is responsible to the governing authority of the facility for the quality of medical care provided to the patients and for the ethical and professional practice of its members.

(b) The medical staff shall develop and adopt policies or bylaws, subject to the approval of the governing authority, which shall:

1. State the necessary qualifications for medical staff membership. For purposes of this document, medical staff shall mean physicians and dentists, when applicable.

2. Define and describe the responsibilities and duties of each category of medical staff (e.g., active, associate, courtesy, consulting, or honorary), delineate the clinical privileges of staff members, and establish a procedure for granting and withdrawing staff privileges, to include credentials review.

3. Provide a mechanism for appeal of decisions regarding staff membership and privileges.

4. Provide a method for the selection of officers of the medical staff.

5. Establish requirements regarding the frequency of, and attendance at, general staff and department/service meetings of the medical staff.

6. Provide for the appointment of standing and special committees, and include requirements for composition and organization, frequency of and attendance at meetings, and the minutes and reports which shall be part of the permanent records of the institution. These committees may include: executive committee, credentials committee, medical records committee, infections control committee, pharmacy and therapeutics committee, utilization review committee, and quality assurance committee.

(10) Director of rehabilitation. The institution shall have a director of rehabilitation who provides services on a full-time basis for a freestanding facility or at least twenty (20) hours per week for a

hospital-based unit, is a physician, and has had, after completing a one (1) year facility internship, at least two (2) years of training or experience in the medical management of inpatients requiring rehabilitation services.

## (11) Quality assurance and review.

(a) There shall be a planned and systematic process for monitoring and evaluating the quality and appropriateness of patient care and for resolving identified problems.

(b) The quality and appropriateness of patient care shall be monitored and evaluated in all major clinical functions of the comprehensive physical rehabilitation program. Such monitoring and evaluating shall be accomplished through the following means:

1. Routine collection of information about important aspects of rehabilitation care; and

2. Periodic assessments of the collective information in order to identify important problems in patient care and opportunities to improve care. Objective criteria shall be established and applied that reflect current knowledge and clinical experience concerning the services offered by the comprehensive physical rehabilitation program.

(c) When important problems in patient care or opportunities to improve care are identified:

1. Action shall be taken; and

2. The effectiveness of the action shall be evaluated.

(d) The findings from and conclusions of monitoring, evaluating, and problem-solving activities and the actions taken to resolve problems and improve patient care, and information about the impact of the actions taken, shall be documented and shall be reported to the administrator and appropriate committees.

(e) When an outside source(s) provides rehabilitation services the quality and appropriateness of patient care provided shall be monitored and evaluated, and identified problems resolved.

## (12) Personnel.

(a) The institution shall employ a sufficient number of qualified personnel to provide effective patient care and all other related services. Written personnel policies and procedures shall be available to all personnel.

(b) There shall be a written job description for each position. Job descriptions shall be reviewed and revised as necessary. Where a job description includes activities which are subject to professional licensure, the employee shall have the appropriate current license.

(c) There shall be an employee health program for mutual protection of employees and patients including provisions for pre-employment and periodic health examination. The institution shall comply with the following tuberculosis testing requirements:

1. The skin test status of all staff members shall be documented in the employee's personnel record. A skin test shall be initiated on all new staff members before or during the first week of employment and the results shall be documented in the employee's personnel record within the first month of employment. No skin testing is required at the time of initial employment if the employee documents a prior skin test of ten (10) or more millimeters of induration or if the employee is currently receiving or has completed six (6) months of prophylactic therapy or a course of multiple-drug chemotherapy for tuberculosis. Two

(2) step skin testing is required for new employees over age forty-five (45) whose initial test shows less than ten (10) millimeters of induration, unless they can document that they have had a tuberculosis skin test within one (1) year prior to their current employment. All staff who have never had a skin test of ten (10) or more millimeters induration must be skin tested annually on or before the anniversary of their last skin test.

2. All staff who are found to have a skin test of ten (10) or more millimeters induration, on initial employment testing or annual testing, must receive a chest x-ray unless a chest x-ray within the previous two (2) months showed no evidence of tuberculosis, or the individual can document the previous completion of a course of prophylactic treatment with isoniazid. Employees whose initial skin test shows ten (10) or more millimeters of induration shall be advised of the symptoms of the disease and instructed to report to their employer and seek medical attention promptly if symptoms persist.

3. The institution director shall be responsible for ensuring that all skin tests and chest x-rays are done in accordance with subparagraphs 1 and 2 of this paragraph. All skin testing dates and results and all chest x-ray reports shall be recorded as a permanent part of the personnel record.

4. The following shall be reported by the institution administrator to the local health department having jurisdiction immediately upon becoming known: names of staff who convert from a skin test of less than ten (10) to a skin test of ten (10) or more millimeters of induration; names of staff who have a skin test of ten (10) millimeters or more induration at the time of employment; and all chest x-rays suspicious for tuberculosis.

5. Prophylaxis of persons with recent infection but no disease. Any resident or staff whose skin test status changes on annual testing from less than ten (10) to ten (10) or more millimeters of induration shall be considered to be recently infected with *Mycobacterium tuberculosis*. Such recently infected persons who have no signs or symptoms of tuberculosis disease on chest x-ray or medical history should be given preventive therapy with isoniazid for six (6) months unless medically contraindicated by a licensed physician. Medications shall be administered to patients only upon the written order of a physician. If such individual is unable to take isoniazid therapy, the individual shall be advised of the clinical symptoms of the disease, and have an interval medical history and a chest x-ray taken and evaluated for tuberculosis disease every six (6) months during the two (2) years following conversion, for a total of five (5) chest x-rays.

6. Any staff who can document completion of preventive treatment with isoniazid shall be exempt from further screening requirements.

(d) Current personnel records shall be maintained for each employee which shall include the following:

1. Name, address, and social security number;
2. Health records;
3. Evidence of current registration, certification or licensure of personnel;
4. Records of training and experience;
5. Records of performance evaluation;
6. Evidence that employees have an orientation to the facility's written policies initiated

within the first month of employment; and

7. Evidence of regular in-service training which corresponds with job duties and includes a list of training and dates completed.

(13) Physical and sanitary environment.

(a) The condition of the physical plant and overall institution environment shall be maintained in such a manner that the safety and well-being of patients, personnel and visitors are assured.

(b) A person shall be designated responsible for services and for the establishment of practices in each of the following areas: plant maintenance, laundry operations (if applicable), and housekeeping.

(c) The institution's buildings, equipment and surroundings shall be kept in a condition of good repair, neat, clean, free from all accumulations of dirt and rubbish, and free from foul, stale or musty odors.

