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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 August 4 and 5, 1987. See tentative agenda on pages 119-120 of this Administrative Register.

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Title		Chapter		Regulation
806	KAR	50	:	155
Cabinet, Department, Board or Agency		Bureau, Division, or Major Function		Specific Regulation

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August 4, 1987
(Rm. 110, Capitol Annex @ 2 p.m.)

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REGULATION REVIEW PROCEDURE

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

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

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

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

Any person interested in attending the scheduled hearing must submit written notification of such to the administrative body at least five (5) days before the scheduled hearing. If no written notice is received at least five (5) days before the hearing, the administrative body may cancel the hearing.

If the hearing is cancelled, the administrative body shall notify the Compiler immediately by telephone of the cancellation with a follow-up letter and the Compiler will place the letter of cancellation in the file of the original administrative regulation. If the hearing is held, the administrative body shall submit within fifteen (15) days following the hearing a statement of consideration summarizing the comments received at the hearing and the administrative body's responses to the comments.

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

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

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

EMERGENCY REGULATIONS NOW IN EFFECT

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

STATEMENT OF EMERGENCY

Consistency and uniformity in operating procedures among all grain warehouses in Kentucky, both those licensed under the United States Warehouse Act and those licensed under KRS 251.430 is needed in order that Kentucky farmers can be protected in the event a grain warehouse goes bankrupt. A new licensing year is quickly approaching within days and an ordinary regulation will not enable warehouses to be properly licensed for the coming year. An emergency therefore exists and an emergency regulation is needed. An ordinary regulation will follow this regulation.

MARTHA LAYNE COLLINS, Governor
DAVID E. BOSWELL, Commissioner

DEPARTMENT OF AGRICULTURE

302 KAR 34:050E. Grain dealer licensing of federal warehouses.

RELATES TO: KRS 251.430, 251.600, 251.630, 251.640, 251.720

PURSUANT TO: KRS 251.700
EFFECTIVE: July 2, 1987
NECESSITY AND FUNCTION: To further clarify requirements relating to grain warehouses operating in Kentucky under the United States Warehouse Act in order to insure consistency in operating procedures.

Section 1. Any and all grain warehouses operating in Kentucky which are licensed under the United States Warehouse Act shall be required to:
(1) Hold a valid license to operate as a grain dealer in Kentucky;
(2) Post a surety bond as required by KRS 251.720(3); and
(3) Collect the one-half (1/2) cent per bushel of grain required by KRS 251.640.

DAVID E. BOSWELL, Commissioner
APPROVED BY AGENCY: June 26, 1987
FILED WITH LRC: July 2, 1987 at 4 p.m.

STATEMENT OF EMERGENCY

The 1986 Kentucky General Assembly enacted KRS 15A.210 which requires the Justice Cabinet to issue administrative regulations governing juvenile detention centers on or before July 1, 1987. A committee composed of representatives from the County Judges Association, Kentucky Youth Advocates, the County Jailer's Association, personnel from various area development districts, the Corrections Cabinet, the Department of Building and Housing, the Jefferson Youth Center, Fayette County Juvenile Center, Floyd County Juvenile Detention Center, the Kenton County Juvenile Detention Center, the Justice Cabinet and others have all worked diligently for the past five (5) months drafting these regulations.
These regulations cover juvenile detention centers which are separate and distinct from county jails. No count is required to have a juvenile detention center, but if they choose to do so, they must follow these regulations. It is the committee's hope that these regulations will serve the dual purpose of protecting Kentucky's detained children while reducing the risk of liability to county government. This emergency regulation shall be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:010E. Definitions.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. Definitions. The following definitions shall apply in this chapter:
(1) "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition are supported by evidence.
(2) "Admission" means the point of entry into a program; during admission processing the juvenile receives an orientation to the goals of the program and program rules and regulations. Assignment to living quarters and to appropriate staff members shall also be completed at this time.
(3) "Agency" means the unit of a governing authority which has direct responsibility for the operation of a juvenile detention center program, including the implementation of policy as set by the governing authority.
(4) "Agency administrator" means the jailer or the administrative officer appointed by the governing authority who is responsible for all operations of the agency and all related programs placed under control of the agency.
(5) "Casework" means the function of the caseworker, social worker, or other professional in providing services to the juvenile.
(6) "Chronic care" means health care provided to patients over a long period of time.
(7) "Co-correctional facility" means an institution designed to house both male and female juveniles.
(8) "Code of ethics" means a set of rules describing acceptable standards of conduct for all employees.
(9) "Community resources" means those social and welfare agencies, service clubs, citizen interest groups, self-help groups, and citizen volunteers who have the potential to assist juveniles.
(10) "Contraband" means any item possessed by juveniles or found within the facility that is illegal by law or that is expressly prohibited by those legally charged with the responsibility for administration and operation of the facility or program.
(11) "Corporal punishment" means any act of inflicting punishment directly on the body, causing pain or injury.
(12) "Detention" means temporary care of child alleged to have committed a public offense who requires secure custody in a physically restricting facility.
(13) "Dispositional hearing" means a hearing held subsequent to the adjudicatory hearing in order to determine what order of disposition should be made concerning any adjudicated child.
(14) "Dormitory" means any room sleeping more than five (5) juveniles.
(15) "Educational program" means a program of formal academic education or a vocational training activity designed to improve the juvenile's employment capability.
(16) "Emergency care" means care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call.
(17) "Environmental health" means all the conditions, circumstances, and surrounding influences that affect the health of persons or groups required to be in the area.
(18) "Facility" means a place, an institution, a building or part thereof, set of buildings, or an area, whether or not enclosing a building or set of buildings, which is used for the lawful custody and treatment of children and may be owned and/or operated by public or private agencies.
(19) "First aid" means care for a condition that requires immediate assistance from a person trained in first aid care and the use of the facility's first aid kits.
(20) "Governing authority" means for public/governmental agencies, the administrative

department or division to which the agency reports; it is the policy-setting body. For private agencies, this may be an administrative headquarters or central unit, or the board of directors or trustees.

(21) "Grievance" means a circumstance or action made by a child which is considered to be unjust and grounds for complaint or resentment.

(22) "Handicapped child" means a person with a mental or physical impediment or disadvantage that restricts that person's ability to utilize programs or services.

(23) "Holidays" means all days legally designated as nonworkdays by statute or by the governing authority.

(24) "Information system" means the collection, organization, and delivery of information for administrative use.

(25) "Independent outside source" means a person qualified by license, education, or experience to examine a condition or service. To be considered independent, the examiner shall not be in the employment of the facility being inspected. An auditor or inspector examining a program or condition within a community center may not be an employee of that center and still be considered independent.

(26) "Juvenile" means a person under the age of eighteen (18) and shall means the same as "child" defined in KRS Chapter 600.

(27) "Juvenile court" means the juvenile session of the district court.

(28) "Life safety code" means a manual published and updated by the National Fire Protection Association specifying minimum standards for fire safety necessary in the public interest including corrections facilities.

(29) "Official personnel file" means a current and accurate record of the employee's job history, including all important information relating to that history.

(30) "Parent" means the biological or adoptive mother or father of a child.

(31) "Person exercising similar custodial control or supervision" means a person who has assumed the role and responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child.

(32) "Physical examination" means a thorough evaluation of a patient's current physical condition and medical histories conducted by, or under the supervision of, a licensed professional.

(33) "Placing authority" means that court or agency with the authority to order a juvenile into a specific placement. This may be the juvenile court, the probation department, or other duly constituted and authorized placement agency.

(34) "Policy" means a definite, stated course or method of action that guides and determines present and future decisions and activities. A policy is a statement of principles that guides the agency in the attainment of objectives. To comply with a standard that requires a policy for a certain area, there shall be not only a written policy, but also evidence that a line of action or principle has been adopted and is being followed by the agency.

(35) "Procedure" means a procedure that provides the detailed and sequential actions that must be executed to ensure that a policy is fully implemented.

(36) "Professional associations" means a collective body of persons engaged in a particular profession or vocation, e.g., the American Correctional Association, the American Medical Association, and the National Association of Clinical Psychologists.

(37) "Program" means the plan or system through which a juvenile detention facility agency works to meet its goals.

(38) "Public offense" means an act if committed by an adult would be a crime.

(39) "Rated capacity" means the actual number of beds available for regular use. This does not include hospital beds, segregation beds, or other spaces used only on a temporary basis.

(40) "Secure institution" means any facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facilities staff, thereby not allowing a juvenile to leave the facility unsupervised or without permission.

(41) "Renovation" means a significant structural or design change in the physical plant of a facility.

(42) "Security devices" means locks, gates, doors, bars, fences, screens, ceiling, floors, walls, and barriers used to confine and control detained persons. Also included are electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain facility security.

(43) "Training" means formal classroom instruction; on-the-job training under the direction of an instructor or co-worker; training meetings, staff meetings or conferences that include a formal agenda and instruction by a teacher, manager, or official; physical training; or other instructional programs that include a trainer/trainee relationship. Training programs include requirements for completion, attendance recording, and a system for recognition of completion.

(44) "Volunteers" means persons who donate their time and effort to enhance the activities of the program. They are selected on the basis of their skills or personal qualities to provide services in recreation, counseling, education, religious activities, etc.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

The 1986 Kentucky General Assembly enacted KRS 15A.210 which requires the Justice Cabinet to issue administrative regulations governing juvenile detention centers on or before July 1, 1987. A committee composed of representatives from the County Judges Association, Kentucky Youth Advocates, the County Jailer's Association, personnel from various area development districts, the Corrections Cabinet, the Department of Building and Housing, the Jefferson Youth Center, Fayette County Juvenile Center, Floyd County Juvenile Detention Center, the Kenton County Juvenile Detention Center, the Justice Cabinet and others have all worked diligently for the past five (5) months drafting these regulations.

These regulations cover juvenile detention centers which are separate and distinct from county jails. No count is required to have a juvenile detention center, but if they choose to

do so, they must follow these regulations. It is the committee's hope that these regulations will serve the dual purpose of protecting Kentucky's detained children while reducing the risk of liability to county government. This emergency regulation shall be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:020E. Administration, organization and management.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The agency operating a detention facility is a legal entity or a part of a legal entity.

(2) The governing authority of the detention facility shall hold meetings at least annually with the facility administrator in order to facilitate communication, establish policy, explore problems, ensure conformity to legal and fiscal requirements, and implement programs.

(3) There shall be a written statement that describes the philosophy, goals or purposes of the facility, which shall be reviewed at least annually and updated if necessary.

(4) If services for adult and juvenile offenders are provided for by the same agency, statements of philosophy, policy, program and procedures shall distinguish between criminal codes and the statutes which establish and give direction to programs for juveniles; there shall be a separate service delivery system for juveniles.

(5) Abused, dependent or neglected children shall not be held in the facility.

(6) Written agency policy shall prohibit the confinement of any offender in the facility unless the facility complies with standards or rules promulgated by the Administrative Office of the Courts or a lawful court order.

(7) Service personnel other than facility staff shall perform work in the facility only under direct and continuous supervision of facility staff in those areas permitting contact with juveniles.

(8) There shall be a written description of the facility that specifies its mission within the context of the system of which it is a part. This description shall be reviewed at least annually and updated if necessary.

(9) The facility shall adopt and enforce written policies and procedures which:

(a) Provide for regular meetings and case conferences between the staff of probation agencies, shelter facilities, the court, the local law enforcement agency and the detention facility staff to develop and maintain sound interagency policies and procedures;

(b) Provide for a communications system within the facility that requires, at a minimum, that the facility administrator meet at least monthly with all department heads and that all department heads meet monthly with their key staff members;

(c) Specify that the facility administrator participates in the formulation of goals for the facility, establishes policies and priorities related to them and translates the goals into measurable objectives for accomplishment by the staff;

(d) Provide that legal assistance shall be available to the facility administrator;

(e) Provide for a daily population report on every juvenile in detention, including the day admitted, accumulated days of stay, and court designated worker who completed the initial intake;

(f) Provide a mechanism for communication with executive, legislative and judicial bodies at all governmental levels;

(g) Provide for participation of employees in the formulation of policies, procedures and programs;

(h) Permits the participation of other community agencies in policy development, coordinated planning and interagency consultation;

(i) Provide for collaboration with colleges and universities where available in programs of mutual concern;

(j) Provide for a public information program that is reviewed at least annually and updated if necessary;

(k) Grant representatives of the media access to the facility, consistent with the preservation of juveniles' privacy and the maintenance of order and security in the facility;

(l) Provide that the facility administrator report at least quarterly to the governing authority major problems and plans for resolving them;

(m) Govern facility compliance with statutes and regulations relating to campaigning, lobbying and political practices; and

(n) Provide that the facility administrator cooperates with the interstate compact administrator in the return of juveniles charged with juvenile offenses to the requesting state, pursuant to the provisions of the interstate compact on juveniles.

(10) The facility administrator or parent agency shall participate in federal, state and regional planning efforts with both juvenile justice and non-juvenile justice agencies.

(11) The facility shall have a policy manual that specifically describes its purpose, program and services offered, which is reviewed at least annually and updated if necessary.

(12) There shall be an operations manual that delineates written policies and procedures for operating and maintaining the facility; the manual shall be explained and made available to all employees at the time of their employment.

(13) There shall be an organizational chart for the facility staff that accurately reflects the structure of authority, responsibility and accountability within the facility.

(14) The facility and its programs shall be managed by a single administrative officer to whom all employees or units of management shall be responsible.

(15) When employees of other public or private agencies provide a service to the facility, written policy and procedure shall be developed and reviewed, at least annually, to describe their roles and functions as they relate to the authority and responsibility of the facility administrator.

(16) The facility administrator shall review space requirements, at least annually, and record requests for corrective action in writing.
(17) The facility administration shall furnish written information to the parent agency at least annually, which is used to report on the system's objectives, availability of services and programs, juvenile population, budget, major developments, problems, plans and such additional information as the parent agency may require.
(18) The facility shall make available to all employees a written code of ethics that prohibits employees from using their official position to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest.
(19) The facility shall meet all applicable licensing requirements of the jurisdiction in which it is located.
(20) There shall exist a community advisory committee, representative of the community, which serves as a link between the program and the community.
(21) All monies collected at the facility shall be secured daily in an officially designated and secure place.
(22) The facility shall have written policy and procedure approved by the governing authority that includes, at a minimum:
(a) Internal controls;
(b) Petty cash procedures;
(c) Bonding for all appropriate staff;
(d) Signature control on checks;
(e) Handling of juvenile funds;
(f) Employee expense reimbursement; and
(g) Issuance or use of vouchers.
(23) If there is a commissary or canteen, strict controls shall be maintained over its operation and regular accounting procedures shall be followed. All profits from the commissary or canteen shall be used for the benefit of the residents.
(24) Juveniles' personal funds held by the facility shall be controlled by accepted accounting procedures.

Section 2. (1) The facility administrator shall have access to and use an organized system of information retrieval and review that is part of an overall research and decision-making capacity.
(2) The facility staff shall establish or participate in the establishment of policies and procedures developed for management information purposes. These policies are reviewed at least annually.
(3) There shall be specific, written definitions of criteria for evaluating overall facility performance.
(4) Facility staff shall maintain a daily report of juvenile population movement.
(5) The administrator shall participate in the review of policies and practices regarding the collection and retention of information pertaining to the juveniles assigned to the facility, at least annually.
(6) The facility or parent agency staff collects and aggregates data relative to its program.
(7) Programs shall be periodically analyzed and evaluated to determine their contribution to the mission of the facility.
(8) The administrator shall review and approve all facility research projects in conformity with parent agency policy before implementation.
(9) Written policy and procedure shall govern voluntary juvenile participation in nonmedical, nonpharmaceutical and noncosmetic research programs.

Section 3. All requirements in this section shall apply only to facilities operated by private corporations or to facilities operated by two (2) or more counties.
(1) The facility administrator shall participate in budget preparation and reviews conducted by the parent agency.
(2) The fiscal system shall account for all income and expenditures on an ongoing basis.
(3) The facility shall adopt written policies and procedures which:
(a) Provide for a financial audit, independent of the facility, which is conducted annually;
(b) Specify that the methods used for collecting, safeguarding and disbursing monies comply with accepted accounting procedures;
(c) Require reports of all monies collected and disbursed to the governing authority and other designated authorities;
(d) Provide for facility insurance coverage that includes at a minimum: worker's compensation, civil liability, liability for official vehicles, and public employee blanket bond;
(e) Govern inventory control of property, stores and other assets;
(f) Govern the requisition and purchase of supplies and equipment;
(g) Require the systematic review of equipment needs and the replacement of equipment if necessary; and
(h) Regulate position control, personnel records and the payroll function.
(4) The facility shall operate under a constitution or articles of incorporation that meets all of the legal requirements of the governmental jurisdiction in which the facility is located.
(5) The facility or its parent agency shall have a local, regional, or state governing authority.
(6) The facility or its parent agency shall have identified, documented and publicized its tax status with the Internal Revenue Service and the Kentucky Revenue Cabinet.
(7) The facility shall have bylaws, approved by the governing authority, which are filed with the appropriate local, state and/or federal body.
(8) At a minimum, the facility bylaws include for the governing authority:
(a) Membership (types, qualifications, community representation, rights, duties);
(b) Size of the governing body;
(c) Method of selection;
(d) Terms of office;
(e) Duties and responsibilities of officers;
(f) Times authority will meet;
(g) Committees;
(h) Quorums;
(i) Parliamentary procedures;
(j) Recording of minutes;
(k) Method of amending the bylaws;
(l) Conflict of interest provisions; and
(m) Specification of the relationship of the chief executive to the governing body.
(9) When the facility administration is the governing authority, meetings shall be held as prescribed in the bylaws, a permanent record is kept of all such meetings.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

The 1986 Kentucky General Assembly enacted KRS 15A.210 which requires the Justice Cabinet to issue administrative regulations governing juvenile detention centers on or before July 1, 1987. A committee composed of representatives from the County Judges Association, Kentucky Youth Advocates, the County Jailer's Association, personnel from various area development districts, the Corrections Cabinet, the Department of Building and Housing, the Jefferson Youth Center, Fayette County Juvenile Center, Floyd County Juvenile Detention Center, the Kenton County Juvenile Detention Center, the Justice Cabinet and others have all worked diligently for the past five (5) months drafting these regulations.

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MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:030E. Personnel.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall adopt and enforce written policies and procedures which:
(a) Provide for lateral entry as well as promotion from within the organization;
(b) Require that a criminal record check be conducted on new employees;
(c) Require that a copy of all personnel policies and regulations is made available to all employees. Each employee shall sign a statement acknowledging receipt of the personnel policies and regulations and his or her responsibility for being aware of their contents;
(d) Require a current, accurate and confidential personnel record inclusive of health record for each employee; confidentiality shall be ensured by restricting its availability to only the employee who is the subject of the record and to other agency employees who have a need for the record in the performance of their duties;
(e) Provide for provisional appointments to ensure the availability of personnel for short-term, full-time or part-time work in emergency situations;
(f) Provide for a written annual performance evaluation of all employees, which is based on defined criteria and is reviewed and discussed with the employee;
(g) Provide that employees are reimbursed for all approved expenses incurred in the performance of their duties; and
(h) Ensure that consultants, contract personnel and volunteers who work with juveniles comply with the facility's policies on confidentiality of information.
(2) If a county is operating the facility, the personnel policies shall be consistent with the county policies; otherwise, there shall be a personnel policy manual, which covers, at a minimum:
(a) Organization;
(b) Recruitment policies and procedures;
(c) Employment practices and procedures;
(d) In-service training;
(e) Promotion;
(f) Job qualifications, descriptions and responsibilities;
(g) Grievance procedures;
(h) Employee evaluation;
(i) Physical fitness policy;
(j) Personnel records;
(k) Benefits, holidays, leave and work hours;
(l) Basis for determining salaries;
(m) Disciplinary procedures;
(n) Retirement;
(o) Resignation and termination;
(p) Staff-juvenile relationships; and
(q) Equal employment opportunity provisions.
(3) The administrator shall review the facility's personnel policy annually and submit recommended changes to the parent agency or governing board.
(4) Written policy shall specify that equal employment opportunities exist for all positions. When deficiencies exist in regard to the utilization of minority groups and women, the facility can document the implementation of an affirmative action program approved by the appropriate government agency, showing annual reviews and necessary changes required to keep it current.
(5) The facility administration shall have a written policy and procedure that does not categorically exclude employment of ex-offenders.
(6) A written procedure shall exist whereby the employee can challenge information in his or her personnel file and have it corrected or removed if it proves to be inaccurate.
(7) The facility administrator shall be appointed by the chief executive officer with approval of the governing body.
(8) If the facility is operated by a county, the education and experience of the administrator shall be determined by statute governing county employment. Otherwise, the education and experience qualifications of the facility administrator are specified in writing by the appointing authority and include, at a minimum, a bachelor's degree in an appropriate discipline, two (2) years of experience working with juveniles, and three (3) years in staff supervision and administration; and/or, the completion of a career development program which includes work-related experience, training, or college credits providing a level of achievement equivalent to the bachelor's degree.
(9) If the facility is operated by a county, the term of the facility administrator shall be determined by statutes governing county employment. Otherwise, the term of the facility administrator is continuous and may be

terminated only by the appointing authority for good cause and subsequent to a formal hearing on specific charges, if requested.

(10) The facility and/or parent agency administration shall systematically determine personnel requirements in all categories of employees working directly with juveniles in order to ensure access to staff and availability of services; personnel requirements are reviewed at least annually.

(11) There shall be a written grievance procedure for employees, which is available to them and which has been approved by the parent agency.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

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MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:040E. Juvenile records.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) Written policy and procedure shall govern record management and include but are not limited to the establishment, utilization, content, privacy, security and preservation of records, and a schedule for the retirement or destruction of inactive case records. These policies and procedures shall be reviewed annually.

(2) An admittance form shall be completed for every juvenile admitted to the facility and contain at least the following information:

(a) Court case number, if any, and detention facility admission number;
(b) Date and time of admission and release;
(c) Name and nicknames;
(d) Last known address;
(e) Legal status (authority for detention);
(f) Name of attorney, if any;
(g) Name, title and signature of delivering officer;
(h) Specific charges;
(i) Sex;
(j) Date of birth;
(k) Place of birth;
(l) Race or nationality;
(m) Education and school attended;
(n) Employment, if any;
(o) Religion;
(p) Health status;
(q) Medical consent forms;
(r) Name, relationship, address and phone number of the parent, guardian, or person juvenile resides with at time of admission;
(s) Driver's license number, social security number and Medicaid number, if applicable;
(t) Date of petition;
(u) Court and disposition, if any;
(v) Space for remarks (to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermine, or tattoos);
(w) Person recording data;
(x) Inventory of property; and
(y) Emergency contact.

(3) Written policy and procedure shall provide for guidelines for the collection and retention of information pertaining to the detained juveniles.

(4) A record shall be maintained on each juvenile and includes, at a minimum, the following information:
(a) Initial intake information form;
(b) Documented legal authority to accept juvenile;
(c) Information on referral source;
(d) Record of court appearances;
(e) Signed release of information forms;
(f) A record of cash and valuables held;
(g) Notations of temporary absences from the facility, if any;
(h) Visitors' names and dates of visits, if any;
(i) A record of telephone calls, if any;
(j) Probation officer of caseworker assigned;
(k) Progress reports on program involvement;
(l) Program rules and disciplinary policy signed by juvenile;
(m) Grievance and disciplinary record, if any;
(n) Referrals to other agencies, if any; and
(o) Final discharge or transfer report.

(5) Written policy and procedure shall require the responsible staff members to make all entries into the records assigned to them, and date and sign each entry.

(6) The facility shall maintain a single master file identifying all juveniles detained in the facility.

(7) The contents of records shall be identified and separated according to an established format.

(8) The facility shall maintain a system that identifies all juveniles in custody and their actual physical locations.

(9) Written policy and procedure shall provide that records are safeguarded from unauthorized and improper disclosure. Manual records shall be marked confidential and kept in locked files

that shall be also marked confidential. Written policy and procedure shall provide that when any part of the information system is computerized, security ensures confidentiality.

(10) The administration shall use a consent form that complies with applicable federal and state regulations. The juvenile signs a "release of information consent form" before the release of information as required by regulation and a copy of the form is maintained in the juvenile's record.

(11) Consistent with open record statutes, written policy and procedure provide that individuals and agencies may have access to records for the purposes of research, evaluation and statistical analysis in accordance with a formal written agreement that authorizes access, specifies uses of data, and ensures confidentiality and security.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

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MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:050E. Safety and emergency procedures.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall file documentation with the Justive Cabinet that the facility complies with the applicable fire safety codes. A fire alarm and automatic detection system shall be required as approved by the Justice Cabinet, or there shall be a plan for addressing these or other deficiencies within a reasonable time period. The Justice Cabinet may approve any variances, exceptions, or equivalencies that do not constitute a serious life safety threat to the occupants of the facility.

(2) The facility shall comply with applicable federal, state and local sanitation, safety and health codes.

(3) Written policy and procedure shall provide for a local fire and safety officer to perform a comprehensive and thorough monthly inspection of the facility for compliance with safety and fire prevention standards and for an annual review of this policy and procedure. There shall be a weekly fire and safety inspection of the facility by a qualified departmental staff member.

(5) Written policy and procedure shall specify the facility's fire prevention regulations and practices to ensure the safety of staff, juveniles, and visitors. These include, but are not limited to:

(a) Provision for an adequate fire protection service;

(b) A system of fire inspection and testing of equipment at least quarterly;

(c) An annual inspection by the Justice Cabinet or its designee; and

(d) Availability of fire hoses or extinguishers at appropriate locations throughout the facility.

(6) Specification for the selection and approval of facility furnishings shall indicate the fire safety performance requirements of the materials selected. Such materials shall be subjected to careful fire safety evaluation before purchase or use. Neoprene or cotton mattresses treated with boric acid are recommended. Polyurethane shall not be used in any living area.

(7) The facility shall be equipped with noncombustible receptacles for smoking materials and separate containers for other combustible refuse at readily accessible locations in the living quarters and other locations throughout the facility. Special containers shall be provided for flammable liquids and for rags used with flammable liquids.

(8)(a) All new and renovated facilities opened after July 1, 1987 shall have an alternate power source to maintain essential services for the entire facility.

(b) All existing facilities shall provide a sufficient alternate power source to operate emergency lighting, smoke detectors and alarms. All existing facilities shall have an alternate power source to maintain essential services for the entire facility on or before July 1, 1990.

(9) The facility shall have a written plan for evacuation in the event of fire or major emergency. This plan shall be approved by the Justice Cabinet. The plan shall be reviewed annually, updated if necessary, and reissued to the local fire jurisdiction. The plan includes the following:

(a) Location of building/floor plans;

(b) Use of exit signs and directional arrows for traffic flow;

(c) Location of publicly posted plans;

(d) At least quarterly drills on all shifts in all institution locations; and

(e) Staff drills when it is impossible to evacuate extremely dangerous juveniles.