(d) The institution shall be kept free from insects and rodents with harborages and entrances for these eliminated.

(e) Garbage and trash shall be stored in areas separate from those used for preparation and storage of food and shall be removed from the premises regularly. Containers shall be cleaned regularly.

(f) Hazardous cleaning solutions, compounds, and substances shall be labeled, stored in closed containers and kept separate from other cleaning materials.

(g) The institution shall have available at all times a quantity of linen essential for the proper care and comfort of patients.

1. Linens shall be handled, stored and processed so as to control the spread of infection.

2. Clean linen and clothing shall be stored in clean, dry, dust-free areas.

3. Soiled linen and clothing shall be placed in suitable bags or closed containers and stored in separate areas.

(h) Sharp wastes, such as broken glass, scalpel blades, and hypodermic needles, shall be segregated from other wastes and aggregated in rigid disposable containers immediately after use. Needles and syringes shall not be cut, dismantled, or destroyed after use, but shall be placed intact directly into a rigid container. The rigid containers of sharp wastes shall be incinerated on site or off site, and disposed of in a sanitary land fill approved pursuant to 401 KAR 47:020.

(14) Patient case records.

(a) The institution shall have a case records service with administrative responsibility for case records. A case record shall be maintained, in accordance with accepted professional principles, for every patient admitted to the facility or receiving outpatient services.

(b) The case records service shall be directed by a registered record administrator, either on a full-time, part-time, or consultative basis, or by an accredited record technician on a full-time basis, and shall have available a sufficient number of regularly assigned employees so that case record services may be provided as needed.

(c) All case records shall be retained for a minimum of five (5) years from date of discharge, or in the case of a minor three (3) years after the patient reaches the age of majority under state law, whichever is longer.

(d) Provision shall be made for written

designation of specific location(s) for storage of case records in the event the facility ceases to operate because of disaster, or for any other reason. It shall be the responsibility of the institution to safeguard both the record and its content against loss, defacement, and tampering.

(e) A system of identification and filing to insure the prompt location of a patient's case record shall be maintained.

1. There shall be a system for coordinating the inpatient/outpatient case record of any patient who has received both inpatient and outpatient services.

2. All clinical information pertaining to a patient's stay shall be centralized in the patient's case record.

(f) Records of patients are the property of the institution and shall not be taken from the institution except by court order. This does not preclude the routing of the patients records, or a portion thereof, including x-ray film, to physicians for consultation.

1. Only authorized personnel shall be permitted access to the patients records.

2. Patient information shall be released only on authorization of the patient, the patient's guardian or the executor of the estate.

(g) Case record review.

1. The institution shall review and evaluate its case records and related policies and procedures regularly; representatives of its service units shall participate to evaluate their adequacy and to propose improvements in the recordkeeping system.

2. A case record committee, representative of the major professional services and responsible to the administrator, shall be established. The committee shall:

a. Review, at least quarterly, an appropriate sample of the case records to measure their adequacy and fulfillment of recordkeeping requirements; and

b. Review, at least annually, the policies and procedures concerning case records and reports, and make recommendations which should be considered by the chief executive.

(h) Statements of professional judgment and reports of services to an individual shall be signed by the person qualified by professional competency and official position. The case record shall confirm, in writing, that services recommended and planned actually have been received by the individual patient at the time stated. Such assurances may be in the form of the signature of the staff person rendering the service.

(i) Individual case records shall be maintained on a current basis; clinical information shall be recorded within forty-eight (48) hours of the event, and discharge summaries recorded within two (2) weeks following discharge. Completed case records shall include:

1. Case identification data including name, address and next of kin;

2. The name and address of the personal representative, conservator, guardian, and/or representative payee, if one has been appointed for the person served;

3. Pertinent history, diagnosis of disability, rehabilitation problem, goals, and prognosis;

4. Reports from referring sources;

5. Reports of service referrals;

6. Reports from outside consultation, and from laboratory, radiology, orthotic and prosthetic services, etc.;

7. Designation of the program manager for the individual. A written policy identifying who is responsible for the plan management of given groups would remove the necessity for this information in the case record;

8. Evidence of the individual's participation in the decision making process of his or her own plan;

9. Evaluation reports from each service;

10. Reports of staff conferences;

11. The individual's total treatment plan;

12. Treatment plans from each service;

13. Signed and dated service and progress reports from each service;

14. Correspondence pertinent to the person being served;

15. When information and/or photographs have been released or used, there shall be a signed and dated authorization from the person served or the parent or guardian as appropriate, to release the information or use the photograph;

16. Discharge report; and

17. Followup reports.

Section 4. Provision of Services. (1) General requirements.

(a) No medication or treatment shall be given without a written order signed by a physician or dentist, when applicable. Telephone orders for medications shall be given only to a registered nurse or a pharmacist and signed by the medical staff member within twenty-four (24) hours from the time the order is given.

(b) Medications shall be administered by a physician, registered nurse, or dentist except in the case of a licensed practical nurse under the supervision of a registered nurse.

(c) No form of patient restraint or protective device other than bed rails, and wheelchair safety belts shall be used, except in an emergency until the attending medical staff member can be contacted, or upon written or telephone orders of the attending medical staff member. When such restraint is necessary, the least restrictive form of protective device shall be used which affords the patient the greatest possible degree of mobility and protection. In no case shall a locking restraint be used.

(d) Patient physical. A physician shall conduct a physical examination, and a determination that the patient can benefit from a rehabilitation program through the use of therapies provided by the institution shall be made within twenty-four (24) hours after admission.

(e) Psychosocial history. All patients shall have a history and assessment interview within seventy-two (72) hours after admission for rehabilitation entered into the patient record which includes:

1. A determination of current emotional state;

2. Vocational history;

3. Familial relationships;

4. Educational background;

5. Social support system; and

6. A determination that the patient can benefit from a rehabilitation program through the use of therapies provided by the institution.

(f) Basic cardiopulmonary resuscitation shall be available within the institution twenty-four (24) hours a day, seven (7) days a week.

(2) Staffing requirements.

(a) The program shall have adequate personnel to meet the needs of patients on a twenty-four

(24) hour basis. The number and classification of personnel required shall be based on the number of patients and the individual treatment plans. If the staff/patient ratio does not meet the needs of the patients, the Division for Licensing and Regulation shall determine and inform the program administrator in writing how many additional personnel are to be added and of what job classification, and shall give the basis for this determination.