(10) Written policy and procedure shall specify the means for the prompt release of juveniles from locked areas in case of emergency, and provide for a secondary release system.

(11) All facility personnel shall be trained in the implementation of written emergency plans.

(12) Written policy and procedure shall govern the control and use of all flammable, toxic and caustic materials.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

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MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:060E. Security and control.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) There shall be a manual containing the facility's policies and procedures for security and control, which shall include detailed instructions for implementing these procedures; the manual shall be made available to all personnel and shall be reviewed annually and updated as necessary.

(2) The facility shall maintain a control center.

(3) There shall be a minimum of two (2) youth care workers on duty at all times in the facility, one of whom is female when females are housed in the facility and one of whom is male when males are housed in the facility.

(4) The facility shall adopt written policy and procedure which governs the availability, control and use of chemical agents and related security devices. Chemical agents and related security devices shall be used only at the direction of the facility administrator or designee. A written report shall be prepared following all use of force and shall be submitted to the facility administrator.

(5) Written policy and procedure shall require that all security perimeter entrances, exterior doors and all doors the facility administrator determines should be locked are kept locked except when used for admission or exit of employees, detained juveniles or visitors, and in emergencies.

(6) The facility shall have a system to physically count juveniles that includes strict accountability for juveniles assigned to work and educational release, furloughs and other approved, temporary absences.

(7) The facility shall adopt and enforce written policies and procedures which:

(a) Require that supervisory staff maintain a permanent log and prepare shift reports that record routine and emergency situations;

(b) Provide for notifying appropriate staff of increases and decreases in the population, on a shift-by-shift basis;

(c) Provide for weekly inspection and maintenance of security devices; corrective action is initiated when necessary;

(d) Require that line supervisory staff inspect every area of the facility daily and submit a written report to an administrative official for review whenever deficiencies are noted;

(e) Require that the facility administrator or designee and other department heads inspect the facility's living and activity areas at least weekly;

(f) Provide that staff regulate juvenile movement;

(g) Govern the control and use of keys;

(h) Govern the control and use of tools, medical and culinary equipment;

(i) Provide that all persons injured in an incident, as defined in subsection (10) of this section, receive an immediate medical examination and treatment;

(j) Provide for a communications system within the facility, and between the facility and the community, in the event of an emergency;

(k) Provide that the facility maintains a written record of routine and emergency distribution and use of restraint equipment;

(l) Provide that instruments of restraint are never applied as punishment and are applied only with the approval of the facility administrator or designee;

(m) Govern safety and security precautions pertaining to facility and staff vehicles;

(n) Govern the transportation of juveniles outside the facility and from one jurisdiction to another; and

(o) Limit the use of physical force to instances of self-protection, protection of the juveniles or others, prevention of property damage, prevention of escapes and in accordance with appropriate statutory authority. In no event shall physical force be justifiable as punishment. A written report shall be prepared following all uses of force and shall be submitted to the facility administrator.

(8) The written plan for searches of the facility and juveniles to control contraband

shall be reviewed by legal counsel to ascertain the legality of the plan.

(9) The policy regarding searches for the control of contraband shall be published, made available to staff and juveniles, reviewed at least annually and updated if necessary.

(10) All special incidents, including, but not limited to, the taking of hostages, use of restraint equipment or the use of physical force shall be reported in writing, dated and signed by the staff person reporting the incident; the report shall be placed in the juvenile's case record and reviewed by the facility administrator and/or the parent agency.

(11) Except in emergency situations, as determined by the facility administrator, firearms shall not be permitted in the facility.

(12) There shall be written operational shift assignments or post orders that state the duties and responsibilities for each assigned position in the facility; these shift assignments shall be reviewed at least annually and updated if necessary.

(13) There shall be written procedures for handling escapes, runaways and unauthorized absences; these shall be reviewed at least annually and updated as necessary.

(14) The facility shall adopt written plans that: specify procedures to be followed in emergency situations, e.g., fire, disturbance, taking of hostages. These plans shall be made available to all applicable personnel and they shall be reviewed and updated at least annually.

(15) The facility shall adopt written plans which govern space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the juvenile detention facility; these plans shall be reviewed annually and updated if necessary.

(16) The facility shall adopt a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to supervisory personnel, who are required to familiarize themselves with it.

(17) Power generators, where present, shall be tested at least every two (2) weeks and other emergency equipment and systems shall be tested a least monthly for effectiveness and repaired or replaced as necessary.

(18) Written policy and procedure shall provde for the following:

(a) Manual or instrument inspection of juvenile body cavities shall be conducted only when there is reason to do so and when authorized by the facility administrator or designee. All such inspections shall be conducted in privacy. Manual or instrument inspection of body cavities shall be done by a licensed physician or registered nurse;

(b) Visual inspections shall be conducted only when there is a reasonable belief that the juvenile is carrying contraband or other prohibited material; and

(c) Strip searches may be done without specific authorization only upon entry to the facility and at all other times based on articulable suspicion.

(19) Transportation, other than facility provided, shall be available for use in emergencies.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

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MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:070E. Food service.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) There shall be documentation that the facility's system of dietary allowance is reviewed at least annually by a dietician or physician to ensure compliance with nationally recommended food allowances.

(2) Menu evaluations shall be conducted at least quarterly by facility food service supervisory staff to verify adherence to the nationally recommended basic daily servings.

(3) The facility shall adopt and enforce written policies and procedures which:

(a) Require that food service staff develop advanced, planned menus and substantially follow the schedule; and that in the planning and preparation of all meals, food flavor, texture, temperature, appearance and palatability are taken into consideration;

(b) Provide for special diets as prescribed by appropriate medical or dental personnel;

(c) Provide for special diets for juveniles whose religious beliefs require the adherence to religious dietary laws;

(d) Preclude the use of food as a disciplinary measure;

(e) Require that at least three (3) meals, of which two (2) are hot meals, are provided at regular meal times during each twenty-four (24) hour period, with no more than fourteen (14) hours between the evening meal and breakfast. Provided basic nutritional goals are met, variations may be allowed based on weekend and

holiday food service demands;
(f) Require that accurate records are maintained of all meals served;
(g) Specify that the food services comply with the applicable sanitation and health codes as promulgated by federal, state and local authorities;
(h) Provide for:
1. Weekly inspection of all food service areas, including dining and food preparation areas and equipment;
2. Sanitary, temperature-controlled storage facilities for all foods; and
3. Daily checks of refrigerator and water temperatures by administrative, medical or dietary personnel.
(i) Ensure that the special food needs of juveniles shall be accounted for in the overall program of the facility; and
(j) Provide that staff members provide supervision of juveniles during meals.
(4) A staff member, experienced in food service management, shall supervise food service operations.
(5) The designated food service supervisor shall receive training in food service operations before assuming this responsibility.
(6) The food service plan shall provide for a single menu for staff and juveniles.
(7) There shall be provisions for adequate storage and loading areas and garbage disposal facilities.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

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MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:080E. Sanitation and hygiene.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue adminstrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall comply with applicable federal, state and local sanitation and health codes.
(2) The facility shall adopt and enforce written policies and procedures which:
(a) Require weekly sanitation inspections of all facility areas;
(b) Provide for the control of vermin and pests;
(c) Provide for waste disposal;
(d) Require that articles necessary for maintaining proper personal hygiene shall be provided to all juveniles;
(e) Provide for the issue of special and, when appropriate, protective clothing and equipment to juveniles assigned to food service, hospital, farm, garage, physical plant maintenance shops, and other special work;
(f) Provide for the issue of suitable clean bedding and linens, to include two (2) sheets, pillow and pillowcase, one (1) mattress and sufficient blankets to provide comfort under existing temperature controls. There is provision for linen exchange at least weekly or more often when health reasons dictate;
(g) Specify accountability for clothing and bedding issued to juveniles; and
(h) Provide an approved shower schedule that allows daily showers and showers after strenuous exercise.
(3) There shall be a written housekeeping plan for the facility's physical plant.
(4) The institution's potable water source and supply, whether owned and operated by the public water department or the institution, shall be approved by an independent, outside source to be in compliance with jurisdictional laws and regulations;
(5) Hair care services may be made available to juveniles.
(6) Clean clothing shall be provided for juveniles - clean socks, underwear and towels on a daily basis, and other clothing at least twice a week.
(7) The stored supply of clothing, linens and bedding shall exceed that required for the facility's maximum juvenile population.
(8) The institution shall provide for the thorough cleaning and, when necessary, disinfecting of juveniles' personal clothing before storage or before allowing the juvenile to keep and wear personal clothing.

NORMA C. MILLER, Secretary
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MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:090E. Juvenile rights.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall adopt and enforce written policies and procedures which:

(a) Provide that juveniles shall not be subject to discrimation based on race, national origin, color, creed, sex, or physical handicap;

(b) Provide each juvenile freedom from discrimination based on race, religion, national origin, sex, handicap or political beliefs; and equal access to various programs and work assignments;

(c) Provide that supervision and control of juveniles shall be exercised by staff and/or trained volunteers;

(d) Provide that juveniles can participate in religious services and religious conseling on a voluntary basis, subject only to the limitations necessary to maintain order and security;

(e) Grant juveniles access to recreational opportunities and equipment, including, when the climate permits, outdoor exercise in facilities listed in the Physical Plant Regulations in this chapter;

(f) Ensure the right of juveniles to have access to the courts;

(g) Exist to assist juveniles in making confidential contact with attorneys and their authorized representatives; such contact includes, but is not limited to, telephone communications, uncensored correspondence and visits;

(h) Provide that juveniles are not subjected to corporal or unusual punishment, humiliation, mental abuse or punitive interference with the daily functions of living, such as eating or sleeping;

(i) Grant juveniles the right to receive visits, subject only to the limitations necessary to maintain order and security;

(j) Grant juveniles the right to communicate or correspond with persons or organizations, subject only to the limitations necessary to maintain facility order and security;

(k) Provide juveniles reasonable access to the general public through the communications media, subject only to the limitations necessary to maintain order and security and protect the juveniles' rights. Media requests for interviews and any juvenile consent shall be in writing;

(l) Authorize juveniles to keep facial hair, if desired, except in individual cases where such restrictions are necessary for reasons of health and safety; and

(m) Govern the possession of items of jewelry that could be used to inflict bodily harm.

(2) There shall be equal access to programs and services for male and female juveniles in co-correctional facilities.

(3) There shall be a written grievance procedure, which shall be explained and made available to juveniles, and allows for at least one (1) level of appeal.

(4) Juveniles shall not be required to participate in uncompensated work assignments unless the work is related to housekeeping, maintenance of the facility or grounds, or personal hygienic needs, or the work is part of an approved vocational or training program.

(5) There shall be no restrictions on the right of juveniles to determine the length and style of their hair, except in individual cases where such restrictions are necessary for reasons of health and safety.

(6) Juveniles may wear personal clothing consistent with facility guidelines or wear combinations of their own and facility clothing.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

The 1986 Kentucky General Assembly enacted KRS 15A.210 which requires the Justice Cabinet to issue administrative regulations governing juvenile detention centers on or before July 1, 1987. A committee composed of representatives from the County Judges Association, Kentucky Youth Advocates, the County Jailer's Association, personnel from various area development districts, the Corrections Cabinet, the Department of Building and Housing, the Jefferson Youth Center, Fayette County Juvenile Center, Floyd County Juvenile Detention Center, the Kenton County Juvenile Detention Center, the Justice Cabinet and others have all worked diligently for the past five (5) months drafting these regulations.

These regulations cover juvenile detention centers which are separate and distinct from county jails. No count is required to have a juvenile detention center, but if they choose to do so, they must follow these regulations. It is the committee's hope that these regulations will serve the dual purpose of protecting Kentucky's detained children while reducing the risk of liability to county government. This emergency regulation shall be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:100E. Training and staff development

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. For the purposes of this regulation:
(1) "Training" is defined as an organized, planned and evaluated activity designed to achieve specific learning objectives;
(2) "Clerical/support employee" is defined as an employee who has minimum contact with juveniles, including, but not limited to secretaries, clerks, typists, computer and warehouse personnel, accountants and personnel staff;
(3) "Support employee" is defined as an employee who has regular or daily contact with juveniles including, but not limited to food service, industry work supervisors, farm work supervisors, maintenance work supervisors;
(4) "Professional specialist" includes but is not limited to case managers, counselors, social workers, psychologists, teachers, librarians, medical personnel, chaplains, and recreation specialists;
(5) "Child care/supervision staff" is defined as all staff assigned to full-time child care and/or supervision duties; and
(6) "Administrative/management personnel" includes superintendents, deputy or assistant superintendants, business managers, personnel directors, child care supervisors and shift supervisors.

Section 2. (1) The facility shall adopt and enforce written policies and procedures which:
(a) Provide that the facility's training program for all employees is planned, coordinated and implemented by a qualified employee at the supervisory level who has completed forty (40) hours of training as a trainer; the program is reviewed annually;
(b) Provide that all training programs are presented by persons who are qualified in the areas in which they are conducting training;
(c) Provide that all new full-time employees, who have child care responsibilities, shall receive forty (40) hours of orientation/training before being independently assigned to a particular job. This orientation/training is to include, at a minimum, orientation to the purpose, goals, policies and procedures of the institution and parent agency; working conditions and regulations; responsiblities and rights of employees; and an overview of the juvenile justice and correctional field. Depending upon the employee and the requirements of the particular job, the orientation/training may include some preparatory instruction related to the particular job. There shall be provisions for acknowledging and giving credit for prior training received;
(d) Provide that all clerical/support employees who have minimal contact with juveniles receive an additional sixteen (16) hours of training during the first year of employment and sixteen (16) hours of training each year threafter;
(e) Provide that all support employees who have regular or daily juvenile contact receive an additional forty (40) hours of training during their first year of employment and forty (40) hours of training each subsequent year of employement;
(f) Provide that all professional specialist employees who have juvenile contact receive an additional forty (40) hours of training during their first year of employment, and forty (40) hours of training each subsequent year of employment;
(g) Provide that all new child care/supervision staff receive an additional forty (40) hours of training during their first year of employment and forty (40) hours of training each subsequent year of employment. At a minimum, this training covers the following areas:
1. Security procedures;
2. Supervision of juveniles;
3. Use of force regulations;
4. Report writing;
5. Juvenile rules and regulations;
6. Rights and responsibilities of juveniles;
7. Fire and emergency procedures;
8. Key control;
9. Interpersonal relations;
10. Social/cultural lifestyles of the juvenile population;
11. Child growth and development;
12. Communication skills;
13. First aid; and
14. Cardiopulmonary recusitation.
(h) Provide that all administrative and managerial staff, except elected jailers, receive forty (40) hours of training during their first year of employment, and forty (40) hours of training each subsequent year of employment. This training covers the following areas, at a minimum:
1. General management and related subjects;
2. Labor law;
3. Employee-management relations;
4. The interaction of elements of the criminal and juvenile justice systems; and
5. Relationships with other service agencies.
(2) Where there is a full-time training director, there shall be an advisory training committee composed of the training director and a representative of each department.
(3) All part-time staff and volunteers working less than forty (40) hours per week shall receive training appropriate to their assignments, volunteers working the same schedule as full-time, paid staff receive the same training as full-time staff.
(4) Personnel who work with juveniles confined separately from the total population shall receive specialized training.
(5) Training may occur on-site, at an academy or training center, at an institution of higher learning, through contract service, at professional meetings, or through closely supervised on-the-job training which includes staff meetings at the facility.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

The 1986 Kentucky General Assembly enacted KRS 15A.210 which requires the Justice Cabinet to issue administrative regulations governing juvenile detention centers on or before July 1, 1987. A committee composed of representatives from the County Judges Association, Kentucky Youth Advocates, the County Jailer's Association, personnel from various area development districts, the Corrections Cabinet, the Department of Building and Housing, the Jefferson Youth Center, Fayette County Juvenile Center, Floyd County Juvenile Detention Center, the Kenton County Juvenile Detention Center, the Justice Cabinet and others have all worked diligently for the past five (5) months drafting these regulations.

These regulations cover juvenile detention centers which are separate and distinct from county jails. No count is required to have a juvenile detention center, but if they choose to do so, they must follow these regulations. It is the committee's hope that these regulations will serve the dual purpose of protecting Kentucky's detained children while reducing the risk of liability to county government. This emergency regulation shall be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:110E. Medical and health care services.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) Medical, including but not limited to, emergency psychiatric, and dental matters involving medical judgment shall be the sole province of the responsible physician and dentist, respectively. Security regulations that are applicable to the facility personnel shall also apply to health personnel.

(2) The facility shall adopt and enforce written policies and procedures which:

(a) Require a quarterly report on the health delivery system and health environment and an annual statistical summary;

(b) Specify the provision of emergency mental health services for juveniles in need of such services, including, but not limited to, services provided by qualified mental health professionals who meet educational and/or licensure/certification criteria specified by their respective professional disciplines, i.e., psychiatry, psychology, psychiatric nursing and social work;

(c) Govern the relationship between the responsible physician and physicians in private practice working in the facility;

(d) Require that first aid kits shall be available. The responsible physician shall approve the contents, number, location and procedure for periodic inspection of the kits;

(e) Provide for medical examination of any employee or juvenile suspected of a communicable disease;

(f) Require medical screening to be performed by health-trained staff or qualified health care personnel on all juveniles, including intra-system transfers, upon arrival at the facility; all findings shall be recorded on a printed screening form approved by the Justice Cabinet;

(g) Require that a health appraisal for each juvenile, excluding intra-system transfers, is completed within seven (7) days after arrival at the facility. In the case of a juvenile who has documented evidence a health appraisal is not required except as determined by the designated health authority;

(h) Ensure that juveniles shall be informed orally and in writing of the procedures required for gaining access to medical services;

(i) Provide for the prompt notification of juveniles' parents/guardians and the responsible agency in case of serious illness, surgery, injury or death;

(j) Provide that child care staff and other personnel are trained to respond to health-related situations within a four (4) minute response time. A training program shall be established by the responsible health authority in cooperation with the facility administrator, which includes the following:

1. Recognition of signs and symptoms, and knowledge of action required in potential emergency situations;
2. Administration of first aid and cardiopulmonary resuscitation (CPR);
3. Methods of obtaining assistance;
4. Signs and symptoms of mental illness, retardation and chemical dependency; and
5. Procedures for patient transfers to appropriate medical facilities or health care providers;

(k) Provide that emergency dental care is made available to each juvenile under the direction and supervision of a dentist licensed in the state;

(l) Provide for screening, and/or referral for care for mentally ill or retarded juveniles. The responsible physician shall have designated, in advance, specific referral sources;

(m) Ensure a special program for juveniles requiring close medical supervision. A physician shall develop a written medical treatment plan for each of these patients that includes directions to medical and nonmedical personnel regarding their roles in the care and supervision of these patients;

(n) Provide that juveniles in need of detoxification for chemical impairment shall not be admitted to the facility, but shall be referred for appropriate medical care;

(o) Provide for the proper management of pharmaceuticals and address the following subjects:

1. A formulary specifically developed for the facility;
2. Prescription practices that require that:
   a. Psychotropic medications are prescribed only when clinically indicated as one (1) facet of a program of therapy;
   b. "Stop order" time periods are required for all medications; and
   c. The prescribing provider re-evaluates a prescription before its renewal;
3. Dispensing of medicine in conformance with appropriate state and federal law;
4. Administration of medication, which is

carried out by persons properly trained and under the supervision of the health authority and facility administrator or designee;

5. Accountability for administering or distributing medications in a timely manner, according to physician orders;

6. Procedures for medication receipt, storage, dispensing and administration or distribution;

7. Maximum security storage and periodic inventory of all controlled substances, syringes and needles;

(p) Uphold the principle of confidentiality of the health record and support these requirements:

1. The active health record is maintained separately from the confinement record;

2. Access to the health record is controlled by the health authority; and

3. The health authority shares with the facility administrator information regarding a juvenile's medical management, security and ability to participate in programs;

(q) Provide that when a juvenile is in need of hospitalization, a staff member or a designee approved by the court accompanies him or her and stays with the juvenile at least during admission;

(r) Provide that all informed consent standards in the jurisdiction shall be observed and documented for medical care. The informed consent of parent, guardian or legal custodian applies when required by law. When health care is rendered against the patient's will, it shall be in accord with state and federal laws and regulations.

(3) Written health care policy and procedures shall be approved by the responsible physician and/or medical administrator.

(4) The specific duties of qualified medical personnel shall be governed by written job descriptions approved by the responsible physician and the facility administrator.

(5) Treatment by health care personnel other than a physician, dentist, psychologist, optometrist, podiatrist or other independent providers shall be performed pursuant to written standing or direct orders given by personnel who are authorized by law to give such orders. Nurse practitioners and physician's assistants may practice within the limits of applicable laws and regulations.

(6) Arrangements shall be made with health care specialists in advance of need.

(7) A written agreement shall exist between the facility administration and a nearby hospital for all medical services which cannot be provided within the facility.

(8) Appropriate state and federal licensure, certification or registration requirements and restrictions apply to personnel who provide health care services to juveniles. Verification of current credentials and job descriptions are on file in the facility.

(9) If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

(10) Program staff shall be informed of juveniles' special medical problems. At the time of admission, staff shall be informed of any physical problems that might require medical attention.

(11) The facility shall adopt and enforce written policy and procedure for the collection and recording of health appraisal data which requires that:

(a) The process is completed in a uniform manner as determined by the health authority;

(b) Health history and vital signs are collected by health-trained or qualified health personnel; and

(c) Collection of all other health appraisal data is performed only by qualified health personnel.

(12) Juveniles' medical complaints shall be monitored and responded to by medically trained personnel.

(13) Sick call for non-emergency medical service, conducted by a physician and/or other qualified medical personnel, is available to each juvenile at least once per week.

(14) When sick call is not conducted by a physician, a physician shall be available once each week to respond to juvenile complaints regarding service they did or did not receive from other health personnel.

(15) The facility administration shall provide access to twenty-four (24) hour emergency medical and dental care as outlined in a written plan which includes:

(a) Arrangements for the emergency evacuation of the juvenile from the facility;

(b) Arrangements for the use of an emergency medical vehicle;

(c) Arrangements for the use of one (1) or more designated hospital emergency rooms or other appropriate health facilities; and

(d) Arrangements for emergency on-call physician and dental services when the emergency health facility is not located in a nearby community.

(16) Medical maintenance shall be provided to juveniles of the facility when medically indicated by written medical order.

(17) The person administering medications shall have received training from a responsible physician and the official responsible for the facility, shall be accountable for administering medications according to orders, and shall record the administration of medications in a manner and on a form approved by a responsible physician.

(18) Stimulants, tranquilizers and psychotropic drugs requiring intramuscular administration shall be prescribed only by a physician, following a physical examination of the juvenile by the physician, and shall be administered by a physician or registered nurse. Drugs and medications that would usually be administered by parents may be administered to juveniles by facility staff pursuant to a physician's prescription; such drugs may include stimulants, tranquilizers, and psychotropics.

(19) Under no circumstances shall a stimulant, tranquilizer or psychotropic drug be administered for purposes of program management and control, or for purposes of experimentation and research.

(20) The facility shall have a written policy involving the location of the health record file. The health record file shall contain the following:

(a) The completed receiving screening form;

(b) Health appraisal data forms;

(c) All findings, diagnoses, treatments, disposition;

(d) Prescribed medications and their administration;

(e) Laboratory, x-ray and diagnostic studies;

(f) Signature and title of documentor;
(g) Consent and refusal forms;
(h) Release of information forms;
(i) Place, date and time of health encounters;
(j) Health service reports, e.g., dental, mental health and consultations;
(k) Treatment plan, including nursing care plan;
(l) Progress reports; and
(m) Discharge summary of hospitalization and other termination summaries.

The method of recording entries in the records, the form and format of the records, and the procedures for their maintenance and safekeeping shall be approved by the Justice Cabinet.

(21) Programs and training shall be provided for the development of sound habits and practices regarding personal hygiene.

(22) For juveniles being transferred to other facilities, summaries or copies of the medical history record are forwarded to the receiving facility prior to or at arrival.

(23) Written policy shall prohibit the use of juveniles for medical, pharmaceutical or cosmetic experiments. This policy shall not preclude individual treatment of a juvenile based on his need for a specific medical procedure that is not generally available.

(24) The facility may seek reimbursement for medical care from the parent, person exercising similar custodial control, the state or any other party who may be financially responsible.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

The 1986 Kentucky General Assembly enacted KRS 15A.210 which requires the Justice Cabinet to issue administrative regulations governing juvenile detention centers on or before July 1, 1987. A committee composed of representatives from the County Judges Association, Kentucky Youth Advocates, the County Jailer's Association, personnel from various area development districts, the Corrections Cabinet, the Department of Building and Housing, the Jefferson Youth Center, Fayette County Juvenile Center, Floyd County Juvenile Detention Center, the Kenton County Juvenile Detention Center, the Justice Cabinet and others have all worked diligently for the past five (5) months drafting these regulations.

These regulations cover juvenile detention centers which are separate and distinct from county jails. No count is required to have a juvenile detention center, but if they choose to do so, they must follow these regulations. It is the committee's hope that these regulations will serve the dual purpose of protecting Kentucky's detained children while reducing the risk of liability to county government. This emergency regulation shall be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:120E. Rules and discipline.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) All requirements in this regulation shall be applied with consideration for the range of ages and maturity found in a juvenile detention facility in consideration of the juveniles' social-emotional ages, which may vary more than their physical ages.

(2) The facility shall adopt written rules of juvenile conduct which specify acts prohibited within the institution and penalties that may be imposed for various degrees of violation; the written rules shall be reviewed annually and updated if necessary.

(3) A rulebook that contains all chargeable offenses, ranges of penalties and disciplinary procedures shall be posted in a conspicuous and accessible area; a copy shall be given to each juvenile and staff member, and shall be translated into those languages spoken by significant numbers of juveniles. When a literacy or language problem prevents a juvenile from understanding the rulebook, a staff member or translator shall assist the juvenile in understanding the rules.

(4) All personnel who deal with juveniles shall receive in-service training so that they shall be thoroughly familiar with the rules of juvenile conduct, the sanctions available, and the rationale for the rules.

(5) There shall be written guidelines for informally resolving minor juvenile misbehavior.

(6) The facility shall adopt and enforce written policies and procedures which:

(a) Specify that room restriction for minor misbehavior serves only a "cooling off" purpose, shall be short in time duration, with the time period - fifteen (15) minutes to sixty (60) minutes - specified at the time of assignment;

(b) Require that prior to room restriction, juveniles have the reasons for the restriction explained to them and have an opportunity to explain the behavior leading to the restriction;

(c) Require that employees prepare a disciplinary report where they have a reasonable belief that a juvenile has committed a major violation of facility rules or reportable minor violations. Disciplinary reports prepared by staff members shall include, but are not limited to, the following information:

1. Specific rules violated;
2. A formal statement of the charge;
3. An explanation of the event, which should include who was involved, what transpired, and the time and location of occurrence;
4. Unusual juvenile behavior;
5. Staff witnesses;
6. Disposition of any physical evidence;
7. Any immediate action taken, including the use of force;
8. Reporting staff member's signature; and
9. Date and time report is made;

(d) Specify that juveniles placed in confinement status shall be afforded living conditions and privileges approximating those to the general juvenile population; exceptions

shall be justified by substantial evidence;

(e) Provide for review of all disciplinary hearings and dispositions by the facility administrator to assure conformity with policy and regulations;

(f) Provide that a juvenile charged with a violation of facility rules shall be given a written copy of the alleged violation within twenty-four (24) hours of the infraction;

(g) Specify that juveniles charged with rule violations receive a hearing within seventy-two (72) hours of the incident, excluding weekends and holidays. The hearing may be postponed or continued for a reasonable time through a written waiver by the juvenile or for good cause;

(h) Provide that juveniles charged with rule violations shall be present at the hearing, unless they waive that right in writing or through behavior. Juveniles may be excluded during the testimony of any juvenile whose testimony must be given in confidence. The reasons for the juvenile's absence or exclusion shall be documented;

(i) Provide that disciplinary hearings of cases of rule violations shall be conducted by an impartial person or panel of persons;

(j) Provide for staff assistance to represent juveniles at disciplinary hearings upon request of the juveniles;

(k) Provide that the juvenile shall be given an opportunity to make a statement and present documentary evidence, and to have in attendance at a disciplinary hearing any person who may have relevant and not unduly cumulative information, except when doing so may severely jeopardize the life or safety of persons or the security or order of the facility; such reasons for denial shall be stated in writing;

(l) Specify that a written record shall be made of the disciplinary hearing decision and that a copy shall be given to the juvenile;

(m) Grant juveniles the right to appeal decisions of the disciplinary hearing officer to the administrator. The administrator either affirms or reverses the decision of the disciplinary hearing officer within five (5) days of the appeal;

(n) Provide that the disciplinary report shall be removed from all files of juveniles found not guilty of an alleged rule violation;

(o) Ensure that prior to privilege suspension the juvenile has the reasons for the restriction explained to him, and has an opportunity to explain the behavior leading to the suspension; and

(p) Provide that in instances in which a juvenile is alleged to have committed a crime, the case is referred to appropriate law enforcement officials for possible prosecution.

(7) During room restriction staff shall visibly check the juvenile at least every fifteen (15) minutes, depending on his emotional state.

(8) When a juvenile has been charged with a major rule violation requiring confinement status for the safety of the juvenile or other juveniles, or to ensure the security of the facility, the youth may be confined for a period of up to twenty-four (24) hours. Confinement status for periods of over twenty-four (24) hours shall be reviewed every twenty-four (24) hours by the administrator or his designee who was not involved in the incident.

(9) Whenever juveniles are removed from the regular program, they shall be seen by a designated staff member, other than the staff member involved in the removal decision, as soon as possible, but not more than twenty-four (24) hours after removal.

(10) Juveniles held in confinement status shall be interviewed at least once each day by personnel from administrative, clinical, social work, religious or medical units.

(11) A log shall be kept stating who authorized the confinement status, persons visiting the juvenile, the person authorizing release from confinement status, and the time of the release.

(12) Written notice of the disciplinary hearing shall be provided to the juvenile at least twenty-four (24) hours in advance of the hearing. The juvenile may consent, in writing, to a hearing withing less than twenty-four (24) hours.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

The 1986 Kentucky General Assembly enacted KRS 15A.210 which requires the Justice Cabinet to issue administrative regulations governing juvenile detention centers on or before July 1, 1987. A committee composed of representatives from the County Judges Association, Kentucky Youth Advocates, the County Jailer's Association, personnel from various area development districts, the Corrections Cabinet, the Department of Building and Housing, the Jefferson Youth Center, Fayette County Juvenile Center, Floyd County Juvenile Detention Center, the Kenton County Juvenile Detention Center, the Justice Cabinet and others have all worked diligently for the past five (5) months drafting these regulations.

These regulations cover juvenile detention centers which are separate and distinct from county jails. No count is required to have a juvenile detention center, but if they choose to do so, they must follow these regulations. It is the committee's hope that these regulations will serve the dual purpose of protecting Kentucky's detained children while reducing the risk of liability to county government. This emergency regulation shall be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:130E. Intake.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. The facility shall comply with the intake criteria defined by the Administrative Office of the Courts.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987

FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

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MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:140E. Admission procedures.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall adopt and enforce written policies and procedures which:
(a) Govern the reception and orientation of newly admitted juveniles;
(b) Provide that juveniles receive orientation in their own language; completion of orientation shall be documented by a statement that shall be signed and dated by the juvenile; and
(c) Require that a written, itemized list is made of all personal property in the possession of a newly admitted juvenile; a copy of this list, which notes all property that will be held until release, shall be given to the juvenile.
(2) Written procedures for admitting new juveniles shall include, but are not limited to:
(a) Verification of legal authority to detain;
(b) Complete search of the juvenile and possessions;
(c) Disposition of cloting and personal possessions;
(d) Medical screening;
(e) Shower and hair care, if necessary;
(f) Issue of clean, laundered clothing, as needed;
(g) Notification of family, custodian or guardian;
(h) Provision of written orientation materials;
(i) Recording of basic personal data and infomation to be used for mail and visiting lists;
(j) Assistance to juveniles in notifying their families of their admission and procedures for mail and visiting;
(k) Assignment to a housing unit; and
(l) Assignments of a register number.
(3) Newly admitted juveniles shall be permitted a reasonable number of local or collect long distance telephone calls to an attorney of his choice, and to a family member, as soon as practical, generally within one (1) hour after arrival, until one (1) call has been completed.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
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STATEMENT OF EMERGENCY

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MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:150E. Programs.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall provide or make available the following minimum services and programs consistent with federal law to adjudicated and preadjudicated juveniles:
(a) An education program;
(b) Visitation with parents, guardians or persons exercising similar custodial control or supervision;
(c) Private communication with visitors and staff;
(d) Counseling;

(e) Continuous supervision of living units;
(f) Medical services;
(g) Food services;
(h) Recreation and exercise; and
(i) Reading materials.

(2) Programs and services shall be initiated for all juveniles as soon as they are admitted to living units.

(3) Educational opportunities shall be made available to all juveniles except when there is substantial evidence to justify otherwise.

(4) Educational programs in detention facilities shall be designed to assist detained juveniles in keeping up with their studies.

(5) Educational supervisors and instructors shall be licensed or approved by the state.

(6) Formal educational programs shall have a minimum of one (1) teacher for every fifteen (15) students per class period.

(7) There shall be an annual evaluation to measure the effectiveness of the educational training programs against stated performance objectives.

(8) The facility shall adopt and enforce written policies and procedures which:

(a) Provide a recreation and leisure-time plan that includes, at a minimum, at least one (1) hour per day of large muscle activity and one (1) hour of structured leisure-time activities;

(b) Provide the opportunities to adhere to the dietary and other requirements of the various faiths when approved by the religious authority; and

(c) Provide that staff members are available to counsel juveniles at their request; provision shall be made for counseling juveniles on an emergency basis.

(9) The facility shall have a staff member or trained volunteer who coordinates and supervises the recreation program.

(10) A variety of fixed and movable equipment shall be provided for each outdoor recreation area.

(11) Library services shall be available to all detained juveniles.

(12) Written policy shall define the principles, purposes and criteria used in the selection and maintenance of library materials.

(13) There shall be a volunteer staff or a contractual social services program that makes available a range of resources to meet the needs of juveniles, including individual and family counseling and community services, as required.

(14) Detained juveniles shall be afforded access to religious, mental health counseling and crisis intervention services in accordance with their needs.

(15) A staff member shall coordinate the facility's religious programs.

(16) There shall be a system for juveniles and staff to communicate with one another at all times.

(17) Work assignments shall not conflict with education programs.

(18) Juveniles shall not be permitted to perform any work prohibited by state and federal regulations and statutes pertaining to child labor.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

The 1986 Kentucky General Assembly enacted KRS 15A.210 which requires the Justice Cabinet to issue administrative regulations governing juvenile detention centers on or before July 1, 1987. A committee composed of representatives from the County Judges Association, Kentucky Youth Advocates, the County Jailer's Association, personnel from various area development districts, the Corrections Cabinet, the Department of Building and Housing, the Jefferson Youth Center, Fayette County Juvenile Center, Floyd County Juvenile Detention Center, the Kenton County Juvenile Detention Center, the Justice Cabinet and others have all worked diligently for the past five (5) months drafting these regulations.

These regulations cover juvenile detention centers which are separate and distinct from county jails. No count is required to have a juvenile detention center, but if they choose to do so, they must follow these regulations. It is the committee's hope that these regulations will serve the dual purpose of protecting Kentucky's detained children while reducing the risk of liability to county government. This emergency regulation shall be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:160E. Communication: mail, visiting and telephone.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) There shall be no limit on the volume of mail a juvenile may send or receive, except when the facility provides postage or when there is substantial evidence to justify such limitations.

(2) The facility shall adopt and enforce written policies and procedures which:

(a) Provide that juvenile letters, both incoming and outgoing, shall not be read, except where there is substantial evidence to justify such actions; if correspondence is read, the youth shall be informed in advance and shall be present when the letter is opened; and the action shall be documented;

(b) Govern inspection of juvenile letters or packages for money or contraband;

(c) Require that all cash received through the mail is held for the juvenile in accordance with the procedures approved by the governing authority;

(d) Require that incoming and outgoing mail shall be held for no more than twenty-four (24) hours, and packages for no more than forty-eight (48) hours, excluding weekends and holidays.

(e) Specify that juveniles are permitted to send sealed letters to a specified class of persons and organizations, including, but not limited to: courts, counsel, officials of the confining authority, administrators of grievance systems and members of the releasing authority;

(f) Allow the facility to provide postage for the mailing of two (2) letters per week for each juvenile, if requested, excluding legal correspondence;
(g) Govern visiting and are reviewed annually and updated if needed;
(h) Provide that juvenile visitation facilities permit informal communication, including opportunity for physical contact;
(i) Specify that visitors register upon entry into the facility and the circumstances under which visitors are searched;
(j) Govern special visits;
(k) Provide for juvenile access to the telephone to make and receive personal calls;
(l) Provide for the forwarding of first-class letters and packages after transfer or release; and
(m) Govern juvenile access to publications.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

The 1986 Kentucky General Assembly enacted KRS 15A.210 which requires the Justice Cabinet to issue administrative regulations governing juvenile detention centers on or before July 1, 1987. A committee composed of representatives from the County Judges Association, Kentucky Youth Advocates, the County Jailer's Association, personnel from various area development districts, the Corrections Cabinet, the Department of Building and Housing, the Jefferson Youth Center, Fayette County Juvenile Center, Floyd County Juvenile Detention Center, the Kenton County Juvenile Detention Center, the Justice Cabinet and others have all worked diligently for the past five (5) months drafting these regulations.
These regulations cover juvenile detention centers which are separate and distinct from county jails. No count is required to have a juvenile detention center, but if they choose to do so, they must follow these regulations. It is the committee's hope that these regulations will serve the dual purpose of protecting Kentucky's detained children while reducing the risk of liability to county government. This emergency regulation shall be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:170E. Release preparation and transfer programs.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. The facility shall adopt and enforce written procedures for releasing juveniles which shall include but are not limited to:
(1) Verification of identity;
(2) Verification of release papers;
(3) Completion of release arrangements, including the person or agency to whom the juvenile is to be released;
(4) Return of personal effects;
(5) Completion of any pending action, such as grievances, claims for damages or lost possessions;
(6) Medical screening and arrangements for community follow-up when needed;
(7) Transportation arrangements; and
(8) Instructions on forwarding of mail.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

The 1986 Kentucky General Assembly enacted KRS 15A.210 which requires the Justice Cabinet to issue administrative regulations governing juvenile detention centers on or before July 1, 1987. A committee composed of representatives from the County Judges Association, Kentucky Youth Advocates, the County Jailer's Association, personnel from various area development districts, the Corrections Cabinet, the Department of Building and Housing, the Jefferson Youth Center, Fayette County Juvenile Center, Floyd County Juvenile Detention Center, the Kenton County Juvenile Detention Center, the Justice Cabinet and others have all worked diligently for the past five (5) months drafting these regulations.
These regulations cover juvenile detention centers which are separate and distinct from county jails. No count is required to have a juvenile detention center, but if they choose to do so, they must follow these regulations. It is the committee's hope that these regulations will serve the dual purpose of protecting Kentucky's detained children while reducing the risk of liability to county government. This emergency regulation shall be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
NORMA C. MILLER, Secretary

JUSTICE CABINET

500 KAR 6:180E. Citizen and volunteer involvement.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall establish and enforce written policies and procedures which:
(a) Provide for securing citizen involvement in programs, including roles as advisors and interpreters between the program and the public, direct services and cooperative endeavors with juveniles under supervision;
(b) Specify the lines of authority, responsibility and accountability for the volunteer services program;
(c) Provide for the screening and selection of

volunteers, allowing for recruitment from all cultural and socioeconomic segments of the community;

(d) Provide a system for identification of volunteers while they are in the facility; and

(e) Provide that the administrator curtails, postpones or discontinues the services of a volunteer or volunteer organization when there are substantial reasons for doing so.

(2) A staff member shall be responsible for coordinating the volunteer services program.

(3) Prior to assignment, each volunteer shall complete an orientation and training program appropriate to the nature of the assignment.

(4) Volunteers shall agree in writing to abide by all facility policies, particularly those relating to security and confidentiality of information.

(5) Written policy shall specify that volunteers perform professional services only when certified or licensed to do so.

(6) There shall be provisions for volunteers to participate in the establishment of policy and procedure for the volunteer services program.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: July 1, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

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

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

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Program Management

905 KAR 1:200E. Alternative to detention shelters - non-secure facilities operated as child caring agencies or institution.

RELATES TO: KRS 199.640 through 199.670
PURSUANT TO: KRS 194.050, 199.645
EFFECTIVE: July 6, 1987
NECESSITY AND FUNCTION: This regulation implements minimum standards for alternatives to detention shelters. KRS 199.645 directs the Cabinet for Human Resources to implement regulations which specifically address child-caring facilities and child-placing agencies that provide non-secure care for children during the pre-adjudication phase. The function of this regulation is to establish policies and procedures to carry out this mandate.

Section 1. Definitions. (1) "Alternative to detention shelter" means a facility operated as a child-caring agency or institution which provides non-secure residential care on a twenty-four (24) hour basis for children, not related by blood, adoption or marriage to the person maintaining the facility, during the pre-adjudication and predisposition phases of proceedings under the Unified Juvenile Code.

(2) "Cabinet" means the Cabinet for Human Resources.

(3) "Child" means any person who has not reached his 18th birthday.

(4) "Executive director" means the agency and/or facility administrator who may be entitled "administrator," "manager," "superintendent," and the like.

(5) "Advisory committee" means a group, association or committee which counsels or recommends regarding the institution's or agency's services and programs.

(6) "Board of directors" means that group which is by law or charter delegated with the responsibility for governing and overall supervision of the agency or facility.

Section 2. Administration. (1) Applications for a license shall be submitted to the Division of Licensing and Regulation within the cabinet.

(2) An alternative to detention shelter facility shall provide the following information when applying for a license, and annually thereafter (if there are any changes) as a part of the annual required inspection:

(a) The name, address, and telephone number of the agency or facility.

(b) The geographic area to be served.

(c) The maximum number of children for whom care will be provided.

(d) A copy of the articles of incorporation for all private agencies or a copy of the statute authorizing creation of any public agency.

(e) A copy of the constitution and bylaws.

(f) A statement of the purposes, objectives, scope of services to be provided, intake policy specifying kinds of children to be accepted for care, and conditions under which a child will be discharged or transferred.

(g) A list of officers, board members, and advisory committee members if any, including addresses and professions or occupations.

(h) A financial statement for the previous fiscal year plus a budget for the coming year.

(i) A list of all staff including position titles, qualifications and salary scale.

(3) Every facility shall comply with all applicable federal and state regulations in regard to program operations. Application for licensure shall be made to the cabinet.

(4) The number for which the facility is licensed shall be based on available space, adequacy of program, staff, and equipment. At no time shall the number of children served, including any children in residence other than clients of the alternatives to detention shelter program, exceed the number for which the facility is licensed, except for emergency situations not to exceed one (1) week. Census shall not exceed licensed capacity by more than twenty-five (25) percent in such situations.

(5) Each license shall be issued for a specific physical location and for operation by a designated executive director and/or sponsoring organization.

(6) Licenses are not transferable.

(7) If any circumstances covered by the license as enumerated above change, such change shall be reported promptly to the cabinet.

(8) Every facility shall post its license in a conspicuous place.

(9) Every alternative to detention shelter except those operated by state or local government, shall have a board of directors consisting of a minimum of five (5) members, the majority of whom must be residents of Kentucky; and they shall reflect a broad cross-section of the area served.

(10) The board of directors shall meet at least quarterly in every calendar year. Minutes of these meetings shall be taken and kept in written form.

(11) At least one (1) board of directors' meeting shall be held at the facility in every calendar year.

(12) The facility shall be required to maintain the following records relating to financial affairs:

(a) An annual budget which shall reflect anticipated needs and goals as well as resources for meeting these needs and goals.

(b) An annual audit by an independent accounting firm or certified public accountant.

(13) Financial reports shall be submitted to the board, or governing body, at least quarterly.

(14) All fiscal policies shall be written and shall be in conformance with a standard and acceptable system of internal fiscal controls.

(15) All staff and board members having responsibility for funds of the facility shall be bonded in an amount equal to the gross funds handled in a three (3) month period.

(16) There shall be a written policy for cash disbursements. This shall include what amounts of money may be expended in cash, who shall authorize such payments, and what reporting is necessary to account for such expenditures.

(17) The facility shall be required to keep work sheets or time schedules for all employees.

(18) Each facility shall maintain written policies on purchasing and receiving procedures. This shall include a listing of persons authorized to purchase and those authorized to sign for deliveries.

(19) Each facility shall have a written policy for inventory control and methods of conducting inventory. Primarily, this shall cover how items are accounted for within the facility.

(20) The facility shall have a means of meeting financial responsibility for liability. This shall cover all children, visitors, and employees of the facility.

(21) The facility shall have an employee who shall be designated executive director.

(22) The executive director of the facility shall have a combination of at least four (4) years of college, in social work, sociology, psychology, education or a related field, and of experience in child welfare, with a minimum of two (2) years of college. The executive director shall be of good moral character attested to by three (3) written references at the time of employment.

(23) The duties of the executive director shall be determined by the board of directors and shall include, but shall not be limited to the following responsibilities:

(a) Select, employ, and terminate staff;

(b) Plan and coordinate all phases of the program and services within the framework of functions and policies established by the board of directors;

(c) Provide professional help to the board of directors in carrying out their responsibilities, interpreting to them the needs of the children, making recommendations when a change of policy seems desirable and assisting them in periodic evaluation of the facility's or agency's service;

(d) Supervise the preparation of an annual budget for board consideration.

(e) Keep the board informed of financial needs;

(f) Operate within the established budget;

(g) Attend board meetings;

(h) Provide orientation for all new employees and continuing training for all staff; and

(i) Delegate appropriate duties to other staff.

(24) Incident reports shall be completed and filed on all unusual events such as injuries, accidents, uncontrollable behavior, runaways, alleged or possible child abuse.

(25) Incidents of alleged or possible child abuse shall be reported to the Department for Social Services, pursuant to KRS Chapter 620.

Section 3. Personnel and Volunteers. (1) Staff members, including both paid employees and volunteers, shall be at least eighteen (18) years of age unless under direct supervision of other staff.

(2) There shall be a sufficient number of staff to perform effectively the tasks required by the program and services of the facility.

(3) Each member of the staff shall be selected on the basis of both written and oral information. Such information obtained by oral means shall be written into that employee's record for future reference. Criteria to be used for selection are:

(a) Education, training, and experience required to perform the particular job. Direct child care staff shall meet the minimum educational requirement of a high school diploma or G.E.D.

(b) Age as it affects physical energy and the capacity to learn.

(c) Willingness to work with others and to share responsibility.

(d) Mental and physical ability to provide good care, maintain responsibile supervision and stimulate normal development.

(4) Staff shall have current practical knowledge of first aid and CPR.

(5) Volunteers who perform similar functions as paid staff shall meet the same requirements and qualifications.

(6) There shall be a certification of freedom from communicable diseases for each employee and volunteer prior to employment or service.

(7) A personnel record shall be maintained on each employee which shall contain the name of the employee, date, and place of birth, education, training, Social Security number, health record, positions(s) and name of previous employers, date or current employment, a signed withholding tax form, present home address, an annual written job evaluation made by the immediate supervisor, and if terminated the date and reason for termination.

(8) The facility shall maintain such written information as job descriptions, qualifications for each position, salary ranges, the basis upon which increments are given, work schedules, policy regarding vacations, sick leave, and educational leave, method of hiring, promotion, resignation, suspension, leave of absence, termination, grievance procedures, and lines of authority and shall make these available to all employees.

(9) The facility shall insure, insofar as possible, that no person is employed who has previously been convicted of a felony related to child abuse or neglect or who is currently under indictment for or legally charged with felonious conduct which may affect his relationship with children adversely, and any employee under indictment or legally charged with felonious conduct which may affect their relationship with children shall be immediately removed from any contact with children within the facility until such time the person is cleared of the charge.

(10) When an alternative to detention shelter operates under the auspices of a licensed facility or agency also operating a child caring or child placing program, the executive director of that facility or agency may also be the director of the alternative to detention shelter provided that there is evidence that the duties delineated herein have been adequately performed.

(11) Minimum staff to child ratios during the children's non-sleeping hours, and when children are present in the facility or on its grounds, shall be:

(a) One (1) staff person in attendance for each six (6) children (or less) in a group of children six (6) years of age or older.

(b) There shall be at least one (1) staff member awake and on duty during the children's sleeping hours. At no time shall children be left without supervision.

(12) The facility shall make provisions for relief personnel. No staff member shall work more than six (6) consecutive days without at least twenty-four (24) consecutive hours off.

Section 4. Training and Staff Development. (1) The facility shall have a staff development program for the administrative, professional, volunteer, and support personnel.

(2) Records of attendance at workshops, conferences, and academic sources related to work responsibilities shall be kept on all employees.

(3) Staff development programs shall reflect training in programmatic aspects of the facility and shall contribute toward the preparation of personnel for greater responsibility and promotions.

(4) The staff development program shall be under the supervision of a designated staff member, who is qualified by training and/or experience to adequately carry out this responsibility.

Section 5. Intake, Classification, Admission Procedures, Recordkeeping, Programs and Services. (1) Every facility shall maintain individual case records on each child.

(a) All records and reports regarding clients shall be current and complete insofar as possible.

(b) All available identifying data shall be placed on an intake form. Changes in a client's identifying data shall be made as is appropriate.

(c) Written communications with appropriate courts and community workers shall be maintained in the case record.

(2) Client case records shall be kept in locked files.

(3) Counseling services as needed or appropriate are provided through agreements or arrangements with local resources.

(4) Any report required by the cabinet or any information necessary to compile reports by the cabinet shall be kept and the information made available to the cabinet upon request.

(5) All information concerning children, their parents, relatives or guardian shall be kept in strict confidence by th staff, except for sharing information with individuals who are personally or professionally responsible for the well-being of the child.

(6) Intake service shall be provided twenty-four (24) hours daily and seven (7) days per week.

Section 6. Programs and Services. (1) Daily program activities shall be provided with emphasis on the child's physical, intellectual, emotional, and social growth. Individual needs and development needs and developmental levels of the children in care must be considered.

(2) Children shall not be made solely responsible for the day-to-day cleaning and maintenance functions of the facility but may assist in such work by individual assignments appropriate to age and functional level.

(3) Clothing.

(a) An adequate supply of clothing shall be provided for each child while living in the facility.

(b) Donated clothing shall be selected with utmost care to avoid use of shoddy, soiled garments, or outmoded styles. Previously worn shoes shall not be used.

(4) Personal hygiene.

(a) Staff shall expect children to maintain acceptable standards of modesty and respect for the privacy of others.

(b) Each child shall be provided his own articles of personal hygiene such as toothbrush, comb, hairbrush, wash cloth, towel, razor, toothpaste, shaving cream and deodorant.

(5) Recreation, leisure and social life.

(a) Each child's birthday shall be celebrated.

(b) Traditional holidays shall be celebrated in a fitting manner.

(c) Children shall have access to reading materials suitable for the age group served.

(6) Religion.

(a) The religious beliefs and rights of children shall be respected.

(b) Children shall not be coerced to participate in religious activities.

(7) Education.

(a) All children of school age shall attend an accredited school, or be tutored by a certified teacher under the supervision of the local school system, in accordance with or as required by existing laws.

(b) Sufficient time and appropriate facilities shall be provided for quiet study after school hours.

Section 7. Medical and Health Services. (1) Each child on admission to an alternative to detention shelter shall have a medical screening, including communicable disease screening, using a form approved by a physician and administered by staff persons trained in its use.

(2) No child known to have, or suspected of having, a communicable disease shall be placed with other children unless there has been consultation with a physician who has determined that this can be done without hazard to the other children.

(3) A licensed physician shall be available to attend to acute and emergency medical needs of

the children.

(4) All children remaining in the facility longer than three (3) working days shall have a physical examination made by, or under the supervision of, and countersigned by, a licensed physician within five (5) days of admission, unless the child within the previous thirty (30) days has had an examination, and the report of the examination is made available; and, provided that the child during this period of time has been continuously under the care or supervision of the Department for Social Services or a licensed child caring or child placing agency.

(5) All mediations administered by the staff shall be on orders of a physician and charted. Medications shall be kept in a locked cabinet or closet. Controlled substances must be double locked.

Section 8. Food Services. (1) All children shall be served nutritious meals meeting the dietary allowance of the Food and Nutrition Board of the National Research Council, which include foods from the four (4) basic food groups. Adequate amounts shall accommodate the needs of the children as to age, sex, and activity of each in care.

(2) Children shall be encouraged to eat the food served.

(3) All foods served to a child on a modified diet as prescribed by a physician shall in all other respects adhere to the dietary regulations as stated.

(4) At least three (3) meals a day shall be served at regular intervals except when children receive their morning and/or noon meal(s) at school.

(5) No more than fourteen (14) hours shall lapse between the evening and morning meals.

(6) Nourishing between-meal snacks, recorded on the menu, shall be provided and may be part of the daily food requirements, but shall not replace regular meals.