(b) The staffing ratio of therapists and pathologists to patients shall be equal to or greater than one (1) full-time equivalent for every three (3) patients. Only licensed or certified therapists or speech and language pathologists in the areas of physical therapy, occupational therapy, speech and language pathology, or psychology shall be utilized in the computation of this ratio. Certified or licensed assistants shall not be utilized in the computation of this ratio. The staffing for the whole facility shall be utilized in the computation of this ratio rather than on a department by department basis.

(c) There shall not be more than one (1) aide or assistant for each licensed or certified therapist or speech and language pathologist on staff.

(3) Medical staff services.

(a) Medical care provided in the institution shall be under the direction of the medical director or a medical staff member in accordance with staff privileges granted by the governing authority.

(b) Physician services shall be available twenty-four (24) hours a day on at least an on-call basis.

(c) There shall be sufficient medical staff coverage for services provided in the institution in keeping with the size of the institution, the scope of services provided and the types of patients admitted to the facility.

(d) An individual rehabilitation program plan shall be developed for each patient under the supervision of a physician. The attending physician shall attend and actively participate in conferences concerning those served.

(e) The attending physician shall complete the discharge summary and sign the records within fifteen (15) days of discharge.

(f) The physician responsible for the patient's rehabilitation program shall have specialized training or experience in rehabilitation.

(g) There shall be direct individual contact by a physician on any day in which there is an active interdisciplinary treatment program.

(4) Nursing services.

(a) These services provide prevention of complications of disability, restoration of optimal functioning, and adaptation to an altered lifestyle through the use of the nursing process (assessment, planning, intervention, and evaluation).

1. The institution shall have a nursing department organized to provide basic nursing services as well as rehabilitation nursing services. A registered nurse with training and experience in rehabilitative nursing shall serve as director of the nursing department.

2. There shall be a registered nurse on duty at all times.

a. There shall be registered nurse supervision of nursing staff personnel for each nursing unit to insure immediate availability of a registered

nurse with rehabilitation experience for all patients on a twenty-four (24) hour basis.

b. There shall be other nursing personnel in sufficient numbers to provide nursing care not requiring the services of a registered nurse.

c. Nursing care shall be documented on each shift by persons rendering care to patients. This documentation shall describe the nursing care provided and include information and observations of significance which contribute to the continuity of patient care.

(b) Rehabilitation nursing services. Services shall include physical and psychosocial assessment of function of the following:

1. All body systems related to the patient's physical rehabilitation nursing needs, with special emphasis on skin integrity, bowel and bladder function, and respiratory and circulatory systems function;

2. Self-care skills development;

3. Interpersonal relationships;

4. Adaptation mechanisms and patterns used to manage stress; and

5. Sleep and rest patterns.

(c) Nursing services shall also include the following interventions:

1. Health maintenance and discharge teaching;

2. Prevention of the complications of immobility;

3. Physical care including hygiene, skin care, physical transfer from one place to another, positioning, and bowel and bladder care;

4. Psychosocial care including socialization, adaptation to an altered lifestyle; and

5. Reinforcement of the multidisciplinary treatment plan.

(d) As appropriate, nurses collaborate with the patient, family, other disciplines and agencies in discharge planning and teaching.

(e) Rehabilitation nursing shall monitor the degree of achievement of individualized nursing patient care goals.

(5) Multidisciplinary team. There shall be a multidisciplinary team responsible for developing the individual treatment plans, discharge plans and conducting the quality assurance reviews. The multidisciplinary team should include a physician, rehabilitation nurse, social worker, or psychologist, and those therapists involved in the patient's care. At a minimum, a team must include a physician, rehabilitation nurse and two (2) therapists.

(6) Program manager.

(a) A single program manager shall be designated for each patient served. The provision of services by the institution to each patient shall be organized through the patient's program manager. The program manager shall:

1. Assume responsibility for the patient during the course of treatment;

2. Coordinate the treatment plan; and

3. Cultivate the patient's participation in the program.

(b) When more than one (1) major program is being provided simultaneously, there shall be only one (1) program manager. When the patient's plan changes sequentially from one (1) program area to another, a new program manager may be assigned.

(c) The patient's program manager shall evaluate regularly the appropriateness of the treatment plan in relation to the progress of the patient toward the attainment of stated goals. The program manager shall assure that:

1. The person is adequately oriented;

2. The plan proceeds in an orderly, purposeful, and timely manner; and

3. The discharge decision and arrangements for follow-up are properly made.

(7) Treatment plan.

(a) The multidisciplinary team, with the participation of the patient shall, within seven (7) days after admission for rehabilitation, develop an individual treatment plan based on the patient's medical evaluation and psychosocial history and assessment, and which should be reviewed at least biweekly. The treatment plan shall include:

1. A multidisciplinary assessment of the biological, social and psychological needs of the patients performed by qualified health care professionals;

2. A description of the patient's capacities, strengths, disabilities, and weaknesses;

3. Identification of the patient's rehabilitation goals stated in functional, performance and behavioral objectives relative to the performance of life tasks and capabilities, with criteria for termination of treatment or discharge from the program;

4. Participation of the patient and his/her family, to the extent possible;

5. Physician input relative to both the general medical and rehabilitation medical needs of the patient;

6. Discharge planning addressed as part of goal setting as early as possible in the rehabilitation process;

7. Time intervals at which treatment or service outcomes will be reviewed;

8. Anticipated time frame(s) for the accomplishment of the individual's specified goals;

9. The measures to be used to access the effects of treatment or services; and

10. The person(s) responsible for implementation of the plan.

(b) The institution shall obtain and retain a signed consent form where applicable.

(c) The institution shall adopt a procedure to protect against the release of the person served to an unauthorized individual when individuals served are unable to represent their own interests.

(8) Therapeutic services.

(a) In addition to physician and nursing services the institution shall provide the following allied services directly or under contract. These services shall be provided at an intensity appropriate to the disability and to the patient's response to treatment with a minimum average level of three (3) to five (5) hours of therapeutic service per person per day at least five (5) days per week.

(b) Occupational therapy services shall be provided by or under the supervision of an individual certified by the American Occupational Therapy Association as an occupational therapist. Services shall include:

1. Assessment and treatment of functional performance; independent living skills; pre-vocational/work adjustment skills; educational, play/leisure and social skills.

2. Assessment and treatment of performance components; neuromuscular, sensori-integrative, cognitive and psychosocial skills.

3. Therapeutic interventions, adaptations and prevention.

4. Individualized evaluations of past and current performance shall be achieved through

observation of individual or group tasks, standardized tests, record review, interviews, or activity histories.