(7) In menu planning, provisions shall be made for religious, ethnic, and cultural differences of the children served.

(8) Sufficient time shall be allotted for meals so that the eating of meals is not hurried.

(9) No child shall be denied food which is necessary for daily nutritional requirements or forced to eat any food as a means of punishment.

(10) All milk and milk products utilized in the facility shall be obtained from sources approved by the Cabinet for Human Resources, and shall be pasteurized.

(11) Cool, potable drinking water shall be available to all children at all times.

(12) Foods shall be prepared by appropriate methods that will preserve their nutritive value and heighten their flavor and appearance.

(13) Children and staff members who eat with them shall be served the same food unless differences in age or special dietary needs are factors.

(14) Food service shall be planned to promote physical, social and mental development.

(a) Table service shall be provided for all those capable of eating at a table in a manner to best serve the interests of the children. Tables and chairs shall be at heights appropriate to the size of the children served. They shall be constructed of material that can be easily sanitized.

(b) Children who have not had opportunities to learn how to handle food with the usual table service shall be managed in such a way that they will not be embarrassed or subjected to the ridicule of other children.

(15) Menus shall be planned at least one (1) week in advance, dated, posted and kept on file for at least three (3) months. Any substitution that is made shall be recorded.

(16) Use of donated home processed foods is prohibited.

Section 9. Residents Rights and Communications. (1) Every admission to the facility shall be without regard to race, creed, color or national origin.

(2) Personal possessions.

(a) Each child shall be allowed to bring personal possessions with him to the facility, to the extent that storage space is available in the facility.

(b) If an allowance is given, it shall be scaled to the child's age and similar to what other children in the community receive. There shall be no restrictions placed on use of such monies.

(c) Such allowances shall not be withheld as punishment; however, reasonable deductions may be made in such allowances in cases where damages have been caused by the child.

(3) Contacts between residents and their parents or guardians shall be encouraged and facilitated. Visiting hours shall be posted, with exceptions to be made by the person in charge for extenuating circumstances.

(4) A telephone shall be made accessible to residents for the purpose of contacting parents or guardians or representatives of social welfare agencies or court systems.

(5) Materials for written communications shall be made available to residents.

(6) Neither incoming or outgoing mail shall be read or censored without a court order.

(7) Promotional use of children.

(a) Exploitation of children for promotional purposes is prohibited.

(b) Children shall not be used in any manner in which they or their family could suffer discomfort or embarrassment.

(c) Children shall not be used personally for fund raising purposes for the facility.

(d) In the event pictures, slides, recordings, or other private and personal effects of children are utilized in fund raising or promotional efforts of facilities, written parental permission or a court order shall be obtained.

Section 10. Security and Control; Rules and Discipline. (1) Exterior doors may be locked at night to prevent unauthorized entry by uninvited members of the community, but all residents and staff must be able to open them from the inside without a key in the event of an emergency.

(2) Discipline. Disciplinary methods shall be designed and implemented through positive guidance to help the individual child develop self-control and assume responsibility for his acts. The facility shall:

(a) Establish simple and consistent rules both for children and staff that set the limits of behavior.

(b) The seclusion of a child in a locked room shall be prohibited.

(c) No child shall be separated from the group any longer than is required to produce a therapeutic effect.

(d) In no instance shall cruel, unusual punishment or demeaning and humiliating discipline be used. This includes the use of spanking, paddling, or slapping a child. Extreme misbehavior shall be dealt with in other more acceptable forms of discipline. The abuse statutes KRS 199.335, 208.020(4) and (5), and 208.990(5) and (6) or their successor statutes shall be observed. In no incidences shall the child be subjected to harsh or corporal physical discipline no shall any method of discipline be used that is threatening, shaming or frightening. Profane or abusive language shall not be used.

(e) Children shall not be denied food which is necessary for daily nutritional requirements or forced to eat any food as a means of discipline.

(f) No child shall be forced to participate in any group exercises or activities as a punitive measure.

(g) Children placed in time-out rooms or areas shall be in sight or sound of an adult at all times and shall be checked at regular intervals.

(h) Work or chore assignments shall not be used solely as a form of punishment.

Section 11. Physical Plant; Sanitation and Hygiene; Safety and Emergency Procedures. (1) The facility shall have access to schools, churches, shopping facilities, and other community resources, including local facilities and services of the court system.

(2) The facility shall be of sound construction, and suitable for residential use. It shall have at least six (6) but not more than twenty (20) beds for children.

(3) Each child shall have adequate personal living space in the sleeping area, exclusive of kitchen, hallways, offices, baths, living rooms, storage areas, recreation areas, and dining areas.

(4) The building shall be dry, adequately heated, ventilated, and lighted; windows, doors, stoves, heaters, furnaces, pipes, and ventilating fans shall be protected; screening shall be provided for windows which are opened to admit outside air and for doors which are left open in warm weather; and floors shall be free from splinters and easily cleaned. All types of gas heaters and stoves shall be properly ventilated.

(5) A recreation and activities area with comfortable furnishings in sufficient quantity to accommodate the number of children and adults using it at any one time shall be provided. An outside recreational area adjacent to the facility shall also be provided. This outside area shall be fenced, if there is through traffic on a street or streets adjoining the playground.

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

(7) There shall be separate sleeping quarters for boys and girls.

(8) There shall be separate toilet and bath facilities for boys and girls, or, in a small facility with only one (1) central toilet and bath, there shall be a posted plan or schedule for its use which provides for privacy and the separation of the sexes. Individual wash cloths, towels, toothbrushes and dentifrice shall be provided.

(9) All children shall be served at the same time. All tables used for food service shall have surfaces that are clean and free of cracks.

(10) The facilities and grounds shall be well maintained, in a clean, orderly and hazard-free manner.

(11) Existing buildings shall be brought into and maintained in compliance with administrative regulation 815 KAR 10:020, and with the applicable fire safety code.

(12) Plans and specifications for new construction or substantial alteration shall be approved prior to construction by health and fire safety officials having jurisdiction.

(13) Every facility or agency shall maintain a current written emergency fire plan and diagrams, including evacuation routes and procedures and locations of fire extinguishers, which shall be conspicuously posted and reviewed by all personnel and children at least quarterly. Emergency telephone numbers shall be conspicuously placed by the telephone(s).

(14) Emergency plans shall consider suitable shelters in case of severe storm warnings, flash flooding and tornados.

(15) Toxic and combustible materials shall be kept stored in accordance with National Fire Safety Codes and away from the youth.

(16) Sewage, electrical and plumbing installations and systems shall comply with applicable state and local codes and regulations.

(17) There shall be office space suitable to the needs of the program and services and one (1) or more rooms for private interviewing.

(18) The kitchen and all kitchen equipment shall be kept in a clean, orderly and sanitary manner, and in compliance with the relevant sections of the State Food Service Code.

(19) There shall be at least one (1) toilet for each eight (8) or less, children; one (1) lavatory for each six (6), or less, children; and, one (1) tub or shower for each ten (10), or less, children.

Section 12. Release Preparation and Transfer Plans. In the event a child is not removed from the facility within the period of time specified in the facility's intake policies, or within thirty (30) days, whichever is the shorter period of time, the facility director and the representative of the court shall advise the court and assist, as possible and appropriate, in making other plans for the child. These actions, and any plan developed, shall be made a part of the child's record at the facility.

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 6, 1987
FILED WITH LRC: July 6, 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 Social Services
Division of Family Services

905 KAR 1:210E. Alternative to detention; court resource home.

RELATES TO: KRS 199.645
PURSUANT TO: KRS 194.050
EFFECTIVE: July 6, 1987
NECESSITY AND FUNCTION: KRS 199.645 requires the cabinet to establish regulations and standards for non-secure alternatives to detention for children in pre-adjudicative status. The function of this regulation is to set minimum standards for all court resource homes.

Section 1. Scope of Operations and Services. Court resource homes, operated and maintained as alternatives to detention, provide temporary custodial care and supervision on a twenty-four (24) hour basis for children against whom public and/or status offense petitions are pending, and whose cases are awaiting disposition by district courts. Court resource homes may also be utilized by the court or law enforcement personnel for those children requiring emergency shelter, regardless of whether or not status and/or public offense petitions are pending against them. Services may include emergency medical and/or psychological care as required.

Section 2. Definitions. (1) "Children" means those persons under the age of eighteen (18) against whom a status and/or pubic offense petition is pending, and who are placed in a court resource home as an alternative to detention; or those persons under the age of eighteen (18) against whom status or public offense petitions may or may not be pending, who require emergency shelter, and are placed in a court resource home by law enforcement personnel as an alternative to detention.

(2) "Court resource home" means a private, single-family residence which meets the specifications contained herein and is approved by the agency.

(3) "House parents" means the adult persons living in the court resource home who meet the qualifications specified herein and are approved by the agency.

(4) "Applicant" means the adult(s) who has made application to the agency to operate a court resource home pursuant to the provisions contained herein.

(5) "Court" means the juvenile session of the district court including the court designated worker, with jurisdiction of children placed in a court resource home.

(6) "Administering agency" means the state agency responsible for developing a system of alternatives to detention: court resource homes. The administering agency may enter into agreements with local agencies for program supervision and monitoring.

(7) "Local agency" means the agency that approves, administers and monitors on a local level the application of court resource home regulations. This local agency could be the court designated worker, Cabinet for Human Resources, a local unit of government, other public or private agency, or other responsible person designated by the court who agrees to supervise children prior to the disposition of their case.

Section 3. Qualifications of House Parents. (1) House parents shall be persons of reputable character who possess personal qualities of maturity, stability, flexibility, ability to cope with stress, and the ability to give and receive affection relative to the children placed in their court resource home. They shall be willing and able to cooperate with the local agency and the court in providing proper care and supervision for children.

(2) Criminal records.

(a) Applicants and other adults residing in the household must authorize the release of criminal records to the local agency;

(b) Households having an adult family household member currently in prison, charged with a crime, or on parole/probation, will not be approved by the local agency;

(c) Applicants with felony convictions as adults will not be approved by the local agency;

(d) Applicants with misdemeanor offenses will not be approved. The local agency may make exceptions to this requirement, provided written documentation is placed in the record as to extenuating circumstances which make the applicants' household appropriate for the care of children; and

(e) Applicants will not be approved if children in the home (other than the children as defined herein) have petitions pending against them in district court, and/or if they have a history of involvement with the district court due to dependency, status, or public offense petitions. Exceptions to this requirement may be made by the local agency, provided written documentation is placed in the record as to extenuating circumstances which make the applicants' household appropriate for children.

(3) Age requirements. House parent applicants must be at least twenty-one (21) years of age. In studying the applicants, the local agency shall consider their ages as it affects their physical energy, flexibility, and ability to care for children.

(4) Income and employment.

(a) Applicants shall have sufficient income for maintaining their own family, so as to preclude dependence upon income generated by children placed in their home. Such income shall be sufficient to meet the family's needs and provide for its financial security. Exceptions may be made by the local agency, provided documentation justifying the exception is included in appropriate records;

(b) Applicants shall not care for unrelated adults on a commercial basis, nor be licensed and accepting children for day care, at the same time they are functioning as approved house parents; and

(c) At least one (1) house parent applicant shall not be employed outside the home. However, the local agency may make exceptions to this requirement, based on the ages and behavioral characteristics of the children to be placed in the home, hours worked by the applicants, and their ability to make suitable alternative plans for the care and supervision of the children placed in the home.

(5) Marital status.
(a) The local agency may approve single house parents if their circumstances are such as to justify approval. The local agency shall include written justification for the approval of single house parents in appropriate records;
(b) Married applicants shall have been married for at least one (1) year prior to their initial application to become house parents, and their relationship shall have been continuous and stable during this period of time. However, exceptions to this requirement may be made by the local agency if circumstances permit, and written justification for the exception is included in appropriate records;
(c) Single persons living together, but not married, cannot be approved as house parents. However, exceptions may be granted by the local agency, provided that written justification for the approval is included in appropriate records;
(d) Approved house parents shall immediately notify the local agency of any change in marital status; and
(e) The local agency, upon receipt of any notification made pursuant to paragraph (d) of this subsection, shall immediately conduct a review of the court resource home to determine if it continues to be approved for the care and supervision of children.
(6) Medical status.
(a) House parent applicants shall provide the local agency with the health history of each member of the household, including physical and mental health services received, and information regarding any household member taking psychotropic medication; and
(b) Applicants shall provide the local agency with a statement from a properly licensed physician verifying that each member of the household is free of any communicable diseases, specific illnesses, and/or any disabilities which may interfere with the applicant family's capability to care for children. The physician shall have examined members of the applicants' household during the year immediately preceding the date of application to become agency house parents.

Section 4. Application Process. (1) Applicants shall provide the local agency with three (3) personal references and one (1) credit reference. Personal references must attest to the applicants' character and ability to properly care for children.
(a) References shall include an immediate neighbor and a current or former employer, if possible; and
(b) No more than one (1) personal reference shall be a relative of the applicants.
(2) Applicants shall report to the local agency any history of child-care for unrelated children, or association with child-caring organizations, and provide the names of individuals who can serve as references regarding these associations, if the local agency considers this information significant.
(3) The local agency shall conduct telephone or face-to-face interviews with references. If there is any question as to the propriety of applicants, then face-to-face interviews shall be conducted with references, if possible.
(4) Adult children of applicants shall be interviewed face-to-face by the local agency if they reside in the community. If they reside outside the community, they may be interviewed by telephone.

Section 5. Selection of House Parents. (1) The local agency shall be responsible for approving the applicants' home as acceptable for children based upon a study made of the home. The study shall be conducted by planned interviews and home visits by a local agency worker.
(2) Applicants must provide information to the local agency in regard to any history of reports of child abuse/neglect made regarding family members, as well as reports of spouse abuse.
(3) The home study shall include personal interviews with all members of the applicants' household.
(4) To be approved by the local agency, house parent applicants shall meet all the requirements contained in Section 3, and elsewhere, of this regulation.
(5) Children shall not be placed by the local agency court, or law enforcement personnel in court resource homes which have not received the local agency's prior approval.

Section 6. Agency Contract with Approved House Parents. The local agency shall have a written agreement, signed by the approved house parents and by a designated agency representative, prior to placing a child into the court resource home. The agreement shall clearly delineate the respective responsibilities and expectations of the local agency and the house parents, and shall specify the rate at which the house parents are to be reimbursed by the local agency. It should be understood that this agency agreement does not preclude the court resource home from developing a contract or written agreement with a fiscal court for funding at an established rate by other sources for other children.

Section 7. Agency Evaluation and Supervision of Approved Court Resource Homes. (1) All approved court resource homes shall be evaluated at least annually by the local agency. The local agency shall maintain the results of these evaluations in files maintained on each approved court resource home. These files shall be available for periodic review by the administering agency.
(2) The local agency shall maintain continuing supervision of court resource homes and the children placed in them, and shall assure that children are receiving the care, supervision, and services they require.
(3) Once applicants have been approved, any subsequent change in their circumstances will require the local agency to review the court resource home to determine if it continues to be appropriate for children. These changes include, but are not limited to, marital status, significant decrease in income, etc.
(4) The local agency shall submit a summary of its findings in regard to the reviews and evaluations required by this section to courts utilizing the court resource homes as alternatives to detention. Such reports to the courts shall include any information required to keep the court informed as to the status of the court resource homes.
(5) House parents shall cooperate with the local agency in the agency's ongoing monitoring and supervision of their court resource homes, and the children placed in them.
(6) Court resource homes may be closed at the

discretion of the local agency. Reasons for closure may include, but are not limited to:
(a) Sexual abuse or exploitation;
(b) Physical or emotional injury or abuse;
(c) Consistent lack of affection, care, or supervision;
(d) Court resource home environment not conducive to acceptable standards of child-care; and
(e) Consistent violation of agency court resource home policies.
(7) The local agency shall conduct a review of a court resource home as soon as practicable in the event of any of the following:
(a) Death or disability of a family member;
(b) Separation, divorce, or marriage of house parent(s);
(c) Substantial decrease in, or loss of, income; and
(d) Birth of a child; and
(e) Allegation(s) of abuse/neglect of child(ren) of which the agency is aware.
(8) Courts utilizing the court resource homes as an alternative to detention shall be notified by the local agency as soon as practicable of their closure or of any other circumstances which may effect the judges' use of the home.

Section 8. House Parent Reimbursement. The local agency shall devise policies and procedures which provide for timely payment of house parents by the local agency at the rate(s) specified in the written agreement required by Section 6 of this regulation, including special payments for children's clothing and personal toilet/grooming articles.

Section 9. Physical Facilities. (1) The court resource homes shall present no hazards to the safety of children. Physical standards shall be sufficient to assure the safety and well-being of all occupants.
(2) Court resource homes shall be accessible to schools, recreational facilities, medical facilities, and any other resources required by children.
(3) Court resource homes shall be comparable in condition and style to other homes in the immediate area in which they are located.
(4) Court resource homes shall have properly functioning and maintained plumbing, including at least one (1) flush toilet, one (1) wash basin with running water, and one (1) bath or shower with hot and cold running water, which affords privacy.
(5) Court resource homes shall have at least two (2) doors which provide unrestricted exits in case of fire emergency. Occupied bedrooms shall not be locked from the outside.
(6) House parents shall develop fire emergency procedures, approved by the local agency, including unrestricted means of egress in the event of fire emergencies. House parents shall brief all children on the emergency fire procedures and the identified means of egress.
(7) Court resource homes shall have sufficient living or family room space, comfortably furnished, and accessible to all family members, including children placed in the home.
(8) The bedroom or sleeping areas of children placed in the court resource homes shall not be in an attic or basement, unless the attic or basement has been properly renovated, and the house parents or their natural children have a bedroom in these areas. The local agency may make exceptions to this requirement, with documentation in appropriate records as to the rationale for granting the exception(s).
(9) The court resource home shall have sufficient bedroom or sleeping space to allow children adequate living space. No more than four (4) children may share a bedroom, and they shall be of the same gender.
(10) Each child placed in the court resource home shall have his/her individual place to sleep that is appropriate to his/her height and weight, including all appropriate bedding, which shall be maintained in a state of repair and cleanliness.
(11) House parents shall have a bedroom separate from those of children placed in their home, but not so far removed as to prevent adequate supervision of children.

Section 10. Sanitation and Hygiene. (1) Housekeeping and cleanliness standards of the court resource home shall be acceptable to the local agency.
(2) Physical standards of court resource homes shall be those which are generally accepted as necessary for occupants' health and safety, including:
(a) A continuous supply of clean safe drinking water;
(b) An adequate supply of hot water for bathing and dishwashing purposes; and
(c) A premises free of rodents, insects, and other vermin.
(3) House parents shall provide children placed in their homes with items necessary for personal hygiene and grooming.
(4) Court resource homes shall be well-ventilated and adequately heated, with provisions for adequate cooling in summer months, either with air conditioners, fans or other means of providing proper circulation of fresh air.

Section 11. Safety and Emergency Requirements. (1) The house parents shall have a properly maintained and functioning telephone, and shall post in a clearly visible location near the telephone, emergency telephone numbers, including, but not limited to, fire and police departments, ambulance and rescue services, designated local agency staff, poison control centers, etc.
(2) All poisonous chemicals and cleaning materials, and other dangerous materials, shall be properly stored.
(3) Firearms and ammunition shall be kept in separate locked locations accessible only to the house parents or other responsible adults in the household.
(4) First aid supplies shall be available and stored in a location readily accessible to occupants of the court resource home.
(5) The court resource home shall be free from fire hazards, such as faulty electrical cords and appliances, unsafe fireplaces, stoves, and chimneys, and accumulations of clutter and refuse.
(6) Court resource homes shall have operating smoke alarms within ten (10) feet of each bedroom or sleeping area, and a Class ABC fire extinguisher in the cooking area.
(7) Combustible items shall be stored away from sources of heat.
(8) Mobile homes shall be properly anchored to assure their structural integrity in high winds.

(9) All vehicles used to transport children shall be maintained and operated in a proper manner and in compliance with all applicable motor vehicle laws, including insurance requirements. All drivers of such vehicles shall have a valid and current driver's license, including proper insurance coverage.

(10) House parents shall notify the local agency as soon as practicable of illness, accidents, injury, or any unusual circumstances affecting the health, safety, physical and emotional well-being of children placed in their home. Upon receipt of this information, the local agency shall notify the judge with jurisdiction of the child(ren).

Section 12. Food Service. (1) House parents shall provide children with nutritious meals adequate to meet their daily nutritional requirements.

(2) House parents shall provide for any special dietary needs of children placed in their homes.

Section 13. Training of House Parents. Ongoing pre-service and in-service training programs for court resource homes shall be provided by the local agency, or if available, by the administering agency. Such training shall be designed to teach house parents to properly care for and supervise children from diverse backgrounds and races, and with varying problems, on a short-term basis, and shall include training in first-aid procedures and techniques. Records of all pre-service and in-service training shall be maintained for each house parent.

Section 14. Medical and Health Services. (1) Upon admission of a child to a court resource home, the house parents shall immediately complete a health screening procedure as specified by the local agency. The house parents will immediately notify the local agency or court of any serious health problems identified.

(2) Within one (1) week of placement of a child into a court resource home, the local agency shall cause the child to be thoroughly examined by a properly licensed physician, if indicated.

(3) House parents shall report to the local agency all encounters of children placed in their homes with medical providers and any corrective or follow-up medical/dental care required.

(4) House parents shall give medications to children placed in their homes only with a physician's prescription or authorization and shall dispense only the exact amount of any medications prescribed or authorized.

(5) House parents shall keep all medications, prescribed or "across-the-counter," securely locked in a location accessible only to responsible adults in the household.

Section 15. Recordkeeping. (1) The local agency shall keep a written record of the findings of its court resource home study and the evidence upon which these findings are based.

(2) The local agency shall maintain records of all evaluations and re-evaluations of its court resource homes, including non-routine reviews of specific court resource homes.

(3) The local agency shall maintain records on each child placed in court resource homes. Copies of all correspondence relating to children placed in court resource homes shall also be maintained by the local agency.

(4) The date of discharge of children from court resource homes, and the name and address of the person(s) and/or organization to which the children are released shall be recorded and maintained by the local agency, or the house parents.

(5) The local agency shall maintain the confidentiality of all case records.

(6) House parents and members of their households shall treat personal information regarding children placed in their home and these children's natural families in a confidential manner.

(7) House parents shall maintain records, in accordance with local agency requirements, on the children placed in their home. The records shall include any information specified by the local agency.

Section 16. Admissions/Intake Procedures. (1) Placement of any child in a court resource home approved by the local agency shall require the prior approval of the local agency or a court of competent jurisdiction, except that court or law enforcement personnel may place children requiring emergency shelter into a court resource home without prior approval. In the event of such placements, the house parents shall notify the court or local agency of the placement as soon as practicable, but no later than the next working day, if the child was placed on a holiday or weekend.

(2) Approval of house parent applicants by the local agency shall not guarantee the placement of any child in their court resource home.

(3) At no time shall the total number of children in a court resource home, including the house parents' own children, exceed six (6).

(4) The actual number of children placed in a court resource home shall be determined by the stamina, capacities, and skills of the house parents, the home's physical accommodations and the effect of a child's placement upon the stability of the court resource home.

Section 17. Programs and Services. (1) House parents, in collaboration with the local agency, shall arrange for the provision of any services immediately required by children placed in court resource homes, including but not limited to, medical services, psychological services, social services, etc.

(2) House parents may assign chores to children placed in their home which are appropriate for their ages and abilities and which are commensurate with chores assigned to their own children.

(3) Children shall be directly supervised by a house parent or other responsible adult in the court resource home at all times unless the child is at school, with local agency staff, or otherwise under the direct supervision of some other responsible adult approved by the local agency. The local agency may grant exceptions to this requirement in regard to specific children. The reason(s) for the exception shall be in writing and shall be maintained in the child's record.

(4) The local agency and the house parents shall cooperate in assuring the continuity of children's education to the extent practicable.

Section 18. Communication: Mail, Visitation, and Telephone. (1) Visitation between children placed in court resource homes and their families and appropriate others, as well as telephone contacts, are permitted at recommended hours, unless otherwise ordered by a court.

(2) Written correspondence to or from children placed in court resource homes shall not be opened, read, or withheld from them, except on the basis of a court order.

(3) House parents shall cooperate fully with children's attorneys in arranging for interviews at reasonable times and in locations with a reasonable degree of privacy.

Section 19. Rights. (1) The rights and best interests of children shall be paramount, with due regard for the interests of the community.

(2) No applicant for house parent status and no child needing a court resource home as an alternative to detention shall be denied approval or placement solely or primarily on the basis of age, race, sex, marital status, religion, or national origin, except as provided herein.

(3) The local agency shall assure that the rights of children placed in court resource homes, their natural parents, and house parents are protected.

(4) Natural parents have the following rights:

(a) To maintain meaningful contact with their children through visitation, phone calls, and letters, except as provided in this regulation;

(b) To provide and consent to medical care for their children;

(c) To file formal complaints with the agency; and

(d) To receive protection of confidentiality in their personal affairs.

(5) Children have the following rights:

(a) Adequate food, clothing, and shelter; and

(b) To be free from physical, sexual, and emotional injury, exploitation and abuse.

(6) Personal belongings.

(a) House parents shall allow children to bring and acquire appropriate personal belongings and shall send all personal belongings with children when they depart the court resource home, as appropriate; and

(b) House parents shall not accept any part of a child's earned or unearned income without prior written agreement of the local agency and the child placed in their home.

(7) Religious and ethnic heritage.

(a) House parents shall respect children's religious beliefs and shall not coerce them to participate in any religious activities; and

(b) House parents shall demonstrate respect for children's natural families and their ethnic heritage.

Section 20. Rules and Discipline. (1) House parents shall establish well-defined and consistently enforced rules, which set clear expectations and limits to the behavior of children.

(2) Discipline and guidance of children shall emphasize praise and encouragement for proper behaviors, as opposed to punishment for undesirable behaviors.

(3) House parents shall not subject the children placed in their home to verbal abuse, derogatory remarks about themselves or their natural families, nor to threats of removal from the court resource home.

(4) Children shall not be isolated from others for undue periods of time and shall not be placed in locked areas in the court resource home. House parents may place them apart from other family members for brief "cooling off" periods, but shall remain near to facilitate proper supervision.

(5) House parents shall not administer the following forms of discipline:

(a) Cruel, severe, bizarre, or humiliating actions;

(b) Denial of food, clothing, or shelter;

(c) Denial of visits, telephone usage, or written contacts with members of the natural family and appropriate others, except as provided herein; and

(d) Assignment of exercise or work as punishment.

(6) House parents shall not punish children placed in their home for bedwetting.

(7) House parents shall not permit children to discipline other children.

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 6, 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 1:031E. Payments for home health services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
EFFECTIVE: July 1, 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 method for determining amounts payable by the cabinet for home health agency services.