5. Assess architectural barriers in home and workplace, and recommend equipment, adaptations, and different arrangements.

6. Treatment goals shall be achieved through use of selected modalities and techniques which include:

a. Tasks oriented activities; simulation or actual practice of work, self-care, home management, leisure and social skills and their components, creative media, games, computers and other equipment;

b. Pre-vocational training;

c. Sensorimotor activities;

d. Patient/family education and counseling;

e. Design, fabrication and application of orthotic devices;

f. Guidance in use of adaptive equipment and prosthetic devices;

g. Adaptation to physical and social environment, and use of therapeutic milieu;

h. Joint protection/body mechanics;

i. Positioning;

j. Work simplification/energy conservation; and

k. Cognitive remediation.

7. Occupational therapy services monitor the extent to which goals are met relative to assessing and increasing patient's functional abilities in daily living skills.

(c) Physical therapy services shall be provided by or under the supervision of a licensed physical therapist employed on a full-time basis.

1. Services shall include the following:

a. An initial physical therapy evaluation and assessment of the patient prior to the provision of services;

b. Development of treatment goals and plans in accord with the initial evaluation findings with treatment aimed at preventing or reducing disability or pain, and restoring lost function;

c. Therapeutic interventions which focus on posture, locomotion, strength, endurance, balance, coordination, joint mobility, flexibility, and restoring loss of function.

2. Physical therapy services monitor the extent to which services have met therapeutic goals relative to the initial and all subsequent examinations, and the degree to which improvement occurs relative to the identified movement dysfunction or reduction of pain associated with movement.

(d) Psychological services shall be provided by or under the supervision of a licensed psychologist.

1. Assessment areas shall include psychological, vocational, and neuropsychological functioning.

2. Interventions include individual and group psychotherapy; family consultation and therapy; and design of such specialized psychological intervention programs as behavior modification, behavioral treatment regimens for chronic pain patients, and the use of biofeedback and relaxation procedures.

3. Psychological services monitor the cognitive and emotional adaptation of the patient and family to the patient's disability.

(e) Speech-language services shall be provided by or under the supervision of a licensed speech-language pathologist who meets the standards for the Certificate of Clinical Competency by the American Speech-Language, and



Hearing Association. Services shall include:

1. Screening to identify individuals who require further evaluation to determine the presence or absence of a communicative disorder.

2. When the speech and language competencies of individuals are evaluated, the pathologist plans, directs and conducts habilitative, rehabilitative, and counseling programs to improve language, voice, cognitive linguistic skills, articulation, fluency, and adjustment to hearing loss, and assesses and provides alternative and augmentative communicative devices.

3. Plans for discharge and provides for the patient's understanding of communication abilities and prognosis.

4. Services are monitored for effectiveness of actions taken to improve communication skills of patients.

(9) The institution shall provide the following services directly or through a contractual arrangement with other providers as needed in accordance with the institution's program narrative:

(a) Social work services shall be provided by an individual with a masters degree in social work from a curriculum accredited by the Council for Social Work Education.

1. The scope of rehabilitation social services shall include the following areas related to work assessment and interventions to facilitate rehabilitation:

a. Assessment of the personal coding history and current psychosocial adaptation to the disability;

b. Assessment of immediate and extended family and other support persons relative to increasing support networks;

c. Assessment of housing, living arrangements, and stability and source of income relative to facilitating discharge plans; and

2. Intervention strategies, aimed at increasing effectiveness of coping, strengthening informal support systems, and facilitating continuity of care, shall include at least the following:

a. Discharge planning activities;

b. Casework with individual patients;

c. Family counseling and therapy;

d. Group work focused on both education and therapy; and

e. Community service linkage/referrals.

3. Social work services monitor the achievement of goals relative to discharge planning activities designed to meet the basic sustenance, shelter, and comfort needs of patients and their families.

(b) Audiology services provided by or under the supervision of a licensed audiologist, and certified by the American Speech-Language, and Hearing Association. When the range, nature, and degree of the patient's auditory and vestibular function using instrumentation such as audiometers, electroacoustic emittance equipment, brain stem evoked response equipment, and electronystagmographic equipment is determined; the professional plan directs and conducts aural habilitation and rehabilitation programs. These shall include:

1. Hearing aid and assistive listening device selection and orientation;

2. Counseling, guidance and auditory training; and

3. Speech reading.

(c) Vocational and vocational rehabilitation

services. These services provide assessment and evaluation of the patient's/client's need for services to enable return to productive activity through the use of testing, counseling, and other service related activities. These identified needs are met either directly or through appropriate referrals. Services shall include:

1. Evaluation and assessment focusing on maximizing the independent productive functioning of the individual, and;

2. Comprehensive services shall include, at a minimum, the following areas:

a. Physical and intellectual capacity evaluation;

b. Interest and attitudes;

c. Emotional and social adjustment;

d. Work skills and capabilities;

e. Vocational potential and objectives; and

f. Job analysis.

3. Appropriate instruments, equipment and methods, under supervision of a qualified therapist shall be used.

4. A written report with interpretation and recommendations shall be prepared and shared with the individual and referral source.

5. Services shall monitor the degree to which appropriate work skills are achieved; the improvement in independent functioning relative to work skill capability; and, the achievement of vocational objectives.

(d) Prosthetic and/or orthotic services.

1. These services shall be provided by authorized specialists who are qualified to manage the orthotic (prosthetic) needs of disabled persons by performing an examination; by participating in the prescribing of needed specialized equipment; by designing and fitting such equipment; and by following up to ensure that the equipment is properly functioning and fitting.

2. Monitoring of prosthetic and/or orthotic services shall include:

a. Documented evidence of communication with the prescribing physician; and

b. Patient satisfaction with the orthosis or prosthesis relative to function and fit of the equipment.

(e) Therapeutic recreation services shall be provided by or under the supervision of a therapeutic recreation specialist employed on a full-time basis, or under the supervision of an occupational therapist. These services may be provided in conjunction with occupational therapy services. Services shall include the following:

1. Assessment of the patient's leisure/social/recreational abilities, deficiencies, interests, barriers, life experiences, needs, and potential;

2. Treatment services designed to improve social, emotional, cognitive and physical functional behaviors as a necessary prerequisite to future leisure/social involvement;

3. Leisure education designed to help the patient acquire knowledge, skills and attitudes needed for independent leisure/social involvement, community adjustment, responsible decision-making, and use of free time; and

4. Monitoring which measures the extent to which goals are achieved relative to the use of leisure time and socialization skills.