Section 1. Payments to Home Health Agencies: The cabinet shall reimburse participating home health agencies on the basis of interim rates set by the cabinet using available Medicare data and methodology as applied to Medicaid covered services, taking into consideration the upper limit shown in Section 2 of this regulation.

Payments made at the interim rate will be settled back to actual allowable cost at the end of the facilities' fiscal year, with actual allowable costs not to exceed the amounts that would be allowable taking into consideration the upper limit specified in Section 2 of this regulation. The Medicaid final rates may not exceed federally established upper limits for Medicare.

Section 2. Application of Upper Limits. Publicly operated home health agencies will be reimbursed at full allowable cost. Payments for other agencies (except payments for durable medical equipment, as shown in Section 3 of this regulation) may not exceed a prospective upper limit which will be set at 105 percent of the weighted median of the array of allowable per visit costs with facilities placed in an urban or rural array based on the facility location for the following cost centers or disciplines: skilled nursing, speech pathology, physical therapy, occupational therapy, medical social services, and home health aid services. A determination as to whether a county is urban or rural will be made taking into account usual standard metropolitan statistical areas. The arrays shall be based on [latest available] annual cost report data with costs trended through June 30 and indexed for the rate year; the rate year shall begin on July 1 and end on June 30; and the upper limit shall be subject to an annual adjustment to be effective on July 1 of each rate year. Aggregation of costs (i.e., shifting of allowable costs from one cost center to another if the limit is exceeded in one cost center but not in another) will be permitted. [For the July 1, 1985 through June 30, 1986 rate year, the upper limit shall be effective for services provided after August 2, 1985.] For rate years beginning July 1, 1986 and thereafter, the array shall be based on the latest available cost report as of May 31 preceding the rate year. New facilities which are subject to the cost center upper limit will, until the completion of two (2) full years of operation, be subject only to the Medicare upper limits.

Section 3. Payments for Durable Medical Equipment. The interim payment amount for durable medical equipment shall be determined taking into account Medicaid upper limits on cost for such durable medical equipment, and may include an amount for administrative cost not to exceed twenty (20) percent of the interim payment amount set for the item(s) of durable medical equipment. All participating home health agencies may receive full allowable costs for durable medical equipment, with allowable costs determined taking into account appropriate upper limits.

Section 4. Appeals. Participating home health agencies are provided the following mechanism for a review of program decisions relating to the application of the policies and procedures governing home health agency payments.

(1) A home health agency operator may request reconsideration of a program decision by writing to the Director, Division of Reimbursement and Contracts. This request must be received within forty-five (45) days following transmittal of the audited cost report to the agency or the notification of the agency's prospective rate. The request for workpapers pertaining to audit adjustments to the home health agency's cost report will not extend the forty-five (45) day time limit. The request for appeal must indicate which adjustments the home health agency wishes to appeal. A blanket request to appeal the cost report will not be accepted. Upon receipt of the request for review, the division will determine the need for a program/vendor conference and will contact the home health agency to arrange a conference if needed. The conference, if needed, must be held within sixty (60) days of the program's receipt of the home health agency's request for review unless delayed due to extenuating circumstances. Regardless of the program decision, the provider will be afforded the opportunity for a conference if he so wishes for a full explanation of the factors involved and the program decision. Following review of the matter, the director will notify the home health agency of the action to be taken by the division within twenty (20) days of receipt of the request for review or the date of the program/vendor conference, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(2) If the Director of Reimbursement and Contracts' decision is unsatsifactory, the home health agency may then appeal the question to a reimbursement review panel established by the Commissioner of the Department for Medicaid Services which will include one (1) member of the Division of Reimbursement and Contracts, a representative of the Kentucky Association of Home Health Agencies, and a member of the Department for Medicaid Services (but not within the Division of Reimbursement and Contracts) as designated by the commissioner, with such designated member to serve as chairperson. The request for review by the reimbursement review panel must be postmarked within twenty (20) days following the notification of the initial decision by the Director, Division of Reimbursement and Contracts. A date for the reimbursement review panel to convene will be established within twenty (20) days after receipt of a written request for such appeal. The question will be heard by the panel. The panel shall issue a binding decision on the issue within thirty (30) days of the hearing of the issue, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue. In carrying out the intent and purposes of the program the panel may take into consideration extenuating circumstances which must be considered in order to provide for equitable treatment and reimbursement of the provider.

Section 5. The amendments to this regulation shall be effective with regard to services provided on or after July 1, 1987.

E. AUSTIN, JR., Secretary
R. HUGHES WALKER, Commissioner
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 1, 1987 at 4:30 p.m.

STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not

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

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:036E. Amounts payable for skilled nursing and intermediate care facility services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
EFFECTIVE: July 1, 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 method for determining amounts payable by the cabinet for skilled nursing care facility services and intermediate care facility services.

Section 1. Reimbursement for Skilled Nursing and Intermediate Care Facilities. All skilled nursing or intermediate care facilities participating in the Title XIX program shall be reimbursed in accordance with this regulation. Payments made shall be in accordance with the requirements set forth in 42 CFR 447.250 through 42 CFR 447.280. A skilled nursing facility desiring to participate in Title XIX shall be required to participate in Title XVIII-A.

Section 2. Basic Principles of Reimbursement. (1) Payment shall be on the basis of rates which are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(2) Payment amounts shall be arrived at by application of the reimbursement principles developed by the cabinet (Kentucky Medical Assistance Program Intermediate Care/Skilled Nursing Facility Reimbursement Manual, revised July [January] 1, 1987) and supplemented by the use of the Title XVIII-A reimbursement principles.

Section 3. Implementation of the Payment System. The cabinet's reimbursement system is supported by the Title XVIII-A Principles of Reimbursement, with the system utilizing such principles as guidelines in unaddressed policy areas. The cabinet's reimbursement system includes the following specific policies, components or principles:

(1) Prospective payment rates for routine services shall be set by the cabinet on a facility by facility basis, and shall not be subject to retroactive adjustment. Prospective rates shall be set annually, and may be revised on an interim basis in accordance with procedures set by the cabinet. An adjustment to the prospective rate (subject to the maximum payment for that type of facility) will be considered only if a facility's increased costs are attributable to one (1) of the following reasons: governmentally imposed minimum wage increases; the direct effect of new licensure requirements or new interpretations of existing requirements by the appropriate governmental agency as issued in regulation or written policy which affects all facilities within the class; or other governmental actions that result in an unforeseen cost increase. The amount of any prospective rate adjustment may not exceed that amount by which the cost increase resulting directly from the governmental action exceeds on an annualized basis the inflation allowance amount included in the prospective rate for the general cost area in which the increase occurs. For purposes of this determination, costs will be classified into two (2) general areas, salaries and other. The effective date of interim rate adjustment shall be the first day of the month in which the adjustment is requested or in which the cost increase occurred, whichever is later.

(2) The prospective rate shall not exceed, on a facility by facility basis, an administratively established maximum payment for that type of facility. The state will set a uniform rate year for SNFs and ICFs (July 1-June 30) by taking the latest audited cost data available as of May 16 of each year and trending the facility costs to July 1 of the rate year. (Unaudited, partial year, and/or budgeted cost data may be used if a full year's audited data is unavailable. Unaudited reports are subject to adjustment to the audited amount, and will be used when an audited cost report ending within twenty-four (24) months of the 30th of April preceding the rate year is not available. Facilities paid on the basis of partial year or budgeted cost reports shall have their reimbursement settled back to allowable cost, with usual upper limits applied. Facilities beginning program participation on or after July 1, 1984 whose rates are subject to settlement back to cost will not be included in the arrays until such time as the facilities are no longer subject to cost settlement.) After allowable costs are indexed for inflation for the rate year, freestanding (non-hospital based) facilities will be arrayed and the maximum set at 102 percent of the median for the class (SNF or ICF). In recognition of the higher costs of hospital based SNFs, their upper limit shall be set at 135 percent of 102 percent of the median of allowable trended and indexed costs of all other SNFs, however, such upper limit shall not exceed 102 percent of the median of the array of allowable trended and indexed costs of hospital based SNFs. The maximum payment amounts will be adjusted each July 1, beginning with July 1, 1985, so that the maximum payment amount for the prospective uniform rate year will be at 102 percent of the median per diem allowable costs for the class (SNF or ICF) on July 1 of that year. For purposes of administrative ease in computations normal rounding may be used in establishing the maximum payment amount, with the maximum payment amount rounded to the nearest five (5) cents. Upon being set, the

arrays and upper limits will not be altered due to revisions or corrections of data. For ICF-MRs, there is no administratively established upper limit [a prospective rate will be set in the same manner as for freestanding SNFs and basic ICFs, except that the maximum (upper limit) shall be set at 125 percent of the median of the array]. Effective January 1, 1987, and continuing through the rate years beginning July 1, 1987, and July 1, 1988, the allowable cost for each facility shall include a patient care labor intensity factor of two and six-tenths (2.6) percent applied to that portion of the facilities' operating costs attributable (based on averages for the class of facility) to labor costs. This allowance is generally intended for the purpose of direct service staff improvements to enhance patient care. Effective with the rate year beginning on July 1, 1987, that portion of the facilities' operating costs attributable (based on averages for the class of facility) to labor costs shall be indexed for the rate year by a labor cost intensity factor based on the state employee annual salary increment; this indexing shall be in lieu of the usual indexing for inflation of such labor costs, however, the labor cost intensity factor shall be not less than the usual indexing factor and, if necessary, shall be increased to an amount equal to the usual indexing factor. This adjustment is designed to allow for salary and staffing improvements to improve patient care.

(3) The reasonable direct cost of ancillary services provided by the facility as a part of total care shall be compensated on a reimbursement cost basis as an addition to the prospective rate except for ventilator therapy services which shall be paid on a prospective rate basis. Ancillary services reimbursement shall be subject to a year-end audit, retroactive adjustment and final settlement. Ancillary costs may be subject to maximum allowable cost limits under federal regulations. Any percentage reduction made in payment of current billed charges shall not exceed twenty-five (25) percent, except in the instance of individual facilities where the actual retroactive adjustment for a facility for the previous year reveals an overpayment by the cabinet exceeding twenty-five (25) percent of billed charges, or where an evaluation by the cabinet of an individual facility's current billed charges shows the charges to be in excess of average billed charges for other comparable facilities serving the same area by more than twenty-five (25) percent. A refund will be requested from a facility if the amount paid to the facility for legend drugs, covered legend devices and non-legend drugs, if applicable, exceeds the program's computed maximum allowable cost. The amount of refund will be determined by conducting a statistically accurate sample of the Medicaid patients for the facility's fiscal year. The percentage that a facility is over the computed maximum allowable cost will be multiplied by the amount paid by the program for drugs for the fiscal year under review.

(4) Interest expense used in setting the prospective rate is an allowable cost if permitted under Title XVIII-A principles and if it meets these additional criteria:

(a) It represents interest on long-term debt existing at the time the vendor enters the program or represents interest on any new long-term debt, the proceeds of which are used to purchase fixed assets relating to the provision of the appropriate level of care. If the debt is subject to variable interest rates found in balloon-type financing, renegotiated interest rates will be allowable. The form of indebtedness may include mortgages, bonds, notes and debentures when the principal is to be repaid over a period in excess of one (1) year; or

(b) It is other interest for working capital and operating needs that directly relates to providing patient care. The form of such indebtedness may include, but is not limited to, notes, advances and various types of receivable financing; however, short-term interest expense on a principal amount in excess of program payments made under the prospective rate equivalent to two (2) months experience based on ninety (90) percent occupancy or actual program receivables will be disallowed in determining cost;

(c) For both paragraphs (a) and (b) of this subsection, interest on a principal amount used to purchase goodwill or other intangible assets will not be considered an allowable cost.

(5) Compensation to owner/administrators will be considered an allowable cost provided that it is reasonable, and that the services actually performed are a necessary function. Compensation includes the total benefit received by the owner for the services he renders to the institution, excluding fringe benefits routinely provided to all employees and the owner/administrator. Payment for services requiring a licensed or certified professional performed on an intermittent basis will not be considered a part of compensation. "Necessary function" means that had the owner not rendered services pertinent to the operation of the institution, the institution would have had to employ another person to perform the service. Reasonableness of compensation will be based on total licensed beds (all levels).

(6) The allowable cost for services or goods purchased by the facility from related organizations shall be the cost to the related organization, except when it can be demonstrated that the related organization is in fact equivalent to any other second party supplier, i.e., a relationship for purposes of this payment system is not considered to exist. A relationship will be considered to exist when an individual or individuals possess five (5) percent or more of ownership or equity in the facility and the supplying business; however, an exception to the relationship will be determined to exist when fifty-one (51) percent or more of the supplier's business activity of the type carried on with the facility is transacted with persons and organizations other than the facility and its related organizations.

(7) The amount allowable for leasing costs shall not exceed the amount which would be allowable based on the computation of historical costs, except that for general intermediate care facilities entering into lease/rent arrangements prior to April 22, 1976, intermediate care facilities for the mentally retarded entering into lease/rent arrangements prior to February 23, 1977, and skilled nursing facilities entering into lease/rent arrangements prior to December 1, 1979, the cabinet will determine the allowable costs of such arrangements based on the general reasonableness of such costs.

(8) The following provisions are applicable

with regard to median per diem cost center upper limits:

(a) For facilities (except ICF-MRs) beginning participation in the Medicaid program on or after April 1, 1981, (and classified as newly participating facilities for purposes of this subsection), the following upper limits (within the class) shall be applicable with regard to otherwise allowable per diem costs, by cost center: for nursing services, 125 percent of the median; for dietary services, 125 percent of the median; for capital costs, 105 percent of the median; and for all other costs, 105 percent of the median.

(b) Facilities participating in the Medicaid program prior to April 1, 1981, shall be classified as newly participating facilities (solely for purposes of this subsection) when either of the following occurs on or after April 1, 1981: first, when the facility expands its bed capacity by expansion of its currently existing plant or, second, when a multi-level facility (one providing more than one (1) type of care) converts existing personal care beds in the facility to either skilled nursing or intermediate care beds, and the number of additional or converted personal care beds equals or exceeds (in the cumulative) twenty-five (25) percent of the Medicaid certified beds in the facility as of March 31, 1981; however, as an exception to the conditions specified in this subsection a facility will not be considered as newly participating if it increases its certified bed capacity by no more than a cumulative total of thirty-five (35) beds (on or after April 1, 1981) so long as its new total certified bed capacity does not exceed sixty-five (65) beds. Facilities participating in the Medicaid program prior to April 1, 1981 shall not be classified as newly participating facilities solely because of changes of ownership.

(c) For purposes of application of this subsection the facility classes are basic intermediate care and skilled nursing care. The "median per diem cost" is the midpoint of the range of all facilities' costs (for the class) which are attributable to the specific cost center, which are otherwise allowable costs for the facilities' prior fiscal year, and which are adjusted by trending, indexing and the occupancy factor. The median for each cost center for each class shall be determined annually using the same cost data for the class which was used in setting the maximum payment amount. The Department for Medicaid Services shall notify all participating facilities of the median per diem cost center upper limits currently in effect.

(d) A facility may request that the Reimbursement Review Panel grant a waiver of its status as a newly participating facility based upon a presentation of facts showing that the provider had already incurred a substantial material financial obligation or binding commitment toward building or expanding a facility prior to April 1, 1981. The obtaining of a certificate of need shall not be construed, in itself, to be sufficient to justify approval of a waiver request, and a waiver, if granted, shall be applicable only with regard to that building or expansion for which the waiver was requested and approved.

(e) Intermediate care facilities for the mentally retarded (ICF-MRs) are not subject to the median per diem cost center upper limits shown in this subsection.

(9) Certain costs not directly associated with patient care will not be considered allowable costs. Costs which are not allowable include political contributions, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies, conferences, or any related activities), specified vehicle costs as shown in the Reimbursement Manual, and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs unless such costs are incurred by administrators or owners.

(10) To determine the gain or loss on the sale of a facility for purposes of determining a purchaser's cost basis in relation to depreciation and interest costs, the following methods will be used for changes of ownership occurring before July 18, 1984:

(a) Determine the actual gain on the sale of the facility.

(b) Add to the seller's depreciated basis two-thirds (2/3) of one (1) percent of the gain for each month of ownership since the date of acquisition of the facility by the seller to arrive at the purchaser's cost basis.

(c) Gain is defined as any amount in excess of the seller's depreciated basis as computed under program policies at the time of the sale, excluding the value of goodwill included in the purchase price.

(d) A sale is any bona fide transfer of legal ownership from an owner(s) to a new owner(s) for reasonable compensation, which is usually fair market value. Lease-purchase agreements and/or other similar arrangements which do not result in transfer of legal ownership from the original owner to the new owner are not considered sales until such time as legal ownership of the property is transferred.

(e) If an enforceable agreement for a change of ownership was entered into prior to July 18, 1984, the purchaser's cost basis will be determined in the manner set forth in paragraphs (a) through (d) of this subsection.

(11) Notwithstanding the provisions contained in subsection (10) of this section, or in any other section or subsection of this regulation or the "Kentucky Medical Assistance Program Intermediate Care/Skilled Nursing Facility Reimbursement Manual," the cost basis for any facility changing ownership on or after July 18, 1984 (but not including changes of ownership pursuant to an enforceable agreement entered into prior to July 18, 1984 as specified in subsection (10)(e) of this section) shall be determined in accordance with the methodology set forth herein for the reevaluation of assets of skilled nursing and intermediate care facilities.

(a) No increase will be allowed in capital costs.

(b) The allowable historical base for depreciation for the purchaser will be the lesser of the allowable historical cost of the seller less any depreciation allowed to the seller in prior periods, or the actual purchase price.

(c) The amount of interest expense allowable to the purchaser is limited to the amount that was allowable to the seller at the time of the sale.

(12) Each facility shall maintain and make available such records (in a form acceptable to the cabinet) as the cabinet may require to justify and document all costs to and services performed by the facility. The cabinet shall have access to all fiscal and service records and data maintained by the provider, including unlimited onsite access for accounting, auditing, medical review, utilization control and program planning purposes.

(13) The following shall apply with regard to the annual cost report required of the facility:

(a) The year-end cost report shall contain information relating to prior year cost, and will be used in establishing prospective rates and setting ancillary reimbursement amounts.

(b) New items or expansions representing a departure from current service levels for which the facility requests prior approval by the program are to be so indicated with a description and rationale as a supplement to the cost report.

(c) Cabinet approval or rejection of projections and/or expansions will be made on a prospective basis in the context that if such expansions and related costs are approved they will be considered when actually incurred as an allowable cost. Rejection of items or costs will represent notice that such costs will not be considered as part of the cost basis for reimbursement. Unless otherwise specified, approval will relate to the substance and intent rather than the cost projection.

(d) When a request for prior approval of projections and/or expansions is made, absence of a response by the cabinet shall not be construed as approval of the item or expansion.

(14) The cabinet shall review each year-end cost report to determine the necessity for and scope of a field audit in relation to routine and ancillary service cost. A field audit may be conducted for purposes of verifying cost to be used in setting the prospective rate; field audits may be conducted annually or at less frequent intervals. A field audit of ancillary cost will be conducted as needed.

(15) Year-end adjustments of the prospective rate and a retroactive cost settlement will be made when:

(a) Incorrect payments have been made due to computational errors (other than the omission of cost data) discovered in the cost basis or establishment of the prospective rate.

(b) Incorrect payments have been made due to misrepresentation on the part of the facility (whether intentional or unintentional).

(c) A facility is sold and the funded depreciation account is not transferred to the purchaser.

(16) Reimbursement paid may not exceed the facility's customary charges to the general public for such services, except in the case of public facilities rendering inpatient services at a nominal charge (which may be reimbursed at the prospective rate established by the cabinet).

(17) The cabinet may develop and/or utilize methodology to assure an adequate level of care. Facilities determined by the cabinet to be providing less than adequate care may have penalties imposed against them in the form of reduced payment rates.

(18) Each facility shall submit the required data for determination of the prospective rate no later than sixty (60) days following the close of the facility's fiscal year. This time limit may be extended at the specific request of the facility (with the cabinet's concurrence).

(19) Each ICF which admits a recipient from an SNF during the period of September 1, 1985 through January 31, 1986 shall receive an incentive payment of seven (7) dollars and fifty (50) cents for each day of covered care rendered such recipient, subject to the following conditions:

(a) The recipient must meet SNF patient status criteria as of August 31, 1985 only because of non-availability of an ICF bed, where the recipient is on the waiting list of an ICF; and

(b) The incentive payment may be paid for more than ninety (90) covered days of care only if all such days are prior to February 1, 1986.

(20) When a recipient in a SNF changes patient status (from SNF to ICF) on or after February 1, 1986 and is admitted to an ICF within the permitted transfer period for the recipient (i.e., while the recipient still qualifies for coverage at the skilled rate), the ICF shall receive an incentive payment of seven (7) dollars and fifty (50) cents for each day of covered care rendered the recipient; such incentive payment shall be paid for no more than ninety (90) days of care.

(21) The incentive payment referenced in subsections (19) and (20) of this section shall be paid without regard to maximum payment limitations shown elsewhere in this regulation.

(22) Effective September 26, 1985 (for services provided on or after September 1, 1985), a participating skilled nursing facility may be paid for care provided to Medicaid eligible patients who meet intermediate care patient status criteria subject to the following criteria or conditions:

(a) The payment will be made at the upper limit for payments to intermediate care facilities, or the skilled nursing rate for the facility if lower;

(b) The patient must be in the skilled nursing facility bed awaiting placement to an intermediate care bed; and

(c) The patient must have been reclassified from SNF patient status to ICF patient status; or, alternatively, the patient must meet ICF patient status criteria, and the appropriate representative of the Department for Social Services must certify that no ICF bed is available and that an emergency exists so that placement in the SNF bed offers the best alternative in the circumstances. Payment made based on the certification that no ICF bed is available and that an emergency exists may be made for no more than thirty (30) days; however, the certification and declaration of emergency may be renewed by the Department for Social Services as appropriate and payment may be made pursuant to such renewal.

(23) SNF's which on February 1, 1986 continued to care for recipients who were classified as meeting SNF patient status criteria as of August 31, 1985 only because of non-availability of an ICF bed, where the recipient is on the waiting list of an ICF, may receive the usual SNF rate for those recipients subject to the following transitional reimbursement standards and criteria:

(a) The facility must file a letter of intent with the Cabinet for Human Resources, Office of the Secretary, 275 East Main Street, Fourth Floor, Frankfort, Kentucky 40621 by January 31, 1986 (receipt in the cabinet is required) for

downward conversion of the bed(s) in which the recipient(s) is residing.

(b) Any facility which files a letter of intent must submit to the Commission for Health Economics Control in Kentucky (CHECK) an appropriate certificate of need application for downward conversion of the skilled bed(s), no later than February 14, 1986, in order for the transitional reimbursement payments to continue.

(c) Payment under this transitional reimbursement provision shall continue only until such time as the Commission for Health Economics Control in Kentucky (CHECK) has acted on the application and any appropriate licensure action has been effected.

Section 4. Prospective Rate Computation. The prospective rate for each facility will be set in accordance with the following:

(1) Determine allowable prior year cost for routine services.

(2) The allowable prior year cost, not including fixed or capital costs, will then be trended to the beginning of the uniform rate year and increased by a percentage so as to reasonably take into account economic conditions and trends. Such percentage increase shall be known as an inflation factor.

(3) The unadjusted basic per diem cost (defined as the unadjusted allowable cost per patient per day for routine services) will then be determined by comparison of costs with the facility's occupancy rate (i.e., the occupancy factor) as determined in accordance with procedures set by the cabinet. The occupancy rate shall not be less than actual bed occupancy, except that it shall not exceed ninety-eight (98) percent of certified bed days (or ninety-eight (98) percent of actual bed usage days, if more, based on prior year utilization rates). The minimum occupancy rate shall be ninety (90) percent of certified bed days for facilities with less than ninety (90) percent certified bed occupancy. The cabinet may impose a lower occupancy rate for newly constructed or newly participating facilities, or for existing facilities suffering a patient census decline as a result of a competing facility newly constructed or opened serving the same area. The cabinet may impose a lower occupancy rate during the first two (2) full facility fiscal years an existing skilled nursing facility participates in the program under this payment system.

(4) Cost center median related per diem upper limits will then be applied as appropriate to the unadjusted basic per diem cost. The resultant adjusted amounts (and unadjusted amounts, as applicable) will be combined (or recombined) to arrive at the basic per diem cost (defined as the adjusted allowable cost per patient per day for routine services).

(5) To the basic per diem cost shall be added a specified dollar amount for investment risk and an incentive for cost containment in lieu of a return on equity capital, except that no return for investment risk shall be made to non-profit facilities, and publicly owned and operated facilities shall not receive the investment or incentive return.

(a) Cost incentive and investment schedule for general intermediate care facilities:

(Effective 7-1-87 [1-1-87])

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
$31.99 & below [29.99 & below]	$.92	$.58
32.00 - 32.99 [30.00 - 30.99]	$.86	$.50
33.00 - 33.99 [31.00 - 31.99]	$.78	$.41
34.00 - 34.99 [32.00 - 32.99]	$.70	$.32
35.00 - 35.99 [33.00 - 33.99]	$.61	$.21
36.00 - 36.99 [34.00 - 34.99]	$.51	$.09
37.00 - 37.87 [35.00 - 36.14]	$.35	-

Maximum Payment $37.87 [36.14]

(b) Cost incentive and investment schedule for intermediate care facilities for the mentally retarded:

(Effective 7-1-87 [1-1-87])

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
$86.99 & below	$1.38	$.87
87.00 - 92.99	$1.29	$.75
93.00 - 98.99	$1.18	$.62
99.00 -104.99	$1.06	$.47
105.00 -110.99	$ .92	$.31
111.00 -116.99	$ .76	$.13
117.00 -123.49	$ .53	-

[Maximum Payment $123.49]

(c) Cost incentive and investment schedule for skilled nursing facilities:

(Effective 7-1-87 [1-1-87])

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
$41.99 & below [39.99 & below]	$.92	$.58
42.00 - 43.99 [40.00 - 41.99]	.86	.50
44.00 - 45.99 [42.00 - 43.99]	.78	.41
46.00 - 47.99 [44.00 - 45.99]	.70	.32
48.00 - 49.99 [46.00 - 47.99]	.61	.21
50.00 - 51.99 [48.00 - 49.99]	.51	.09
52.00 - 54.00 [50.00 - 51.93]	.35	-

Maximum Payment $54.00 [51.93]*

*The maximum payment for hospital based skilled nursing facilities is set at $72.90 [70.11].

(6) The prospective rate is then compared, as appropriate, with the maximum payment. If in excess of the program maximum, the prospective rate shall be reduced to the appropriate maximum payment amount. The maximum payment amounts have been set to be at or about 102 percent of the median of adjusted basic per diem costs for the class, recognizing that hospital based skilled nursing facilities have special requirements that must be considered. The cabinet has determined that the maximum payment rates shall be reviewed annually against the criteria of 102 percent of the median for the class and that adjustments to the payment maximums will be made effective July 1, 1985 and each July 1 thereafter. This policy shall allow, but does not require lowering of the maximum payments below the current levels if application of the criteria against available cost data should show that 102 percent of the median is a lower dollar amount than has been currently set.

Section 5. Reimbursement Review and Appeal. Participating facilities may appeal cabinet decisions as to application of the general policies and procedures in accordance with the following:

(1) First recourse shall be for the facility to request in writing to the Director, Division of Reimbursement and Contracts, a re-evaluation of the point at issue. This request must be received within forty-five (45) days following notification of the prospective rate or forwarding of the audited cost report by the program. The director shall review the matter and notify the facility of any action to be taken by the cabinet (including the retention of the original application of policy) within twenty (20) days of receipt of the request for review or the date of the program/vendor conference, if one is held, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(2) Second recourse shall be for the facility to request in writing to the Commissioner, Department for Medicaid Services, a review by a standing review panel to be established by the commissioner. This request must be postmarked within fifteen (15) days following notification of the decision of the Director, Division of Reimbursement and Contracts. Such panel shall consist of three (3) members: one (1) member from the Division of Reimbursement and Contracts, one (1) member from the Kentucky Association of Health Care Facilities, and one (1) member from the Department for Medicaid Services (but not within the Division of Reimbursement and Contracts) as designated by the Commissioner, Department for Medicaid Services, with such designated member to act as chairperson of the review panel. A date for the reimbursement review panel to convene will be established within twenty (20) days after receipt of the written request. The panel shall issue a binding decision on the issue within thirty (30) days of the hearing of the issue, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue. In carrying out the intent and purposes of the program the panel may take into consideration extenuating circumstances which must be considered in order to provide for equitable treatment and reimbursement of the provider. The attendance of the representative of the Kentucky Association of Health Care Facilities at review panel meetings shall be at the cabinet's expense.

Section 6. Definitions. For purposes of Sections 1 through 6 of this regulation, the following definitions shall prevail unless the specific context dictates otherwise.

(1) "Allowable cost" means that portion of the facility's cost which may be allowed by the cabinet in establishing the reimbursement rate. Generally, cost is considered allowable if the item of supply or service is necessary for the provision of the appropriate level of patient care and the cost incurred by the facility is within cost limits established by the cabinet, i.e., the allowable cost is "reasonable."

(2) "Ancillary services" means those direct services for which a separate charge is customarily made, and which except for ventilator therapy services are retrospectively settled on the basis of reasonable allowable cost at the end of the facilities' fiscal year. Ancillary services are limited to the following:

(a) Legend and non-legend drugs, including indwelling catheters and syringes, and irrigation supplies and solutions utilized with those catheters regardless of how those supplies and solutions are utilized. Coverage and allowable cost payment limitations are specified in the cabinet's regulation on payment for drugs.

(b) Physical, occupational and speech therapy.

(c) Laboratory procedures.

(d) X-ray.

(e) Oxygen and other related oxygen supplies and inhalation therapy.

(f) Psychological and psychiatric therapy (for ICF/MR only).

(g) Ventilator therapy services, subject to the coverage limitations shown in the Reimbursement Manual.

(3) "Hospital based skilled nursing facilities" means those skilled nursing facilities so classified by Title XVIII-A.

(4) The "basic per diem cost" is the computed rate arrived at when otherwise allowable costs are trended and adjusted in accordance with the inflation factor, the occupancy factor, and the median cost center per diem upper limits.

(5) "Inflation factor" means the comparison of allowable routine service costs, not including fixed or capital costs, with an inflation rate to arrive at projected current year cost increases, which when added to allowable costs, including fixed or capital costs, yields projected current year allowable costs. The inflation factor shall be included for rates computed on August 3, 1985 and thereafter.

(6) "Incentive factor" means the comparison of the basic per diem cost with the incentive return schedule to arrive at the actual dollar amount of cost containment incentive return to be added to the basic per diem cost.

(7) "Investment factor" means the comparison of the basic per diem cost with the investment return schedule to arrive at the actual dollar amount of investment return to be added to the basic per diem cost.

(8) "Maximum allowable cost" means the maximum amount which may be allowed to a facility as

reasonable cost for provision of an item of supply or service while complying with limitations expressed in related federal or state regulations.

(9) "Maximum payment" means the maximum amount the cabinet will reimburse, on a facility by facility basis, for routine services.

(10) "Occupancy factor" means the imposition of an assumed level of occupancy used in computing unadjusted basic per diem rates.

(11) "Prospective rate" means a payment rate of return for routine services based on allowable costs and other factors, and includes the understanding that except as specified such prospective rate shall not be retroactively adjusted, either in favor of the facility or the cabinet.

(12) "Routine services" means the regular room, dietary, medical social services, nursing services, minor medical and surgical supplies, and the use of equipment and facilities. Routine services include but are not limited to the following:

(a) All general nursing services, including administration of oxygen and related medications, handfeeding, incontinency care and tray services.

(b) Items which are furnished routinely and relatively uniformly to all patients, such as patient gowns, water pitchers, basins, and bed pans. Personal items such as paper tissues, deodorants, and mouthwashes are allowable as routine services if generally furnished to all patients.

(c) Items stocked at nursing stations or on the floor in gross supply and distributed or utilized individually in small quantities, such as alcohol, applicators, cotton balls, bandaids and tongue depressors.

(d) Items which are utilized by individual patients but which are reusable and expected to be available in an institution providing a skilled nursing or intermediate care facility level of care, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment, and other durable medical equipment.

(e) Laundry services, including personal clothing to the extent it is the normal attire for everyday facility use, but excluding dry cleaning costs.

(f) Other items or services generally available or needed within a facility unless specifically identified as ancillary services. (Items excluded from reimbursement include private duty nursing services and ambulance services costs.)

(13) The first twenty (20) cents of cost of each disposable incontinent brief shall be considered to be ancillary costs when such briefs are provided upon a physician's orders, with the balance of the cost of such briefs considered to be routine costs.

Section 7. Implementation Date. The amendments to this regulation shall be effective on July 1, 1987 [January 1, 1987, or as otherwise specified herein].

E. AUSTIN, JR., Secretary
R. HUGHES WALKER, Commissioner
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 1, 1987 at 4:30 p.m.

STATEMENT OF EMERGENCY

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

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:037E. Hospital furnished [Payments for] skilled nursing and intermediate care facility services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
EFFECTIVE: July 1, 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 provisions relating to skilled nursing facility services and intermediate care facility services furnished by a licensed hospital for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Definition. "Hospital furnished skilled nursing facility services and intermediate care facility services" means such services provided in a licensed hospital bed by a facility which has entered into an agreement with the secretary, Department of Health and Human Services, pursuant to Section 1883 of the Social Security Act, or such services when provided in a hospital bed which is licensed (in accordance with KRS Chapter 216B) for provision of acute care and is appropriately certified for provision of skilled nursing and/or intermediate care services so long as such beds qualify for participation in the Medicaid Program in accordance with usual Medicaid requirements for participation.

Section 2. Participation Requirements. The hospital must be licensed and certified to participate in the Medical Assistance Program, and [;] any beds to be used for hospital furnished skilled nursing facility services and intermediate care facility services must be appropriately certified with certificate of need approval for Section 1883 beds [; and the Certificate of Need Board must approve the use of the beds in such a manner].

Section 3. Provision of Service. Payment for services shall be limited to those services provided to eligible individuals meeting the

criteria for provision of skilled nursing services as determined in accordance with 907 KAR 1:022 or intermediate care services as determined in accordance with 907 KAR 1:024.

Section 4. Utilization Review. The facility shall have in place a program of utilization review which meets the requirements specified in 42 CFR 456, subparts C, E, and F, for hospitals, skilled nursing facilities, and intermediate care facilities. The facility shall be responsible for cooperating with the cabinet and/or its designated agents in the establishment of patient status and performance of utilization review and/or control.

Section 5. The amendments to this regulation shall be effective with regard to services provided on or after July 1, 1987. [Implementation of Coverage. Services may be covered under the provisions of this regulation beginning July 1, 1982.]

E. AUSTIN, JR., Secretary
R. HUGHES WALKER, Commissioner
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 1, 1987 at 4:30 p.m.

STATEMENT OF EMERGENCY

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

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:042E. Amounts payable for hospital furnished skilled nursing and intermediate care facility services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
EFFECTIVE: July 1, 1987
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program for 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 method for determining amounts payable by the cabinet for hospital furnished skilled nursing facility and intermediate care facility services.

Section 1. Reimbursement for Hospital Furnished Skilled Nursing and Intermediate Care Services. To qualify for reimbursement, any hospital(s) providing skilled nursing facility services and intermediate care facility services must have in effect an agreement with the secretary, Department of Health and Human Services, pursuant to Section 1883 of the Social Security Act, or be dual licensed (as provided for in KRS Chapter 216B) to provide skilled nursing and/or intermediate care services in an acute care hospital bed. Such hospital(s) shall be paid at a rate equal to the average rate per patient-day paid for routine services during the previous calendar year under the state's Title XIX plan to skilled nursing and intermediate care facilities, respectively, located in the state in which the hospital is located. The reasonable cost of ancillary services [shall be paid based on reasonable cost which] shall be determined in the same manner as the reasonable cost of ancillary services provided for inpatient hospital services; covered ancillary services shall be the same as for all other skilled nursing and intermediate care facilities.

Section 2. Rate Review and Adjustment. Any participating facility may appeal its established rates using either the customary appeals mechanism for providers of hospital inpatient services or for providers of skilled nursing and intermediate care facility services.

Section 3. Eligibility for Reimbursement. A facility shall be eligible for reimbursement only when considered to be a participating vendor, and reimbursement shall be made only for covered services rendered eligible Title XIX recipients meeting patient status as determined in accordance with applicable regulations.

Section 4. The amendments to this regulation shall be effective with regard to services provided on or after July 1, 1987. [Implementation of the Payment System. Payments based on this system shall begin July 1, 1982 for any participating hospital which is appropriately licensed, and which has been certified and authorized to provide such skilled nursing and intermediate care services.]

E. AUSTIN, JR., Secretary
R. HUGHES WALKER, Commissioner
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 1, 1987 at 4:30 p.m.

STATEMENT OF EMERGENCY

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

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:045E. Payments for mental health center services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
EFFECTIVE: July 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 method for determining amounts payable by the cabinet for mental health center services.

Section 1. Mental Health Centers. In accordance with 42 CFR 447.325, the cabinet shall make payment to Kentucky based (in-state) providers who are appropriately licensed and have met the conditions for participation (including the signing of such contractural arrangements as the cabinet may require of this class of provider) set by the cabinet, on the following basis:

(1) Payment shall be on a prospective basis based on reasonable allowable prior year costs (utilizing the latest audited annual cost report or unaudited report if an audited report is not available) not to exceed usual and customary charges or the upper limits on payments. Allowable costs shall be trended to the beginning of the rate year <u>and indexed for the rate year</u>, so as to more accurately approximate actual costs which will be incurred during the year. (If an unaudited report is used, cost will not be adjusted based on audit.)

(2) Payment amounts shall be determined by application of the "Community Mental Health Center General Policies and Guidelines and Principles of Reimbursement," (revised July 1, <u>1987</u> [1986]) developed and issued by the cabinet, (incorporated by reference to the extent that such policies, guidelines and principles are applicable to Title XIX services and reimbursement, and filed herein), supplemented by the use of Title XVIII reimbursement principles.

(3) Allowable costs shall not exceed customary charges which are reasonable. Allowable costs shall not include the costs associated with political contributions, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies, conferences, or any related activities), the costs of motor vehicles used by management personnel which exceed $15,000 total valuation annually (unless such excess cost is considered as compensation to the management personnel), and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs.

(4) The prospective rate shall not exceed <u>110</u> [105] percent of the median of the reasonable allowable cost for each reimbursable departmental cost center (i.e., inpatient, outpatient, partial hospitalization and personal care) for all participating facilities.

Section 2. Implementation of Payment System. (1) Payments may be based on units of service such as fifteen (15) minute or hourly increments, or at a daily rate, depending on the type of service.

(2) Overpayments discovered as a result of audits may be settled in the usual manner, i.e., through recoupment or withholding.

(3) The vendor shall complete an annual cost report on forms provided by the cabinet not later than sixty (60) days from the end of the vendor's accounting year and the vendor shall maintain an acceptable accounting system to account for the cost of total services provided, charges for total services rendered, and charges for covered services rendered eligible recipients.

(4) Each community mental health center provider shall make available to the cabinet at the end of each fiscal reporting period, and at such intervals as the cabinet may require, all patient and fiscal records of the provider, subject to reasonable prior notice by the cabinet. Notwithstanding this general requirement, the provider need not make available (for purposes of determining Medicaid payment amounts) staff notes or treatment records which show treatment details for non-Medicaid covered services; for such services, the information required shall be limited to a case summary sheet or listing which shows, at a minimum, the type of service provided, the staff member who provided the service, the date of the service, and appropriate identifying information relating to the patient.

(5) Payments due the community mental health center shall be made at reasonable intervals but not less often than monthly.

Section 3. Nonallowable Costs. The cabinet shall not make reimbursement under the provisions of this regulation for services not covered by 907 KAR 1:044, community mental health center services, nor for that portion of a community mental health center's costs found unreasonable or nonallowable in accordance with the cabinet's "Community Mental Health Center General Policies and Guidelines and Principles of Reimbursement."

Section 4. Reimbursement of Out-of-State Providers. The cabinet shall make payment to out-of-state mental health center providers who are appropriately licensed, participate with their state's Title XIX Medicaid Program, and have met the Kentucky Medical Assistance Program conditions of participation. The payment rate will be the lower of charges, or the facility's rate as set by the state Medicaid Program in the other state, or the upper limit for that type of service in effect for Kentucky providers.

<u>Section 5. The amendments to this regulation shall be effective with regard to payments for services provided on or after July 1, 1987.</u>

E. AUSTIN, JR., Secretary
R. HUGHES WALKER, Commissioner
APPROVED BY AGENCY: July 7, 1987
FILED WITH LRC: July 8, 1987 at 3 p.m.

AS AMENDED

GENERAL GOVERNMENT CABINET
Board of Accountancy
(As Amended)

201 KAR 1:062. Certification standards.

RELATES TO: KRS 325.261, 325.265, 325.270, 325.280
PURSUANT TO: KRS 325.240
EFFECTIVE: July 2, 1987
NECESSITY AND FUNCTION: To promulgate administrative regulations of the State Board of Accountancy of Kentucky. This regulation pertains to granting certificates.

Section 1. The board shall issue a certificate as a certified public accountant to any person who meets the qualifications as set forth in KRS 325.261.

Section 2. (1) The educational requirements of KRS 325.261(3)(a) and (b) referring to a baccalaureate degree and/or masters degree "conferred by a college or university recognized by the board," is defined as a degree from an institution whose credits would be accorded full recognition upon transfer to a **state college or university in the Commonwealth offering a baccalaureate degree in business**. Evidence that the applicant possesses the educational qualifications prescribed herein shall consist of an official transcript(s) issued by the institution(s) granting the degree(s) claimed. Such transcripts shall be submitted with an application for examination, or an application for certificate by waiver of examination, and remain a part thereof.
(2) Effective with initial applications for admission to the November 1988 examination, a major or concentration program in accounting is defined as a minimum of thirty-nine (39) semester hours in business related subjects of which a minimum of twenty-seven (27) semester hours must be in accounting subjects. Prior to September 1, 1988 a major or concentration program in accounting is defined as a minimum of thirty (30) semester hours in business related subjects, of which a minimum of twenty (20) semester hours must be in accounting subjects.

Section 3. (1) Effective September 1, 1988, applicants for a CPA certificate shall show, to the satisfaction of the board, that they have achieved a portfolio of qualifying experience. This demonstration of experience shall have as its objective that the applicant has obtained sufficient, diversified experience to enable him/her to conduct an audit or a review of financial statements of an entity and report thereon with a minimum of supervision.
(2)(a) The experience described in KRS 325.261(3)(a) and (b) must include at least one (1) year of full-time employment in a public accounting firm or, in the case of KRS 325.261(3)(e) and (f), must include one (1) year of full-time employment as an auditor or accountant in a state government agency applying the attest function using standards adopted by the American Institute of Certified Public Accountants.
(b) Full-time employment with a public accounting firm or a government agency must include a minimum of 500 verifiable hours of participation in the examination or review of financial statements and the preparation of reports thereon in accordance with Generally Accepted Accounting Principles (GAAP) or other comprehensive bases of accounting.
(3) Third-party reliance as used in KRS 325.261(3)(a) and (b), means the trust, dependence or confidence placed by a third-party reader of statements upon the report issued by an independent certified public accountant.

Section 4. (1) Experience of a quality satisfactory to the board including the minimum of 500 hours of participation in the examination or review of financial statements and the preparation of reports thereon, shall be defined to include a portfolio of experience that would indicate participation in an appropriate variety of analytical procedures and techniques and may include the following which is neither all inclusive or exclusive:
(a) Review, testing and evaluation of internal control policies and procedures related to sales and revenue, costs and expenses, and payroll;
(b) Verification of accounts receivable;
(c) Review of inventory procedures and verification of physical inventories;
(d) Review of reconciliation of client bank accounts;
(e) Testing inventory valuation and pricing;
(f) Testing cost and depreciation of fixed assets;
(g) Testing prepaid and intangible assets and deferred charges;
(h) Review and verification of accounts payable;
(i) Review of the adequcy of accrual and allowance provisions;
(j) Review of preparation of income tax provision;
(k) Search for unrecorded liabilities;
(l) Analysis and verification of changes in equity accounts or fund balances;
(m) Application of appropriate analytical review procedures to revenue and expenses;
(n) Testing of revenue and purchase cut-off;
(o) Review for significant subsequent events;
(p) Review of pertinent legal documents; and
(q) Evaluations of disclosures relating to commitments and contingencies.
An applicant who has not achieved a portfolio of experience of the variety and diversity set forth in the preceding list shall bear the burden of demonstrating to the board that the portfolio of experience submitted is of sufficient quality and diversity that it fulfills the entry requirement objective as set forth in this regulation. An application for CPA certificate shall not be considered complete until such time as a minimum of ten (10) of the seventeen (17) aforementioned procedures shall be recorded affirmatively in the Certificate of Experience completed on the applicant's behalf.
(2) "Supervision" is defined as the condition where there is a clear connection between the supervisor and the person being supervised in terms of planning, coordinating, guiding,

inspecting, controlling and evaluating activities of the employee. The supervisor must be a licensed certified public accountant of any state or a public accountant registered with the board as specified in KRS 325.220(3).

(3) In the case of experience as a field audit agent with the Internal Revenue Service specified in KRS 325.261(3)(d), the Chief of the Examinations Division shall recommend to the board whether or not the applicant has met the requirements of KRS 325.261(3)(d) and this regulation.

Section 5. (1) Any licensee who signs a certificate of experience shall, when requested by the board, explain in writing or in person the information contained therein.

(2) The board shall consider any false or misleading statement made by the licensee in the verification of an applicant's experience to be a violation of KRS 325.340(1)(a).

(3) Inspection of supporting documentation pertaining to an applicant's fulfillment of the experience requirements set forth in KRS 325.261(3) and this regulation may be made by the board or its designee.

Section 6. (1) The experience, referred to in KRS 325.261(3)(a), (b), (d), (e), and (f), attained after receiving a baccalaureate degree shall be considered full time provided such employment is on a full-time basis and is for a period of at least ninety (90) consecutive calendar days. A minimum of one (1) year of the experience must be obtained through full-time work.

(2) The experience referred to in KRS 325.261(3)(a) and (e) may be partially fulfilled by employment on a part-time basis. Any experience attained before the awarding of a baccalaureate degree shall be considered part-time. In the case of part-time experience, one-half (1/2) hour credit will be given for each hour worked, such credit being limited to twenty (20) hours per week. Each applicant who relies on experience gained through part-time work shall cause to be filed over the signature of the certified public accountant or public accountant supervising such experience, a schedule of part-time hours worked by week, not to exceed forty (40) hours per week.

(3) Each applicant who relies in whole or in part on the experience described in KRS 325.261(3)(a), (b), (e) and (f), shall cause to be filed with the board the notarized Certificate of Experience, signed by a licensed certified public accountant or a public accountant as described in KRS 325.220.

(4) Any applicant who applies for a Kentucky CPA certificate after July 1, 1987 but before September 1, 1988 may apply either under the experience rules in effect on June 30, 1987 or under the new experience rules to be effective on July 1, 1987. After September 1, 1988, all applicants for a Kentucky CPA certificate must satisfy the experience rules described in this regulation.

Section 7. 201 KAR 1:061, Standards of certification, is hereby repealed.

JAMES T. AHLER, Executive Director
APPROVED BY AGENCY: March 27, 1987
FILED WITH LRC: May 12, 1987 at 10 a.m.

JUSTICE CABINET
(As Amended)

500 KAR 4:030. Certification of schools.

RELATES TO: KRS 15.550, 15.560
PURSUANT TO: KRS 15A.160, 15.590
EFFECTIVE: July 2, 1987
NECESSITY AND FUNCTION: KRS 15.550 and 15.560(2) authorizes the Kentucky Law Enforcement Council to prescribe standards for approval and continuation of approval of schools which conduct law enforcement telecommunicator training courses required by KRS 15.560. This regulation prescribes standards and procedures for approval and certification.

Section 1. Application Procedures. Any agency, group or individual may make application to the council to establish a certified basic training school, a certified in-service training school, or both. All applications shall be made in writing and shall set forth detailed facts as prescribed by the council and shall include, but not be limited to: the curriculum, the instructors, the facilities, and the equipment. (The school certification application form - KLEC Form 3 - is available from and should be submitted to, the Kentucky Law Enforcement Council, Third Floor, Commonwealth Credit Union Building, High Street, Frankfort, Kentucky 40601.) This form is incorporated herein by reference as if set out in its entirety.

Section 2. Review of Application. Upon receiving a properly completed application for certification of a school, the council or its designee shall conduct an on-site inspection of the facility and equipment and shall thoroughly examine the curriculum and instructors of the applying school. The council shall in the course of its inspection determine whether the applying school offers training at least equal to the equivalent training provided by the department. The council shall also determine whether the applying school's personnel are certified by the council to teach the subjects to be presented by the school; whether the curriculum to be presented by the school has been certified by the council, and whether the school's facilities meet applicable minimum fire safety standards as adopted by the Department of Housing, Buildings and Construction in 815 KAR Chapter 10 for like or similarly used facilities. [, facilities, and procedures meet minimum standards for safety and quality.] Applying schools which have been found to be deficient in any area shall not be certified.

Section 3. Approval Procedure. The council, at its first regular meeting after the evaluation has been completed, shall vote whether to approve the applying school.

Section 4. Notification of Council Action; Certification. Within thirty (30) days of the council's vote, the council shall notify in writing the applying school and the Department of Criminal Justice Training whether the applying school was approved. If an applying school has been approved, the council shall issue a certificate stating that the applying school has been certified and the type of training course(s) that shall be offered - basic in-service and/or both.

Section 5. Inspections. Any school certified by the council shall be subject to inspection by the council or its designee to determine if the school is maintaining the standards required for certification.

Section 6. Revocation of Certification. A school's certification shall be revoked by the council whenever a school has been found not to have maintained the standards required for certification. If certification is revoked, the department and the school shall be notified of the revocation within fifteen (15) days. The council shall recertify a school only when the council determines that all deficiencies are corrected.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: March 12, 1987
FILED WITH LRC: March 13, 1987 at 10 a.m.

JUSTICE CABINET
(As Amended)

500 KAR 4:040. Approval of course curriculums.

RELATES TO: KRS 15.550, 15.560
PURSUANT TO: KRS 15A.160, 15.590
EFFECTIVE: July 2, 1987
NECESSITY AND FUNCTION: KRS 15.550 and 15.560 authorizes the Kentucky Law Enforcement Council to prescribe standards for the minimum standards for curriculums for law enforcement telecommunicators. This regulation prescribes standards and procedures for such approval.

Section 1. Council Authority. The council shall have the authority to review all curriculums for all law enforcement courses to be provided by all schools certified by the council. The council shall have the authority to require all such curriculums to indicate and justify the "passing" performance level on all graded exercises in the course.

Section 2. Submission Requirements. All proposed curriculums or proposed amendments to approved curriculums shall be received by the council at least thirty (30) days prior to the date of anticipated review. (The curriculum approval form - KLEC Form 31 - is available from, and should be submitted to, the Kentucky Law Enforcement Council, Third Floor, Commonwealth Credit Union Building, High Street, Frankfort, Kentucky 40601.) This form is incorporated herein by reference as if set out in its entirety.

Section 3. School Endorsement. All course curriculums and amendments to course curriculums submitted by a school shall be endorsed by the director of the school or his designee.

Section 4. Approval Procedure. Each course curriculum or course amendment proposal shall be supported by the following minimum data to enable the council to adequately determine its merits:
(1) Identification of type of trainee to which curriculum intended (recruit entrance officer, radio dispatcher, etc.).
(2) Type of training category.
(a) Basic.
(b) In-service.
(3) Identification of how the curriculum was identified in terms of satisfying specific job related training needs.
(4) For each subject unit of instruction:
(a) Subject title and number of hours;
(b) Brief description of each subject unit explaining what each topic is designed to accomplish;
(c) Specific student-oriented objectives;
(d) Method of testing to be used to evaluate the effectiveness of the instruction;
(e) Specific training aids needed to teach each subject unit of instruction;
(f) Reference material used to develop the lesson plan or teaching material for each subject unit.
Upon review of the proposed course curriculum or curriculum amendment, the council shall vote whether to approve, approve subject to stated conditions, or disapprove. Course curriculum approval shall last for only three (3) years. Curriculums which are to be coninued shall be resubmitted for approval at least ninety (90) days before the expiration of the three (3) year period.

Section 5. Notification of Council Action. Within thirty (30) days of the council's vote, the council shall notify in writing the school which submitted the curriculum and the Department of Criminal Justice Training whether the curriculum or curriculum amendment was approved.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: March 12, 1987
FILED WITH LRC: March 13, 1987 at 10 a.m.

JUSTICE CABINET
(As Amended)

500 KAR 4:050. Certification of instructors.

RELATES TO: KRS 15.550, 15.560
PURSUANT TO: KRS 15A.160, 15.590
EFFECTIVE: July 2, 1987
NECESSITY AND FUNCTION: KRS 15.550 authorizes the council to certify all training curriculum and instructors. This regulation prescribes standards and procedures for certification of instructors.