(f) Pharmaceutical services. The institution shall have adequate provisions for the handling, storing, recording, and distributing of

pharmaceuticals in accordance with state and federal laws and regulations. An adequate supply and other medicinal agents shall be available at all times to meet the requirements of the institution. They shall be stored in a safe manner and kept properly labeled and accessible. Controlled substances and other dangerous or poisonous drugs shall be handled in a safe manner to protect against their unauthorized use. Controlled substances must be under double lock. There shall be adequate refrigeration for biologicals and drugs which require refrigeration. The existing laws, rules and regulations governing drugs and poisons shall be complied with.

1. An institution which maintains a pharmacy for the compounding and dispensing of drugs shall provide pharmaceutical services under the supervision of a registered pharmacist on a full-time or part-time basis, according to the size and demands of the program.

a. The pharmacist shall be responsible for supervising and coordinating all the activities of the pharmacy department.

b. Additional personnel competent in their respective duties shall be provided in keeping with the size and activity of the department.

2. Facilities not maintaining a pharmacy shall have a drug room utilized only for the storage and distribution of drugs, drug supplies and equipment. Prescription medications shall not be dispensed by a registered pharmacist in this area. The drug room shall be operated under the supervision of a pharmacist employed at least on a consultative basis.

a. The consulting pharmacist shall assist in drawing up correct procedures, rules for the distribution of drugs, and shall visit the institution on a regularly scheduled basis in the course of his duties.

b. The drug room shall be kept locked and the key shall be in the possession of a responsible person on the premises designated by the administrator.

(c) Records shall be kept of all transactions of the pharmacy or drug room and correlated with other institution records where indicated.

3. In accordance with accounting procedures of the institution, the pharmacy shall establish and maintain a system of records and bookkeeping in accordance with policies of the institution for maintaining adequate control over the requisitioning and dispensing of all drugs and drug supplies and charging patients for drugs and pharmaceutical supplies.

4. A record of the stock on hand and of the dispensing of all controlled substances shall be maintained in such a manner that the disposition of any particular item may be readily traced.

5. The medical staff in cooperation with the pharmacist and other disciplines, as necessary, shall develop policies and procedures that govern the safe administration of drugs, including:

a. The administration of medications only upon the order of an individual who has been assigned medical clinical privileges or who is an authorized member of the house medical staff;

b. Review of the physician's, or dentist's when applicable, original order, or a direct copy, by the pharmacist dispensing the drugs;

c. The establishment and enforcement of automatic stop orders;

d. Proper accounting for and disposition of unused medications or special prescriptions

returned to the pharmacy as a result of the patient being discharged, or when such medications/prescriptions do not meet sterile and label requirements;

e. Provision for emergency pharmaceutical services; and

f. Provision for reporting adverse medication reactions to the appropriate committee of the medical staff.

6. Therapeutic ingredients of medications dispensed shall be included in the United States Pharmacopoeia, National Formulary, United States Homeopath-Pharmacopoeia, New Drugs, or Accepted Dental Remedies (except for any drugs unfavorably evaluated therein), or shall be approved for use by the appropriate committee of the medical staff.

a. A pharmacist shall be responsible for determining specifications and choosing acceptable sources for all drugs, with approval of the appropriate committee of the medical staff.

b. There shall be available a formulary or list of drugs accepted for use in the institution which shall be developed and amended at regular intervals by the appropriate committee of the medical staff.

g. Radiology services.

1. The institution shall provide diagnostic radiology services directly or through arrangements with a radiology service which has a current license or registration pursuant to KRS 211.842 to 211.850 and any regulations promulgated thereunder. If the institution provides radiology services directly:

a. The institution shall have a radiologist, on at least a consulting basis to function as medical director of the department and to interpret films that require specialized knowledge for accurate reading.

b. Personnel adequate to supervise and conduct the services shall be provided.

2. There shall be written policies and procedures governing radiologic services and administrative routines that support sound radiologic practices.

a. Signed reports shall be filed in the patient's record and duplicate copies kept in the department.

b. Radiologic services shall be performed only upon written order of a physician or dentist, and the order shall contain a concise statement of the reason for the service/examination.

c. Reports of interpretations shall be written or dictated and signed by the radiologist.

d. The use of all x-ray apparatus shall be limited to certified radiation operators, under the direction of medical staff members as necessary. The same limitation shall apply to personnel applying and removing radium element, its disintegration products, and radioactive isotopes.

3. The radiology department shall be free of hazards for patients and personnel. Proper safety precautions shall be maintained against fire and explosion hazards, electrical hazards and radiation hazards.

(h) Laboratory services. The institution shall provide laboratory services directly or through arrangements with a licensed facility which has the appropriate laboratory facilities, or with an independent laboratory licensed pursuant to KRS 333.030 and any regulations promulgated thereunder.

1. Laboratory facilities and services shall be

available at all times.

a. Adequate provision shall be made to assure the availability of emergency laboratory services twenty-four (24) hours a day, seven (7) days a week, including holidays, either in the institution or through a contractual arrangement as specified in subsection (10) of this section.

b. If services are provided by an outside laboratory, the conditions, procedures, and availability of such services shall be in writing and available in the institution.

2. Dated reports of all laboratory services provided shall be filed with the patient's medical record and duplicate copies kept in the department.

a. When work is performed by an outside laboratory, the original report from this laboratory shall be contained in the patient's medical record.

b. The laboratory report shall have the name of the technologist who performed the test.

c. There shall be a procedure for assuring that all requests for laboratory tests are ordered and signed by a medical staff member.

3. If laboratory services are provided directly, there shall be a basic clinical laboratory which provides services necessary for routine examinations.

a. Equipment necessary to perform the basic tests shall be provided by the facility.

b. All equipment shall be in good working order, routinely checked, and precise in terms of calibration.

c. Provision shall be made to carry out adequate clinical laboratory examinations including chemistry, microbiology, hematology, serology, and clinical microscopy.

d. There shall be a clinical laboratory director and a sufficient number of supervisors, technologists and technicians to perform promptly and proficiently the tests requested of the laboratory. Laboratory services shall be under the direction of a pathologist on a full-time, part-time, or a consultative basis. The laboratory shall not perform procedures and tests which are outside the scope of training of the laboratory personnel.

(i) Dietary services.