Section 1. Council Authority. The council shall have the authority to certify all persons instructing law enforcement telecommunicators training courses.

Section 2. Application for Certification. Applications for certification and for certification renewal shall be made to the council. (The instructor certification form - KLEC Form 1 - is available from, and should be submitted to, the Kentucky Law Enforcement Council, Third Floor, Commonwealth Credit Union Building, High Street, Frankfort, Kentucky 40601.) This form is incorporated herein by reference as if set out in its entirety. To become certified, an applicant must meet the following requirements:
(1) Have three (3) years of law enforcement experience or experience in the specific field, subject matter or academic discipline to be taught; and
(2) Have earned a high school diploma or its

equivalent as determined by the council; and
(3) Have successfully completed an instructor's course approved by the council.

Section 3. Application Process. Applications for instructor certification and renewal of certification shall be reviewed by the council. The council, at its first regular meeting after the review has been completed, shall vote whether to approve the applicant.

Section 4. Granting of Certification. If the council grants certification to an applicant, the council shall notify the applicant and the Department of Criminal Justice Training in writing within fifteen (15) days of the council's action.

Section 5. Instructor Certificate. The council shall issue a certificate stating that the person has been approved to instruct.

Section 6. Denial of Certification. The council shall deny certification to an applicant who fails to meet the requirements and shall revoke certification for incompetence, improper conduct, or other good cause. Any instructor who fails to instruct during the one (1) year period of certification shall be required to apply for reinstatement of certification and to meet such requirements as are deemed necessary by the council. When the council denies certification to an applicant or revokes certification or denies recertification or reinstatement of certification to an instructor, the council shall notify the person and the Department of Criminal Justice Training of the council's action in writing within fifteen (15) days.

Section 7. Length of Certification. Certification shall be for a period of one (1) year. At the end of the one (1) year period, certification may be renewed by the council if the instructor has instructed in an approved course provided by a certified school during that year and if the instructor instructed at a certified school, has been recommended by the director of the certified school. After five (5) years of continuous certification, the council may certify an instructor for a five (5) year period.

Section 8. Monitoring of Instructors. The council or its designee shall, when practical, monitor each instructor during the one (1) year period of certification to determine if the instructor is teaching to the stated goals and objectives of the course and is meeting generally accepted standards of the teaching profession.

Section 9. Instructor Directory. Each certified instructor shall be listed in an official directory which shall identify each subject that the instructor has been certified to instruct. The directory shall be published in the form of a notebook, allowing for changes through the use of supplements. The council shall publish annual supplements to the directory by December 31 of each year and the supplements shall include all certification changes, including additions, deletions and renewals, for the year. The council shall provide the secretary, each certified school and the Department of Criminal Justice Training with a copy of the directory.

[Section 10. Emergency Certification. (1) The council may through its chairman or its designee, who is a member of the council, grant emergency certification of an instructor if the director of a certified school or his designee contacts the chairman or his designee and states that due to the given exigent circumstances a scheduled instructor cannot teach a specific class. The council, through its agent, may grant or deny emergency certification at its discretion.]
[(2) The certified school shall keep a written record of all emergency certifications and forward a copy to the council within three (3) working days. This record shall include:]
[(a) The name and specific qualifications of the instructor;]
[(b) The subject to be taught;]
[(c) The reason for the emergency certification;]
[(d) The previous dates on which the individual has been granted emergency certification; and]
[(e) The terms of the certification.]
[(3) The emergency certification shall expire after the conclusion of the class and may not be renewed to teach the class for which emergency certification was granted unless approved by the full council.]
[(4) The council shall have the authority to inspect the emergency certification records of all certified schools.]
[(5) A pattern of questionable waivers by a certified school shall be justification for revocation of the school's certification under 500 KAR 4:030.]

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: March 12, 1987
FILED WITH LRC: March 13, 1987 at 10 a.m.

JUSTICE CABINET
(As Amended)

500 KAR 4:060. Basic training: graduation requirements; records.

RELATES TO: KRS 15.550, 15.560
PURSUANT TO: KRS 15A.160, 15.590
EFFECTIVE: July 2, 1987
NECESSITY AND FUNCTION: This regulation prescribes requirements for graduation from a basic training course and for maintenance of basic training records.

Section 1. Basic Training Graduation Requirements. [A trainee in a basic training course shall participate in a minimum of forty (40) hours of training. A trainee may have excused absences from the course with approval of the director of the certified school or his designee. An excused absence from the course which causes a trainee to miss any of the forty (40) hours of basic training shall be made up through an additional training assignment. A trainee shall be allowed excused absences from no more than twenty (20) percent of the hours of a basic course.]
(1) A trainee in a basic training course shall participate in a minimum of forty (40) hours of training <u>in a council certified or approved course</u>. A trainee may have excused absences

from the course with approval of the director of the certified school or his designee. An excused absence which causes a trainee to miss any of the required hours of basic training shall be made up through additional training assignment.

(2) To successfully complete a basic training course, a trainee must:

(a) Participate in at least the minimum hours prescribed;

(b) Pass the final examination or a re-examination by at least a grade of seventy (70); only one (1) re-examination may be taken. The trainee will be able to demonstrate proficiency, via a graded practicum on the telephone and radio and will be able to satisfactorily answer questions, via a written examination, pertaining to knowledge gained. The examination shall be predicated on the goals and objectives set forth in the certified curriculum. The graded practicum shall constitute twenty (20) percent of the final grade and the written examination shall constitute eighty (80) percent of the final grade; and

(c) Successfully complete all graded training areas and all other assignments, exercises, and projects included in the course.

(3) If a telecommunicator, who has been granted "grandfather" status pursuant to KRS 15.560(1), terminates employment by dismissal or retirement but becomes re-employed as a telecommunicator, shall be required to successfully complete a forty (40) hour basic training course for telecommunicators. A transfer of employment from one agency to another without a break in service, i.e., the transfer was prearranged before leaving the prior employment, shall not be considered to be a termination and a re-employment.

[(4) Successfully complete all other assignments, exercises, and projects included in the course.]

Section 2. Maintenance of Records. A school shall, at the conclusion of each basic or in-service training course complete KLEC Form, "Application for [Telecommunicator] Training," (see 500 KAR 4:020) for each trainee who has attended the course attesting to the successful compliance with all requirements of the course. One (1) copy shall be retained by the school and one (1) copy shall be sent to the head of the trainee's agency. The original shall be sent to the Department of Criminal Justice Training for record retention purposes and the issuance of an appropriate certificate for and on behalf of the secretary. All such records shall be available to the council and the secretary for inspection or other appropriate purposes. All records shall be maintained in accordance with standards established by the State Archives and Records Commission.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: March 12, 1987
FILED WITH LRC: March 13, 1987 at 10 a.m.

JUSTICE CABINET
(As Amended)

500 KAR 4:070. In-service training: graduation requirements; recognized courses; records.

RELATES TO: KRS 15.560, 15.570
PURSUANT TO: KRS 15A.160, 15.590
EFFECTIVE DATE: July 2, 1987
NECESSITY AND FUNCTION: KRS 15.560 requires all telecommunicators, whether originally employed before or after the effective date of the Act, to successfully complete at least eight (8) hours of in-service training each calendar year at a school certified or recognized by the council. This regulation prescribes requirements for graduation from an in-service training course and for maintenance of in-service training records and establishes procedures for recognizing training at non-certified schools.

Section 1. In-service Training Graduation Requirements. (1) A law enforcement telecommunicator shall complete each calendar year a council certified [an] in-service training course, appropriate to their job assignment and responsibility of at least eight (8) hours. A trainee may have excused absences from the course with approval of the director of the certified school or his designee. An excused absence which causes a trainee to miss any of the in-service course shall be made up through an additional training assignment. A trainee shall be allowed one (1) excused absence from no more than twenty (20) percent of the in-service course.

(2) To successfully complete an in-service training course, a trainee must:

(a) Participate in at least the minimum hours prescribed for the training course;

(b) Pass the final examination or a re-examination which may be taken one (1) time only. The examination shall be predicated on the goals and objectives set forth in the certified curriculum; and

(c) Successfully complete all graded training areas and all other assignments, exercises, and projects included in the course.

(3) A telecommunicator's failure to meet the in-service training requirement in a calendar year shall not be considered to be in violation of law if the failure to meet the requirement is due to circumstances beyond his control, such as injury, illness, or personal tragedy; in this event the telecommunicator shall be required to meet the in-service training requirement within a reasonable time (not to exceed one (1) year from the termination of the extenuating circumstances) as determined by the Secretary of the Justice Cabinet or his designee.

(4) A telecommunicator who fails to successfully complete an in-service course within the prescribed time, for whatever reason, unless an extension is granted pursuant to subsection (3) of this section shall lose certification as a law enforcement telecommunicator. Such telecommunicator may be recertified upon completion of a certified in-service course so long as the period of time of decertification does not exceed two (2) actual years. If the period of decertification exceeds two (2) actual years, the telecommunicator shall be required to complete a basic training course in order to regain certification.

Section 2. In-Service Training Courses at Recognized Schools. The council shall have the authority to recognize schools providing in-service training which are not certified by the council. A trainee who desires to attend an in-service training course at a school that is not certified shall make a written request to the council at least thirty (30) days prior to the first day of the course. The council shall have the authority to grant a request made after the course has been attended, but failure to submit the request at least thirty (30) days in advance of the course shall be justification for not recognizing the course. The council shall review the request and determine whether the school and the course shall be recognized based upon the following:

(1) The quality and reputation of the training school or institution;

(2) The relationship of the course to the telecommunicator's position and responsibility; and

(3) The unavailability of the course at a certified school. If, upon review of the request, the council determines that the trainee may attend an in-service training course at a school or institution that is not certified, the council shall notify the trainee's agency and the department of its action. A trainee who fails to meet requirements established by the council for attendance at the recognized course shall not have met the requirements of KRS 15.570.

Section 3. Maintenance of Records. A school shall, at the conclusion of each [basic or] in-service training course complete KLEC Form, "Application for [Telecommunicator] Training," for each trainee who has attended the course attesting to the successful compliance with all requirements of the course. One (1) copy shall be retained by the school and one (1) copy shall be sent to the head of the trainee's agency. The original shall be sent to the Department of Criminal Justice Training for record retention purposes and the issuance of an appropriate certificate for and on behalf of the secretary. All such records shall be available to the council and the secretary for inspection or other appropriate purposes. All records shall be maintained in accordance with standards established by the State Archives and Records Commission.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: March 12, 1987
FILED WITH LRC: March 13, 1987 at 10 a.m.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(As Amended)

903 KAR 5:250. Recoupment and recovery.

RELATES TO: KRS 341.415
PURSUANT TO: KRS 341.155
EFFECTIVE: July 2, 1987
NECESSITY AND FUNCTION: This regulation defines the term "departmental error" for the purpose of recovery and recoupment of improperly paid unemployment insurance benefits.

Section 1. "Departmental error" [subject to Section 2 of this regulation] means:

(1) Errors in computing benefit rate;

(2) Incorrect weekly payment due to failure to consider deductible amount;

(3) Payment beyond the expiration of the benefit year;

(4) Payment in excess of maximum benefit amount;

(5) Payment under incorrect program where no program adjustment can be made;

(6) Retroactive non-monetary determinations;

(7) Monetary redeterminations;

(8) Payment during a period of disqualification;

(9) Payment to wrong claimant;

(10) Erroneous payments resulting from a malfunction of automatic data processing equipment provided such malfunction is the result of human error in the data entry process. [Machine errors.]

[Section 2. "Departmental error" shall not include:]

[(1) Errors as a result of a false statement, misrepresentation or concealment of material information by a recipient of benefits;]

[(2) Overpayments received as a result of a court order or judgement when such entitlement to benefits is subsequently reversed on appeal [as a result of a reversal of entitlement to benefits in the appeal or review process];]

[(3) Errors as a result of misinformation or lack of information supplied by a claimant or recipient of benefits;]

[(4) The amount of any single check in excess of twice the weekly benefit rate of the claimant for the benefit year for which the claim is made.]

E. AUSTIN, JR., Secretary
JAMES P. DANIELS, Commissioner
APPROVED BY AGENCY: February 26, 1987
FILED WITH LRC: March 13, 1987 at 11 a.m.

AMENDED AFTER HEARING

GENERAL GOVERNMENT CABINET
Board of Licensure for Social Work
(Amended After Hearing)

201 KAR 23:040. Suspension, revocation, refusal to renew license.

RELATES TO: KRS 335.010, 335.150 to 335.160
PURSUANT TO: KRS 335.070
NECESSITY AND FUNCTION: In order to protect the public from inappropriate social work practices, this regulation is promulgated to provide safeguards in the public interest by setting forth criteria for disciplinary action.

Section 1. The board may reprimand, suspend, revoke, or refuse to issue or renew the license or certification of any licensee who is found by the board to have willfully or repeatedly:

(1) Committed or caused to be committed any fraud, deceit or misrepresentation in an effort to obtain a license or certificate; or

(2) Violated any of the provisions of KRS Chapter 335 or any of the rules and regulations promulgated thereunder; or

(3) Has committed any gross negligence, professional incompetence or unprofessional conduct in the context of his practice of social work, as a licensee; or

(4) Has been legally declared mentally incompetent; or

(5) Has aided or abetted another person in falsely procuring or attempting to procure a license or certificate under KRS Chapter 335; or

(6) Practiced as a social worker as defined by KRS 335.020 while under suspension, revocation, or restriction of the social workers license by any state or federal authority; or

(7) Committed any unfair, false, misleading or deceptive act or practice in the conduct of the practice of social work. For the purpose of this subsection, unfair shall be construed to mean unconscionable; or

(8) Failed to comply with a subpoena issued by the board; or [Unlawfully failed to cooperate with the board by:]

[(a) Failing to furnish papers or documents lawfully requested by the board;]

[(b) Failing to appear before the board, in person or by counsel, at a time and place lawfully designated; or]

[(c) Failing to respond to subpoenas issued by the board; or]

(9) Aided or abetted an unlicensed person in the practice of social work; or

(10) Taking financial advantage of a client; or

(11) Practiced in a specialty as defined by 201 KAR 23:070 without being certified to do so by the board; or

[(12) Failed to provide adequate supervision of certified or licensed social workers who by contract are operating under the direction or control or fails to provide adequate supervision of their staff who work with clients; or]

(12) [(13)] Physically abused or has sexual contact with a client; or

(13) [(14)] Used or been under the influence of alcohol or mind-altering drugs while treating clients; or

(14) [(15)] Committed any act involving dishonesty or corruption relating to the practice of social work. If a person is charged with a crime for such act [the act constitutes a crime], conviction in a criminal proceeding is not a condition precedent to disciplinary action by the board. Upon conviction of such a crime the judgment and sentence shall be presumptive evidence at any disciplinary hearing by the board of the guilt of the licensee or applicant of the crime for which the licensee or applicant was convicted and of the licensee or applicant's violation of the statute upon which the conviction was based. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere was the basis for the conviction; or

(15) [(16)] Use the letterhead, medical title, billing forms, or any other such documents to obtain payments, whether direct or indirect, from an insurance company or other source which indicates that another professional has treated the client when the client was actually treated by the social worker; provided, however, that the letterhead, medical title, billing forms, or other such documents of another professional may be used if there is an actual professional association between the professionals and the billing shows in a clear and conspicuous manner that the treatment was actually performed by the social worker; or

(16) [(17)] Exploited [persons in the delivery of professional services, including accepting clients for treatment when benefit cannot reasonably be expected or exploiting clients by continuing treatment unnecessarily or exploiting] the professional relationship for any personal advantage; or

[(18) Guaranteed the results of any therapeutic procedures directly or by implication, provided however, that a reasonable statement of prognosis may be made, but caution must be exercised not to mislead persons served professionally to expect results that cannot be predicted from sound evidence; or]

(17) [(19)] Improperly altered medical records of a client; or

(18) [(20)] Failed to maintain the confidential relationship between social worker and client [when engaging in therapy with such client] or revealed information concerning [the name of] a client to another person without the specific approval of such client; or

(19) [(21)] Possessed or distributed the board's testing or examination material without authorization; or

[(22) Obtained or retained a client through deception, intimidation or coercion or discouraged the client from obtaining a second opinion; or]

[(23) Failed to report any person the licensee knows is in violation of KRS Chapter 335 or any regulations adopted by the board; or]

(20) [(24)] Terminated services to [Abandoned] a client without offering an appropriate referral to another mental health provider.

Section 2. The board may issue or reissue a

license or certificate to any person whose license or certificate has been revoked, suspended or denied, provided that a majority of the entire board votes in favor of reissuance or issuance of said license.

DAVID NICHOLAS, Director
APPROVED BY AGENCY: July 9, 1987
FILED WITH LRC: July 9, 1987 at 11 a.m.

GENERAL GOVERNMENT CABINET
Board of Licensure for Social Work
(Amended After Hearing)

201 KAR 23:060. Licensed and certified social workers.

RELATES TO: KRS 335.010 to 335.160
PURSUANT TO: KRS 335.070
NECESSITY AND FUNCTION: This regulation refines the use of descriptions prohibited from usage by unlicensed individuals.

Section 1. Any person who possesses a valid, unsuspended or unrevoked certificate as a licensed social worker, and who has received a license pursuant to KRS Chapter 335 has the right to:

(1) Practice the profession of social work within the constraints of KRS Chapter 335 and rules and regulations promulgated thereunder; [and]

(2) Engage in any social work activities except the [private] independent practice of clinical social work as defined in 201 KAR 23:070; and

(3) [(2)] Use the title, "Licensed Social Worker" or the abbreviation "LSW." No other person shall assume these titles or use these abbreviations on any work or letter, sign, figure, or device to indicate that the person using the same is a licensed social worker.

Section 2. Any person who possesses a valid, unsuspended or unrevoked license as a "Certified Social Worker" has the right to:

(1) Practice his profession within the constraints of KRS Chapter 335; [and]

(2) Engage in any social work activities except the [private] independent practice of clinical social work as defined in 201 KAR 23:070;

(3) Perform clinical social work activities under the conditions set forth in 201 KAR 23:070, Section 2; and

(4) [(2) To] Use the title "Certified Social Worker" or its abbreviation "CSW.." No other person shall assume such title or use such abbreviation on any work or letter, sign, or figure, or device to indicate that the person using the same is a licensed certified social worker.

Section 3. Any person who possesses a valid, unsuspended or unrevoked certificate as a certified social worker for the [private] independent practice of clinical social work has the right to:

(1) Engage in the **independent** [private] practice of **clinical** social work under the constraints of KRS Chapter 335 and rules and regulations promulgated thereunder; and

(2) To hold himself out to the public as providing service authorized in 201 KAR 23:070; and

(3) To use the title of[:]

[(a)] clinical social worker or the abbreviation "LCSW." [;]

[(b) Community social worker;]

[(c) Social work researcher; or]

[(d) Social work administrator and manager.]

(4) Employ a certified social worker under the conditions set forth in 201 KAR 23:070, Section 2. [these regulations.]

DAVID NICHOLAS, Director
APPROVED BY AGENCY: July 9, 1987
FILED WITH LRC: July 9, 1987 at 11 a.m.

GENERAL GOVERNMENT CABINET
Board of Licensure for Social Work
(Amended After Hearing)

201 KAR 23:070. Specialty certification.

RELATES TO: 335.080, 335.090, 335.100
PURSUANT TO: KRS 335.070
NECESSITY AND FUNCTION: This regulation further clarifies descriptions of specialty certification and the functions evolving therefrom, in addition to clarifying terms used KRS Chapter 335.

Section 1. Definitions. (1) (a) "Educational institution approved by the board" means graduate schools of social work accredited by the Council on Social Work Education, except that the board will evaluate credentials of foreign graduates on a case-by-case basis; and

(b) "A social work or social welfare program" not accredited by the Council on Social Work Education must demonstrate to the satisfaction of the board that they meet the Council on Social Work Education standards for accreditation of [under]graduate programs.

(2) Supervision for the independent practice of clinical social work shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual, and on helping with problems of living and activities designed to stimulate growth and development.

(3) "Certification for the independent practice of clinical social work" is defined as the process whereby the board recognizes a certified social worker to have special training and/or competence to engage in the [autonomous and] independent practice of clinical social work. [Supervision for independent practice of community social work shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for social planning, program development, evaluation advocacy, ombudsmanship, facilitation, program budgeting, legislative activity, social organization and social mediation, among others.]

(4) "[Private] Independent practice of clinical social work" is defined as that practice in which an individual who, wholly or in part, practices clinical social work outside of those settings specifically exempted by KRS 335.010, and has responsibility for his own practice and sets up his own conditions of

exchange with his clients and identifies himself in any manner as a clinical social work practitioner in offering services. In addition, a social work employee of any individual, institution, or organization except those exempted by KRS 335.010 providing clinical social work services and paid by such persons, institutions or organizations rather than by direct arrangement with the client is considered within the definition of the private independent practice of clinical social work. [Supervision for independent practice of social work research shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for hypothesis formulation, sampling, data collection, data analysis, and interpretation of results, among others.]

(5) "Clinical social work" is defined as practice which focuses on the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual[, and on helping with problems of living and activities designed to stimulate growth and development]. Such practice is based on knowledge of psychodynamics, human relations, crisis intervention, psychopathology, and group dynamics. Practitioners have numerous skills including those necessary for individual, marital, family and group psychotherapy, as well as other treatment modalities. [Supervision for independent practice of social work administration and management shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for organizing, directing, supervising, staffing, evaluating, and consulting, among others.]

Section 2. [(1) For the purpose of the board, the private independent practice of social work for the specialty areas of community social work, social work research, and social work administration and management is defined as that practice in which an individual who, wholly or in part, practices social work outside of those settings specifically exempted by KRS 335.010, who has responsibility for his own practice and sets up his own conditions of exchange with his clients and identifies himself in any manner as a social work practitioner in offering services.]

[(2) For the purpose of the board, the private independent practice of clinical social work is defined as that practice in which an individual who, wholly or in part, practices social work outside of those settings specifically exempted by KRS 335.010, who has responsibility for his own practice and sets up his own conditions of exchange with his clients and identifies himself in any manner as a social work practitioner in offering services. In addition, a social work employee of any individual, institution or organization except those specifically exempted by KRS 335.010 providing clinical social work services and paid by such persons, institutions or organizations rather than by direct arrangement with the client is considered within the definition of a private practitioner. Furthermore,]

(1) A certified social work employee of an individual, [such persons,] non-exempt institution, or non-exempt organization may engage in the practice of clinical social work by contracting, [shall contract,] in writing, with a person who holds a valid Kentucky certification for clinical practice, who shall assume responsibility for the employee's practice and shall supervise in accordance with Section 3 [5] of this regulation, and KRS 335.100(b), over the qualifying period of eligibility for taking the specialty exam. He shall not enter into such practice of social work until this contract has been approved by the board and shall cease such practice of social work immediately upon the termination of said contract. At the termination of the contract the employee shall apply for the speciality certification or request an extension of the contract from the board.

(2) [(3)] The supervisory contract required in subsection (1) of this section shall contain all of the following:

(a) The name and license number of the supervisee.

(b) The name and license number of the supervisor.

(c) The nature of such practice.

(d) The nature, duration and frequency of the supervision.

(e) The conditions or procedures for termination of the supervision.

(f) The explicit statement that the supervisor understands that he shall be held accountable to the board for the care given to the supervisee's clients.

(g) The explicit statement that the certified social worker is a bona fide employee, and as such has social security and income tax deducted from his salary.

(h) The explicit statement that the supervisor meets the criteria set out in subsection (3) of this section.

(3) For purposes of the contractural arrangement mentioned in subsection (1) of this section only, [(4)] the criteria for a supervisor shall be:

(a) A person who has been in the independent practice of clinical social work for five (5) years following licensure for the independent practice of clinical social work.

(b) A person who has no unresolved complaints filed before the board.

(c) A person who has no more than six (6) certified social workers with whom they have a contract to be held accountable to the board. [supervisees at one time, unless specifically approved by the board.]

(d) A person who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.

[Section 3. Certification for Independent Practice. Certification is the process whereby the board recognizes a licensed certified social worker to have special training and/or competence to engage in autonomous and independent practice in specified areas of specialty.]

[Section 4. The areas of certification for private, independent practice are those of clinical social work, community social work, social work research, and social work administration and management.]

Section 3. [5. Clinical social work is defined as practice which focuses on the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual, and on helping with problems of living and activities designed to stimulate growth and development. Such practice is based on knowledge of psychodynamics, human relations, crisis intervention, psychopathology, and group dynamics. Practitioners have numerous skills including those necessary for individual, marital, family, and group psychotherapy, as well as other treatment modalities.] To be certified for the independent practice of [in] clinical social work the licensee must have:

(1) Had the required number of hours of experience in clinical social work under supervision. Such supervision shall have been provided by an individual meeting the requirement set forth in subsection (4) of this section;

(2) [Shall have] Spent at least sixty (60) percent of the required experience in a direct client-professional relationship;

(3) [Shall have] Had direct responsibility for specific individual and/or groups of clients;

(4) Supervision [shall be] provided by one (1) of the following:

(a) An individual certified for the independent practice of clinical social work [in the clinical specialty] by this board.

(b) An individual listed at the time of supervision in either the National Association of Social Workers Registry of Clinical Social Workers or the National Registry of Health Care Providers in Clinical Social Work. Persons beginning supervision after September 1, 1987 must obtain their supervision from persons meeting the qualifications set out in paragraph (a) or (c) of this subsection.

(c) A person who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.

(5) Supervision [shall be] related specifically to the experience which is proffered as the qualifying experience for the clinical certificate;

(6) [Before [When] supervision can be obtained [is being provided] outside the agency in which the clinical experience is occurring,] A written agreement among an authorized agent of the agency, the supervisor, and the supervisee, [a contractural arrangement,] including evidence of built-in accountability shall be provided to the board;

(7) [Such] Supervision which [shall] totals a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, excepting hours of supervision received prior to December 31, 1981, may be obtained through group supervision in groups of six (6) or fewer members;

(8) [Such] Supervision [shall be] congruent with the board's code of ethical practice;

(9) Passed an examination developed by the board.

[Section 6. Community social work is defined as practice which deals with intervention at the community level oriented at involving community institutions and solving community welfare problems. Such practice is based on knowledge of community organization and development, social planning, policy analysis and social action. Practitioners have numerous skills including those necessary for social planning, program development, evaluation, advocacy, ombudsmanship, facilitation, program budgeting, legislative activity, social organization and social mediation, among others. In order to be certified for the independent practice of community social work the licensee must have:]

[(1) Completed the required number of hours of supervised experience in community social work. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (3) of this section;]

[(2) Shall have had direct responsibility for specific projects which would require the utilization and refinement of the knowledge and skills outlined above;]

[(3) Supervision shall be provided by one (1) of the following:]

[(a) An individual certified in the community specialty by this board; or]

[(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.]