1. The institution shall provide dietary services directly or by contract.

2. The dietary service shall be organized, directed and staffed to provide quality food service and optimal nutritional care.

a. The dietary department shall be directed on a full-time basis by an individual who by education or specialized training and experience is knowledgeable in food service management.

b. The dietary service shall have at least one (1) qualified dietitian or nutritionist, either full time, part time, or on a consultative basis, to supervise the nutritional aspects of patient care.

c. Sufficient additional personnel shall be employed to perform assigned duties to meet the dietary needs of all patients.

d. The dietary department shall have available for all dietary personnel current written policies and procedures for food storage, handling, and preparation.

e. An in-service training program, which shall include the proper handling of food, safety and personal grooming, shall be given at least quarterly for new dietary employees.

3. Menus shall be planned, written and rotated to avoid repetition. Nutritional needs shall be

met in accordance with recommended dietary allowances of the Food and Nutrition Board of the National Research Council of the National Academy of Sciences and in accordance with the medical staff member's orders.

4. Meals shall correspond with the posted menu. When changes in menu are necessary, substitutions shall provide equal nutritive value and the changes shall be recorded on the menu. Menus shall be kept on file for thirty (30) days.

5. All diets, regular and therapeutic, shall be prescribed in writing, dated, and signed by the attending medical staff member. Information on the diet order shall be specific and complete and shall include the title of the diet, modifications in specific nutrients stating the amount to be allowed in the diet, and specific problems that may affect diet or eating habits.

6. Food shall be prepared by methods that conserve nutritive value, flavor, and appearance, and shall be served at the proper temperatures and in a form to meet individual needs (e.g., it shall be cut, chopped, or ground to meet individual patient needs).

7. If a patient refuses foods served, nutritious substitutions shall be offered.

8. At least three (3) meals or their equivalent shall be served daily with not more than a fifteen (15) hour span between a substantial evening meal and breakfast unless otherwise directed by the attending medical staff member. Meals shall be served at regular times with between-meal or bedtime snacks of nourishing quality offered.

9. The institution shall comply with all applicable provisions of KRS 219.011 to KRS 219.081 and 902 KAR 45:005 (Kentucky's Food Service Establishment Act and Food Service Code).

(10) When services are provided under contract, the contract shall:

1. Assure that services are provided in accordance with the plan of care approved by the physician responsible for the patient's care (except in the case of an adverse reaction to a specific treatment).

2. Specify the geographical areas in which services are to be furnished;

3. Provide that personnel and services contracted for meet the same requirements as those which would be applicable if the personnel and services were furnished directly;

4. Provide that personnel will participate in conferences required to coordinate the care of an individual patient, as needed;

5. Provide for the preparation of treatment records, with progress notes and observations, and for the prompt incorporation of such into the clinical records of the institution;

6. Specify the period of time the contract is to be in effect and the manner of termination or renewal.

(11) Outpatient services.

(a) An institution which has an organized outpatient department shall have written policies and procedures relating to the staff, functions of service, and outpatient medical records.

(b) The outpatient department shall be organized in sections (clinics), the number of which shall depend on the size and degree of departmentalization of the medical staff, the available facilities, the needs of the patient it serves, and the program narrative.

(c) The outpatient department shall have

appropriate cooperative arrangements and communications with community agencies such as home health agencies, the local health department, social and welfare agencies, and other outpatient departments.

(d) Services offered by the outpatient department shall be under the direction of a physician who is a member of the medical staff.

1. A registered nurse shall be responsible for the nursing services of the department.

2. The number and type of other personnel employed shall be determined by the volume and type of services provided and type of patient served in the outpatient department.

(e) Necessary laboratory and other diagnostic tests shall be available either through the facility or a laboratory in a licensed facility or a laboratory licensed pursuant to KRS 333.030 and any regulations promulgated thereunder.

(f) Case records shall be maintained and, where appropriate, coordinated with other institution case records.

1. The outpatient medical record shall be filed in a location which ensures ready accessibility to the medical staff members, nurses, and other personnel of the outpatient department.

2. Information in the medical record shall be complete and sufficiently detailed relative to the patient's history, physical examination, laboratory and other diagnostic tests, diagnosis, and treatment to facilitate continuity of care.

WILLIAM M. GARDNER, Inspector General

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: May 22, 1987

FILED WITH LRC: June 12, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for July 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 July 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: Delano Miller

(1) Type and number of entities affected: Hospitals and facilities delivering Comprehensive Physical Rehabilitation Services.

(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: No additional requirements.

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Minimal increase.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: KRS requires that minimum standards be established for licensure.

(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. Since different requirements are set forth for freestanding facilities as opposed to hospital units the concept of tiering may apply in this case.

#### FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: These regulations incorporate all the services covered by federal standards, and in some specific cases are less stringent than these standards. This regulation also addresses areas not covered in federal standards.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: This regulation sets guidelines for services a Comprehensive Physical Rehabilitation may deliver through it's program, but are not addressed in federal standards. These guidelines would only apply to these institutions which would choose to deliver these additional services.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: Since some services are not addressed in federal standards, the state has the responsibility to assure quality services through minimum standards.

## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the June 8-9, 1987 Meeting

The June meeting of the Administrative Regulation Review Subcommittee was held on Monday, June 8, 1987 at 2 p.m. and on Tuesday, June 9, 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 May 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:** Tommy Thompson, KY Board of Medical Licensure; Carroll Roberts, KY State Board of Hairdressers; Dave Nicholas, Cherry Calligan, Robert V. Bullock, KY Board of Speech-Language Pathology and Audiology and KY Board of Examiners of Psychology; Martin Glazer, L. Wayne Tune, KY Board of Examiners & Registration of Architects; Alta P. Haunsz, Bill Shouse, KY Board of Nursing; Tom Young, Department of Fish & Wildlife Resources; Michael Bradley, Corrections Cabinet; Sandra G. Pullen, Transportation Cabinet; Gary Bale, Akeel Zaheer, Department of Education; Patrick Watts, Department of Insurance; Carl B. Larsen, KY Harness Racing Commission; Judith G. Walden, Carl VanCleve, Department of Housing, Buildings & Construction; Rose Marie Carr, Rush Dozier, Public Service Commission; Betty Beshoar, Roy Butler, Barbara Coleman, Ed Crews, Danna Droz, Karen C. Doyle, Ked Fitzpatrick, Vic Gausepohl, Anne Hager, N. Clifton Howard, Eugenia Jump, J. Patrick Mathes, James Randall, Hughes Walker, Mark Yancey, Cabinet for Human Resources; Kathy Hall, Knott County Nursing Home; Thomas E. Hummer, Salyersville Health Care Center; Janie Carol Richie, Hazard Nursing Home; C. W. Thompson, KY Farm Bureau Mutual Insurance Co.; Michael A. Valenti, Greenebaum, Doll & McDonald; Chris Bush, Scott Paper Co.; Patricia Bobovnik, Weyerhaeuser Co.; Henry Parcell, Joseph F. Seminara, Geri-Care Products Co.; Katherine C. Byers, David C. Klopp, National Linen Service; Louise Hughes, Dennis Paulik, Ted Smith, Procter & Gamble; Nancy Cox, Marie Cull, Jim Judy, KY Association of Health Care Facilities; Mary Parker, General Dentist.

**LRC Staff:** Susan Wunderlich, Joe Hood, Gregory Karambellas, Donna Valencia, and Carla Arnold.

The Administrative Regulation Review Subcommittee met on June 8 and 9, 1987, and submits the following report:

The Subcommittee attached a statement of objection to and referred the following regulation to the Legislative Research Commission for further consideration:

**General Government Cabinet: Board of Hairdressers and Cosmetologists**

201 KAR 12:030 (License required.) The Subcommittee reconsidered this regulation that was deferred from the May meeting. Agency personnel stated that the regulation would not

be amended to delete the requirement for payment of a license fee by those who rent or sublease space in salons. Reiterating objections made at the last Subcommittee meeting, the Subcommittee approved a motion by Representative Meyer that a statement of objection be attached that this regulation exceeds statutory authority; and, that the Legislative Research Commission be requested to refer this regulation to the Interim Joint Committee on Business Organizations and Professions for legislation.

The Subcommittee determined that the following regulations, as amended, complied with KRS Chapter 13A:

**Tourism Cabinet: Department of Fish and Wildlife Resources: Game**

301 KAR 2:170 (Seasons for deer hunting.) This regulation was amended to include Swan Lake WMA in zones closed to all deer hunting, and to clarify youth gun season dates.

**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.) Representative Meyer stated that the last sentence, which notes agency intent to retain this regulation under HB 310 and uses the phrase "as a courtesy to LRC", is in fact a statutory requirement and should not be included in the regulation. Agency personnel responded that he would not include that statement in future filings. Agency personnel also proposed amendments to meet Subcommittee objections as follows: (1) Amend Section 7 to require that the refund amount of the prorated discount be no less than one dollar. (2) Amend Section 8 to clarify the anti-theft devices that may be provided by insurers.

**Corrections Cabinet: Office of the Secretary** - The subcommittee accepted technical amendments that incorporated material by reference that was referred to in the regulations.

501 KAR 6:020 (Corrections policies and procedures.)

501 KAR 6:060 (Northpoint Training Center.)

501 KAR 6:070 (Kentucky Correctional Institution for Women.)

501 KAR 6:090 (Frankfort Career Development Center.) In response to a question by Chairman O'Brien, agency personnel stated that the references to minors and emancipated minors in 501 KAR 6:110 were deleted since there are no minors at this institution. Agency personnel added that if, under the juvenile code, the institution would accept minors, the necessary changes will be made.

501 KAR 6:110 (Roederer Farm Center.)

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

**General Government Cabinet: Board of Medical Licensure**

201 KAR 9:121 (Certification renewal.)  
Chairman O'Brien asked agency personnel whether the amendment of the regulation to provide for 500 hours duration rather than 5 months duration would greatly expand the time necessary for the field evaluation. Agency personnel explained that the change was made to ensure proper completion of field training and that it should not exceed five months duration.

201 KAR 9:161 (Skills, authorized procedures.)  
**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.)

**Corrections Cabinet: Office of the Secretary**

501 KAR 6:030 (Kentucky State Reformatory.)

501 KAR 6:050 (Luther Luckett Correctional Complex.)

501 KAR 6:120 (Blackburn Corrections Complex.)

501 KAR 6:130 (Western Kentucky Farm Center.)

**Transportation Cabinet: Motor Vehicle Tax**

601 KAR 9:110 (Supplemental highway user's tax; decal.)

601 KAR 9:115 (Heavy vehicle use tax.)

**Traffic**

603 KAR 5:190 (Vehicles prohibited on I-75 and I-71.)

603 KAR 5:200 (Vehicles prohibited on I-471.)

**Education and Humanities Cabinet: Department of Education: Office of Instruction: Teacher Certification**

704 KAR 20:100 (Administrators and supervisors.)

704 KAR 20:125 (Experimental program teachers.)

**Public Protection and Regulation Cabinet: Harness Racing 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 5:260 (Unemployment insurance procedures.)

**Department for Social Insurance: Food Stamp Program**

904 KAR 3:010 (Definitions.)

904 KAR 3:020 (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 (Amounts payable for skilled nursing and intermediate care facility services.) The Subcommittee reconsidered this regulation that was deferred from the May meeting. The agency and industry representatives had not been able to reach an agreement concerning the Medicaid reimbursement for disposable briefs. Industry representatives stated that they felt an unfair competitive advantage was bestowed on the disposable brief industry and that factors favoring the use of reusable briefs were not adequately considered. Agency personnel stated that it would not be possible to defer this regulation until the next meeting. They added that they would consider any suggestions for inclusion in the amendment to be filed in July. Chairman O'Brien stated that the subcommittee could not force an amendment and suggested that the industry representatives may wish to prepare legislation for the next regular session.

The Subcommittee deferred the following regulations at the agencies' request:

**General Government Cabinet: Board of Dentistry**

201 KAR 8:006 (Advertising of dental services.)

201 KAR 8:390 (General anesthesia, deep sedation, and conscious sedation by dentists.)

**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.)

**Cabinet for Human Resources: Department for  
Employment Services: Unemployment Insurance**  
903 KAR 5:250 (Recoupment and recovery.)

The Subcommittee had no objections to  
emergency regulations which had been filed.

The Subcommittee adjourned at 11:30 a.m.  
until June 8, 1987.



## CUMULATIVE SUPPLEMENT

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## LOCATOR INDEX -- EFFECTIVE DATES

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

## VOLUME 13

Regulation	13 Ky.R. Page No.	Effective Date	Regulation	13 Ky.R. Page No.	Effective Date
45 KAR 1:020			306 KAR 1:030		
Amended	2016		Amended	2037	
201 KAR 1:035			306 KAR 1:040		
Amended	2019		Amended	2038	
201 KAR 1:062	2157		405 KAR 16:060		
201 KAR 1:068	2159		Amended	1883 (See "Volume 14")	
201 KAR 8:006	1859		405 KAR 18:060		
201 KAR 8:390	1860		Amended	1887 (See "Volume 14")	
201 KAR 9:121			405 KAR 18:190		
Amended	1866	6-9-87	Amended	1891 (See "Volume 14")	
201 KAR 9:161			500 KAR 4:010	1807	
Amended	1867	6-9-87	500 KAR 4:020	1808	
201 KAR 12:030			500 KAR 4:030	1809	
Amended	1710	6-9-87	500 KAR 4:040	1810	
201 KAR 17:091	1962	6-9-87	500 KAR 4:050	1811	
201 KAR 17:100	1962	6-9-87	500 KAR 4:060	1812	
201 KAR 19:020			500 KAR 4:070	1813	
Amended	1868	6-9-87	500 KAR 4:080	1814	
201 KAR 19:035			501 KAR 6:020		
Amended	1868	6-9-87	Amended	1895	6-9-87
201 KAR 19:095			Amended	2039	
Amended	1872	6-9-87	501 KAR 6:030		
201 KAR 20:370	1963	6-9-87	Amended	1897	6-9-87
201 KAR 22:031			Amended	2041	
Amended	2020		501 KAR 6:040		
201 KAR 22:040			Amended	2045	
Amended	2022		501 KAR 6:050		
201 KAR 22:106			Amended	1899	6-9-87
Amended	2023		501 KAR 6:060		
201 KAR 22:110			Amended	1900	6-9-87
Amended	2024		501 KAR 6:070		
201 KAR 22:135	2161		Amended	1902	6-9-87
201 KAR 23:040			501 KAR 6:090		
Amended	2025		Amended	1904	6-9-87
201 KAR 23:060			501 KAR 6:110		
Amended	2026		Amended	1905	6-9-87
201 KAR 23:070			501 KAR 6:120		
Amended	2027		Amended	1907	6-9-87
201 KAR 26:130	2162		Amended	2046	
201 KAR 26:140	2162		501 KAR 6:130	1964	6-9-87
201 KAR 26:160	1964	6-9-87	601 KAR 9:110		
201 KAR 26:170	2164		Amended	1725	6-9-87
Withdrawn		6-1-87	601 KAR 9:115	1815	6-9-87
201 KAR 26:180	2166		603 KAR 2:015		
201 KAR 26:190	2166		Amended	2047	
201 KAR 26:200	2168		603 KAR 5:096		
201 KAR 27:017	2169		Amended	2050	
301 KAR 1:031			603 KAR 5:190		
Amended	2031		Amended	1908	6-9-87
301 KAR 2:045			603 KAR 5:200		
Amended	1874	6-9-87	Amended	1909	6-9-87
301 KAR 2:047			603 KAR 5:230		
Amended	1875	6-9-87	Amended	2051	
301 KAR 2:111			603 KAR 7:010		
Amended	2031		Amended	2090	
301 KAR 2:170			603 KAR 7:020		
Amended	1879	6-9-87	Amended	2091	
302 KAR 45:010			702 KAR 5:030		
Amended	1713		Amended	2092	
306 KAR 1:010			702 KAR 5:080		
Amended	2035		Amended	2093	
306 KAR 1:020			704 KAR 3:304		
Amended	2036		Amended	2095	

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704 KAR 20:100			812 KAR 1:100		
Amended	1739		Recodified		6-10-87
Amended	2011	6-9-87	812 KAR 1:105		
704 KAR 20:125			Amended	1937	6-9-87
Amended	1740		Recodified		6-10-87
Amended	2012	6-9-87	815 KAR 7:080		
706 KAR 1:020			Amended	2113	
Amended	2096		815 KAR 20:070		
707 KAR 1:051			Amended	1940	6-9-87
Amended	2097		815 KAR 35:015	2174	
806 KAR 5:050	2170		902 KAR 10:120	2177	
806 KAR 9:200	2171		902 KAR 12:080		
806 KAR 9:210	2173		Amended	1942	6-9-87
806 KAR 12:110			Amended	2115	
Amended	2107		902 KAR 13:010		
806 KAR 13:100			Amended	2121	
Amended	1758		902 KAR 13:030		
Amended	2014	6-9-87	Amended	2122	
806 KAR 38:060			902 KAR 13:050		
Amended	2109		Amended	2123	
806 KAR 38:080			902 KAR 13:080		
Amended	2111		Amended	2125	
812 KAR 1:010			902 KAR 13:090		
Amended	1910	6-9-87	Amended	2126	
Recodified		6-10-87	902 KAR 13:110	2193	
812 KAR 1:015			902 KAR 20:006		
Recodified		6-10-87	Amended	2127	
812 KAR 1:020			902 KAR 45:080		
Recodified		6-10-87	Amended	2134	
812 KAR 1:025			902 KAR 45:100		
Recodified		6-10-87	Amended	2139	
812 KAR 1:030			902 KAR 55:015		
Amended	1913	6-9-87	Amended	1944	6-9-87
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812 KAR 1:035			Amended	1945	6-9-87
Amended	1915	6-9-87	902 KAR 55:025		
Recodified		6-10-87	Amended	1946	6-9-87
812 KAR 1:040			902 KAR 55:030		
Amended	1919	6-9-87	Amended	1948	6-9-87
Recodified		6-10-87	903 KAR 5:250		
812 KAR 1:045			Amended	1779	
Recodified		6-10-87	903 KAR 5:260		
812 KAR 1:050			Amended	1949	6-9-87
Recodified		6-10-87	904 KAR 2:006		
812 KAR 1:056			Amended	2145	
Recodified		6-10-87	904 KAR 2:022		
812 KAR 1:060			Amended	2149	
Amended	1922	6-9-87	904 KAR 2:140		
Recodified		6-10-87	Amended	2153	
812 KAR 1:065			904 KAR 2:150		
Amended	1927	6-9-87	Amended	2154	
Recodified		6-10-87	904 KAR 2:170		
812 KAR 1:070			Amended	2155	
Amended	1929	6-9-87	904 KAR 3:010		
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812 KAR 1:085			Amended	1957	6-9-87
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812 KAR 1:090			907 KAR 1:036		
Amended	1935	6-9-87	Amended	1797	6-9-87
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501 KAR 6:020E	10	6-15-87	902 KAR 20:240	105	
501 KAR 6:030E	12	5-19-87	903 KAR 5:270		
501 KAR 6:040E	13	6-15-87	Amended	80	
501 KAR 6:060E	15	6-15-87	907 KAR 1:140		
501 KAR 6:080E	16	6-15-87	Amended	81	
903 KAR 5:270E	17	6-15-87	907 KAR 1:150		
907 KAR 1:140E	17	6-8-87	Amended	83	
907 KAR 1:150E	19	6-8-87	907 KAR 1:250		
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