[(4) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the community certificate;]

[(5) When supervision is being provided outside the agency in which the community experience is occurring, a contractural arrangement, including evidence of built-in accountability shall be provided;]

[(6) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, excepting hours of supervision received prior to December 31, 1981, may be obtained through group supervision in groups of six (6) or fewer members;]

[(7) Such supervision shall be congruent with the board's code of ethical practice;]

[(8) Pass an examination developed by the board.]

[Section 7. Social work research is defined as practice which focuses primarily on the scientific investigation of social and behavioral phenomena. Such practice is based on knowledge of statistics, research design, research methodology and basic computer methodology, among other things. Practitioners have numerous skills, including those necessary for hypothesis formulation, sampling, data collection, data analysis, and interpretation of results, among others. Licensees applying for certification in this specialty will be expected to have:]

[(1) Completed the required number of hours of supervised experience in the practice of this specialty. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (2) of this section;]

[(2) Supervision shall be provided by one (1) of the following:]

[(a) An individual certified in the social research specialty by this board; or]

[(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.]

[(3) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for social work research;]
[(4) When supervision is being provided outside the agency in which the social work research experience is occurring, a contractural arrangement, including evidence of built-in accountability shall be provided;]
[(5) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, excepting hours of supervision received prior to December 31, 1981, may be obtained through group supervision in groups of six (6) or fewer members;]
[(6) Such supervision shall be congruent with the board's code of ethical practice;]
[(7) Pass an examination developed by the board.]

[Section 8. Social work administration and management is defined as practice which focuses primarily on directing the development and/or management of social service delivery systems. Such practice is based on knowledge of policy development, program management, personnel management, fiscal management, public relations and organization development among other things. Practitioners have numerous skills including those necessary for organizing, directing, supervising, staffing, evaluating and consulting, among others. Licensees applying for certification for the independent practice in this specialty shall be expected to have:]
[(1) Completed the required number of hours of supervised experience in the area of administration and management. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (6) of this section;]
[(2) Affirmed that sixty (60) percent of such experience has been spent in management of a recognized unit or units which has a continuing function;]
[(3) Organization responsibility for at least four (4) or more professional staff with the ability to hire or dismiss, or at least make recommendations on any change of status in such staff;]
[(4) Demonstrated the exercise of discretion and independent judgment which involves the comparison and evaluation of possible courses of conduct and subsequent action or making a decision after the various possibilities have been considered;]
[(5) Have demonstrated significant responsibility for program planning and budgeting for the organizational unit which he has managed;]
[(6) Supervision shall be provided by one (1) of the following:]
[(a) An individual certified in administration and management by this board; or]
[(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.]
[(7) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the administration and management certificate;]
[(8) When supervision is being provided outside the agency in which the administration and management experience is occurring, a contractural arrangement, including evidence of built-in accountability shall be provided;]
[(9) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, excepting hours of supervision received prior to December 31, 1981, may be obtained through group supervision in groups of six (6) or fewer members;]
[(10) Such supervision shall be congruent with the board's code of ethical practice;]
[(11) Pass an examination developed by the board.

DAVID NICHOLAS, Director
APPROVED BY AGENCY: July 9, 1987
FILED WITH LRC: July 9, 1987 at 11 a.m.

TRANSPORTATION CABINET
Department of Highways
(Amended After Hearing)

603 KAR 2:015. Prequalification for construction; certificate of eligibility; and contract claims dispute.

RELATES TO: KRS 45A.245, 176.130 to 176.220, Chapter 177
PURSUANT TO: KRS 13A.100, 174.080, 176.140
NECESSITY AND FUNCTION: KRS 176.140 authorizes the Department of Highways to determine the eligibility of bidders for construction contracts with the department. This regulation is adopted to provide a method by which such determination may be made. Further the KRS 13A.100 requirement that any administrative body promulgate administrative regulations pertaining to its hearing procedure is followed in setting forth the hearing procedures for a contract claims dispute.

Section 1. Definitions. (1) "Commissioner" shall mean the Commissioner of Highways.
(2) "Cabinet" shall mean Transportation Cabinet.
(3) "Department" shall mean Department of Highways.
(4) "Division" shall mean the Division of Construction.
(5) "Concurrence" shall mean agreement with the entire report and recommendation of the hearing examiner.
(6) "Dissent" shall mean disagreement with a part or portions of the report and recommendation of the hearing examiner.
(7) "Contract" shall mean a competitively bid contract between the contractor and the department pursuant to KRS Chapters 45A and 177.
(8) "Contractor" shall mean the person, corporation, partnership or joint venture which enters into a contract.

Section 2. [1.] Certificate of Eligibility. (1) All contractors bidding on construction and maintenance projects and accepting subcontracts on construction and maintenance projects of the Transportation Cabinet, Department of Highways, shall [("department" hereinafter), must] be prequalified and possess a certificate of eligibility issued by the department to bid on construction projects. The certificate shall state the maximum eligibility amount and types of work for which the contractor is qualified. The department reserves the right to waive this

requirement on [certain] projects not specifically involving the construction or maintenance of public roads in connection with the letting of contracts where such requirement is not mandated by KRS 176.130 [the statutes]. Such waiver shall be contained in the notice to contractors and the bid proposal for such projects.

(2) The Commissioner of Highways shall appoint a construction prequalification committee composed of department employees to review each application and make a recommendation to the Commissioner of Highways concerning the eligibility of contractors to bid on department construction contracts.

Section 3. [2.] Application for Certificate of Eligibility. A contractor desiring to procure a certificate shall submit, on application and financial statement forms provided by the department, information relating to the following:

(1) Ability to perform the types of work for which eligibility is requested.

(2) Construction experience resumes of the principal officers and key personnel of the contractor.

(3) Description of plant and equipment.

(4) Balance sheet and financial statement prepared as of the close of the last fiscal year or to reflect the current financial status of a newly established contractor.

(a) The financial statement of applicants desiring eligibility in excess of $1,000,000 must be audited and attested by an independent public accountant or certified public accountant who holds a valid registration card from the Kentucky State Board of Accountancy or a registration card in the state in which the principal office of the contractor is located. The audit shall be made in accordance with the generally accepted auditing standards adopted by the membership of the American Institute of Certified Public Accountants. Standard audit forms and procedures shall conform with the institute's recommendations for the audit program of contractors. The accountant shall also comply with the specific instructions relative to the presentation of supporting detail requested by the department to determine the amount of net current assets available.

(b) The financial statement of applicants desiring eligibility of $1,000,000 or less shall be signed by the person preparing the statement and by a principal officer of the contractor.

(5) Other information deemed necessary by the department to indicate the applicant's capacity and ability to complete highway construction projects.

Section 4. [3.] Method of Computing Maximum Eligibility Amount. (1) The allowable net current assets as determined from the financial statement plus the cash surrender value, less loans, of life insurance on which the applicant is the beneficiary (exclude all policies with other beneficiaries) shall be multiplied by a factor of twelve (12) to establish the net current assets factor. The book value of owned equipment shall be multiplied by a factor of six (6) to establish the equipment factor. The equipment factor shall be added to the net current assets factor to determine the maximum capacity factor of the contractor.

(2) The contractor's percentage rating shall be established by the department by evaluating the contractor's organization and experience, plant and equipment and performance in accordance with the following maximum percentages:

(a) Organization and experience - twenty (20) percent;

(b) Plant and equipment - thirty (30) percent;

(c) Performance - fifty (50) percent.

(3) The maximum eligibility amount, which is the maximum amount of uncompleted prime contract work permitted at any one time, shall be determined by multiplying the contractor's percentage rating and the maximum capacity factor. A contractor's current eligibility amount shall be the net difference between the contractor's maximum eligibility amount as shown on the certificate of eligibility issued by the department and the total value of uncompleted prime contract work charged to the contractor regardless of its location and with whom it may be contracted.

Section 5. [4.] Issuance of Certificate of Eligibility. (1) The department shall review each application for a certificate of eligibility and make a determination of eligibility within thirty (30) days after receipt of the application unless such application is deferred as provided in Section 6[5](3) of this regulation. Upon receiving a separate written request from a contractor not prequalified with the department indicating its intent to bid on a specific federal-aid project which has been advertised within the thirty (30) day period, the department shall review the application and make a determination of eligibility within fifteen (15) calendar days.

(2) All certificates of eligibility shall terminate not later than 120 days after the end of the applicant's fiscal year unless suspended or revoked. Ninety (90) days of this period is to permit the applicant to file a new application in accordance with Section 3 [2] of this regulation, thirty (30) days is for the department's review of the application and, if approved, the issuance of the new certificate of eligibility.

(3) The certificate of eligibility in effect as of the bid opening date shall constitute the basis for determining the eligibility of a bidder.

Section 6. [5.] Reconsideration of Decisions of Construction Prequalification Committee. (1) An applicant may request reconsideration of an application when denied or when the maximum eligibility amount and/or the types of work set forth in its certificate of eligibility by notifying the department in writing within ten (10) days after receipt of its certificate of eligibility. A request for reconsideration shall clearly state the basis of the request and be supported by information and evidence which indicates the certificate of eligibility should be amended. The department shall review the request and notify the applicant of its determination within thirty (30) days after receipt of the request for reconsideration.

(2) An applicant denied a certificate of eligibility may submit a new application when factors constituting the basis for the issuance of a certificate of eligibility warrant

reconsideration. The department shall consider the new application and notify the applicant of the action taken within thirty (30) days after receipt of the application.

(3) An application which is deferred by the department shall remain in the possession of the department until such time that the reason for deferral is resolved to the satisfaction of the department. The department shall then take action on the deferred application to issue or deny a certificate of eligibility. The applicant submitting an application, which is deferred, will be notified of the deferral within ten (10) days after action is taken by the department to defer the application.

(4) An interim application may be submitted when there has been a substantial increase in the net current assets of the applicant. Such interim application shall contain a financial statement certified in the same manner as statements prepared as of the close of the fiscal year. The department shall review the interim application and notify the applicant of its determination within thirty (30) days after receipt of the application.

(5) A certificate holder, upon receipt of a request from the department, shall submit an interim financial statement and/or current information relating to the applicant's organization, equipment and work status. The information requested must be submitted within thirty (30) days after receipt of the request. Failure to provide the information requested shall constitute a basis for the suspension or revocation of a certificate of eligibility.

Section 7. [6.] Revocation of Certificate of Eligibility or Reduction of Maximum Eligibility Amount. Upon receipt of information or evidence that a holder of a certificate of eligibility has failed to perform satisfactorily or adhere to the laws, [rules,] regulations and specifications applicable to a contract or subcontract, the department may suspend and revoke the certificate of eligibility or reduce the maximum eligibility amount. A notice to the certificate holder, setting forth the grounds on which the action is proposed, shall be sent by certified mail. The proposed action shall become final unless the certificate holder submits a written request for a hearing within ten (10) days after receipt of the notice. Within ten (10) days after receipt of a request for hearing, the department shall set a date for an informal hearing at which time the certificate holder may submit any pertinent information and evidence. The department shall advise the certificate holder of its determination within ten (10) days after the informal hearing.

Section 8. Exhaustion of Engineering Structure Administrative Process. (1) When the contractor has a contract claim or requests relief from the department prior to requesting a hearing, the administrative process within the engineering structure of the department shall be exhausted by the contractor through submission of the claim or request for relief to the following:

(a) First, to the resident engineer in charge of the project out of which the contract claim arose. The contractor shall submit his claim or request to the resident engineer not later than thirty (30) days after issuance of final payment to the contractor under the terms of the contract in question;

(b) Second, to the chief construction engineer in the district; and

(c) Third, to the division through its director. The decision of the division shall be in writing and shall be mailed to the contractor.

(2) The contractor may request a hearing on his contract claim or request for relief within thirty (30) days of the date of the decision of the division.

Section 9. Hearing Procedure for Contract Claims. (1) All requests for hearing relating to contract claims or request for relief shall be in writing and mailed to the Commissioner, Department of Highways, State Office Building, Frankfort, Kentucky 40622.

(2) Upon receipt of a request for a hearing, the commissioner shall assign the matter to a hearing examiner. The hearing examiner shall not be a full-time employee of the cabinet.

(3) The hearing examiner shall schedule a date for the hearing as schedules of the parties who attend the hearing permit.

(4) The following people shall attend the hearing:

(a) The state highway engineer;

(b) The general counsel for the cabinet;

(c) The contractor or his spokesperson; and

(d) The departmental construction engineers.

(5) The hearing shall be recorded and the technical rules of evidence shall not apply.

Section 10. Hearing Examiner's Report. (1) The hearing examiner may consult with department engineers not affiliated with the division for technical assistance and consultation in the preparation of his report.

(2) Following the hearing, the hearing examiner shall prepare and submit his report with a recommendation to the commissioner through the state highway engineer and the general counsel. The state highway engineer and the general counsel may concur, not concur or dissent in the report of the hearing examiner.

(a) If the report and recommendation is concurred in by both the state highway engineer and the general counsel, the report and recommendation shall be transmitted to the commissioner for approval.

(b) If the report and recommendation is not concurred in by either the state highway engineer or the general counsel, the report and recommendation shall not be transmitted to the commissioner and the claim shall be rejected. Written notice of the rejection shall be given to the contractor by mail.

(c) If either the state highway engineer or the general counsel or both dissent from the report and recommendation, the report and recommendation shall be transmitted to the commissioner with a statement by the dissenting official indicating his reasons for the dissent.

(3) The commissioner, after receiving the report and recommendation of the hearing examiner and any accompanying dissent, may accept the report and recommendation in its entirety, or reject or modify any or all of the findings and recommendations of the hearing examiner.

(4) The contractor shall be notified in writing of the commissioner's decision.

(5) If the commissioner approves relief in whole or in part, the granting of relief shall be conditioned on the contractor's written

agreement to accept the relief offered as full satisfaction and accord of all present or future administrative or legal remedies arising from the contract. Granting of the approved relief shall further be conditioned on the contractor's written agreement to dismiss with prejudice by agreed order or unilateral withdrawal any pending legal action against the department concerning the contract.

(6) If the contractor should accept the relief approved by the commissioner and execute the required agreements described above, the commissioner shall sign an official order granting the relief.

Section 11. [7.] 603 KAR 1:010, Contract price retainage, methods of release, is hereby repealed. [Appeals from Construction Prequalification Committee Final Rulings. Any contractor aggrieved by the action taken by the construction prequalification committee in administering these rules and regulations may request a formal hearing before the commissioner of the department. The request for the formal hearing shall be filed in writing, shall set forth the nature of the complaint and the grounds for appeal and must be received by the Commissioner of Highways within thirty (30) days after receipt of notification of such action by the construction prequalification committee.]

C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: July 14, 1987
FILED WITH LRC: July 14, 1987 at 4 p.m.

TRANSPORTATION CABINET
Department of Highways
(Amended After Hearing)

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

RELATES TO: KRS 177.9771, 189.230
PURSUANT TO: KRS 177.9771
NECESSITY AND FUNCTION: KRS 189.230 provides that the Department of Highways may prescribe gross vehicle weight limits for bridges lower than the limits prescribed in KRS 177.9771 on any bridge which may be damaged or destroyed to the point of catastrophic failure if gross vehicle weights exceed certain limits. This regulation identifies the bridges on the extended weight coal haul road system which the Department of Highways has judged may be so damaged and prescribes the maximum weight limit for each such bridge.

Section 1. Definitions. The following terms when used in this administrative regulation shall have the following meanings:
(1) "TY I" means a single unit truck consisting of two (2) single axles.
(2) "TY II" means a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement.
(3) "TY III" means a single unit truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.
(4) "TY IV" means a tractor-semitrailer combination with five (5) or more axles.
(5) "KY" means a state numbered highway maintained by the Kentucky Department of Highways.
(6) "US" means a United States numbered highway maintained by the Kentucky Department of Highways.
(7) "I" means an interstate and defense highway maintained by the Kentucky Department of Highways.
(8) "CR" means a public highway, road, or street not maintained by the Kentucky Department of Highways.
(9) "MP" means milepoint.
(10) "FROM" means the beginning milepoint and terminus of a road segment on the extended weight coal haul road system.
(11) "TO" means the ending milepoint and terminus of a road segment on the extended weight coal haul road system.
(12) "Catastrophic failure" means a failure that is marked by sudden or unpredictable damage ranging from extreme misfortune to utter ruin.
(13) "AASHTO" means the American Association of State Highway and Transportation Officials.
(14) "CO" means county.
(15) "LN" means line.
(16) "Mpt." means milepoint.
(17) "PKWY" means parkway.

Section 2. (1) The Department of Highways shall determine the bridges on the extended weight coal road system which may be damaged or destroyed to the point of catastrophic failure by motor vehicles operating at the weights authorized by KRS 177.9771. This determination shall be based upon an analysis of the bridges in accordance with the guidelines and ratings set forth in the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. The load factor method of analysis may be used only when a bridge is known to have been designed by that method. When the allowable stress method of analysis is used the maximum allowable stress in steel members shall not exceed sixty-nine (69) percent of the yield strength of the steel.
(2) When the analysis specified in subsection (1) of this section cannot be applied to a bridge, the Department of Highways shall determine if any such bridge may be damaged or destroyed to the point of catastrophic failure in accordance with the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. Before making such a determination the Department of Highways shall conduct an onsite inspection to determine whether the bridge shows appreciable signs of deterioration or distress or otherwise poses a significant hazard to the traveling public.

Section 3. When the Department of Highways determines that a bridge on the extended weight coal haul road system may be damaged or destroyed to the point of catastrophic failure, the department may adopt a weight limit for the bridge in accordance with the guidelines set forth in the AASHTO Manual for Maintenance Inspection Bridges, 1983 edition and 1984 and 1985 Interim Revisions.

Section 4. The Department of Highways has determined that the following bridges on the extended weight coal haul road system may be damaged or destroyed to the point of catastrophic failure as provided in Section 2 of this administrative regulation and has established a weight limit for each as set forth in Section 3 of this administrative regulation:

BATH COUNTY

	ROAD	FROM	TO
*	KY 11	0.0 Montgomery CO LN	12.8 Fleming CO LN
	Weight Limit - Bridge over Hinkston Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons		

BELL COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Virginia State LN	19.5 Knox CO LN
	Weight Limit - Bridge over Little Yellow Creek @ milepoint 2.17		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons		
	Weight Limit - Bridge over L & N R.R. @ milepoint 7.52		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons		
	Weight Limit - Bridge over Greasy Creek @ milepoint 18.14		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 48 tons		
*	US 119	0.0 US 25E	15.8 Harlan CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 0.02		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 39 tons		
*	KY 66	0.0 US 25E	8.4 Little Creek RD
	Weight Limit - Bridge over Cumberland River @ milepoint 0.33		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Left Fork Straight Creek @ milepoint 3.95		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons		
	Weight Limit - Bridge over Sims Fork @ milepoint 7.16		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
		9.8 Titan Tipple	18.7 Clay CO LN
*	KY 72	0.0 US 119	3.4 Harlan CO LN
	Weight Limit - Bridge over Hinkston Creek @ milepoint 0.06		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
*	KY 74	0.0 Tennessee State LN	0.9 KY 535
		9.4 Rockhouse BR RD	14.0 Stony Fork RD
	Weight Limit - Bridge over L & N R.R. @ milepoint 11.56		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Stoney Fork @ milepoint 13.07		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
		16.1 KY 2079	16.8 US 25E
	Weight Limit - Bridge over Little Yellow Creek @ milepoint 16.66		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 37 tons		
*	KY 92	0.0 Whitley CO LN	10.8 US 25E
*	KY 186	2.0 Appolo Tipple	2.3 Stony Fork RD
*	KY 188	2.8 KY 988	4.1 Cranes Creek RD
	Weight Limit - Bridge over Clear Creek @ milepoint 2.80		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 217	0.0 KY 988	8.8 KY 987
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 0.20		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 1.22		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Brownies Creek @ milepoint 8.77		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 221	0.0 KY 66	12.6 Harlan CO LN
	Weight Limit - Bridge over Right Fork Straight Creek @ milepoint 4.16		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Stoney Fork Creek @ milepoint 9.23		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons		
*	KY 535	0.0 KY 74	0.6 Clear Fork RD
*	KY 987	4.8 Hen Wilder RD	8.7 KY 217
	Weight Limit - Bridge over Brownies Creek @ milepoint 8.19		
	TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons		
*	KY 988	3.8 KY 217	4.3 KY 188
	Weight Limit - Bridge over Clear Fork @ Jct. KY 217		
	TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons		
*	KY 1344	0.0 KY 217	2.1 Wolfpen Branch RD
*	KY 2011	7.7 Mine Access	9.0 KY 66
	Weight Limit - Bridge over Red Bird Creek @ milepoint 7.91		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 2012	0.0 Balkan RD (Private)	0.1 Hen Wilder RD
*	KY 2079	2.1 KY 74	2.6 Charter Tipple
	Weight Limit - Bridge over Yellow Creek @ milepoint 2.23		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	Hen Wilder RD		
	CR 5001	0.0 KY 987	2.0 KY 2012
*	Cow Fork Road		
	CR 5032	0.0 KY 2011	2.6 Mine

	ROAD	FROM	TO
*	Straight Creek Road		
	CR 5040	0.0 KY 66	0.2 Turkey Pen Gap RD
*	Turkey Pen Gap Road		
	CR 5053	0.0 Straight Creek RD	0.5 Knox CO LN
*	Cranes Creek Road		
	CR 5160	0.0 KY 188	0.2 Mountain Drive Tipple
	Weight Limit - Bridge over Yellow Branch		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Stony Fork Road		
	CR 5213	0.0 KY 186	0.4 KY 74
*	Hignite Creek Road		
	CR 5219	0.0 KY 74	2.3 End of Road
	Weight Limit - Bridge over Hignite Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Rockhouse Branch Road		
	CR 5222	0.0 KY 74	0.5 Mine
*	Clear Fork Road		
	CR 5227	0.0 KY 535	0.6 End of Road
*	Little Creek Road		
	CR 5358	0.0 KY 66	0.2 Little Creek Tipple
	Weight Limit - Bridge over Straight Creek		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		

BOURBON COUNTY

	ROAD	FROM	TO
*	US 27	8.3 US 460	15.4 Harrison CO LN
	Weight Limit - Bridge over Cooper Creek @ milepoint 13.22		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Townsend Creek @ milepoint 15.4		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 59 tons		
*	US 68	2.4 US 68X	10.8 Nicholas CO LN
	Weight Limit - Bridge over Hinkston Creek @ milepoint 9.41		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 48 tons		
*	US 68X	1.4 KY 627	2.8 US 68 (East)
	Weight Limit - Bridge over Stoner Creek @ milepoint 2.0		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 47 tons		
*	KY 627	0.0 Clark CO LN	9.5 US 68X
	Weight Limit - Bridge over Strodes Creek Mill Race @ milepoint 0.75		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Strodes Creek @ milepoint 0.91		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Green Creek @ milepoint 4.12		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Kennedy's Creek @ milepoint 6.06		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 57 tons		

BOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Lawrence CO LN	21.1 Greenup CO LN
	Weight Limit - Bridge over I-64 @ milepoint 10.56		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over C & O R.R. @ milepoint 19.31		
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 39		
	Weight Limit - Bridge over C & O R.R. & Armco Rd. @ milepoint 19.34		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 52 tons		
*	US 23S	0.0 US 60	0.5 Ohio State LN
	Weight Limit - Northbound Bridge over Ohio River @ milepoint 0.03		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Southbound Bridge over Ohio River @ milepoint 0.05		
	TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 36 tons		
*	US 23X	1.4 KY 2148	1.5 US 23S
		1.6 US 60	1.8 US 23
*	US 60	0.0 Carter CO LN	12.4 US 23
	Weight Limit - Bridge over C & O R.R. at Princess @ milepoint 2.69		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 5	0.0 US 60	1.5 Straight Creek RD
	Weight Limit - Bridge over Williams Creek @ milepoint 0.92		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 180	0.7 Big Run RD	2.5 US 60
*	KY 757	6.2 US 23	10.2 US 23
*	KY 2148	0.0 US 23	0.1 US 23X
*	Big Run Road		
	CR 5263	0.0 KY 180	1.5 Mine

*	Straight Creek Road		
	CR 5288	0.0 KY 5	0.6 Buena Vista RD
	Weight Limit - Bridge over Straight Creek		
	TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons		
*	County Line Tipple Road		
	CR 5300	0.0 US 23	0.3 County Line Tipple
*	Cobb Road		
	CR 5490	0.0 Straight Creek RD	1.2 Mine
*	Buena Vista Road		
	CR 5493	0.0 Straight Creek RD	0.7 Mine Access RD
*	15th Street (Ashland)		
		0.0 US 23	0.2 Mansbach Dock
*	53rd Street (Ashland)		
		0.0 US 23	0.1 53rd ST Dock

BOYLE COUNTY

	ROAD	FROM	TO
*	US 127	7.5 US 127 Bypass	9.7 Mercer CO LN
	Weight Limit - Bridge over Mocks Branch @ milepoint 9.74		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 127B	0.0 US 127	5.3 US 127
	Weight Limit - Bridge over Southern RR @ milepoint 0.93		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons		
*	US 150	16.8 US 150 Bypass	18.9 Lincoln CO LN
*	US 150B	0.0 US 127	2.3 US 150

BRACKEN COUNTY

	ROAD	FROM	TO
*	KY 8	0.0 Pendleton CO LN	19.0 Mason CO LN
	Weight Limit - Bridge over Holts Creek at Foster @ milepoint 1.20		
	TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 39 tons		
	Weight Limit - Bridge over Snag Creek @ milepoint 4.18		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Locust Creek @ milepoint 7.04		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons		
	Weight Limit - Bridge over Big Bracken Creek @ milepoint 13.93		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 51 tons		

BREATHITT COUNTY

	ROAD	FROM	TO
*	KY 15	0.0 Perry CO LN	27.5 Wolfe CO LN
	Weight Limit - Bridge over Lost Creek @ milepoint 0.48		
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Lost Creek @ milepoint 3.07		
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Lost Creek @ Milepoint 3.80		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Lost Creek @ milepoint 6.48		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Lost Creek @ milepoint 6.69		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Troublesome Creek @ Milepoint 7.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Quicksand Creek @ milepoint 14.73		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 47 tons		
	Weight Limit - Bridge over Frozen Creek @ milepoint 23.27		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 57 tons		
*	KY 28	5.7 Perry CO LN	7.4 Perry CO LN
*	KY 30	14.1 Elkatawa Tipple	14.8 KY 15
		30.0 Mine Access	37.5 Magoffin CO LN
*	KY 476	5.8 Falcon Haul RD	11.4 KY 15
	Weight Limit - Bridge over Troublesome Creek @ milepoint 7.02		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 50 tons		
*	KY 542	10.0 Mine Access	18.6 Magoffin CO LN
*	KY 1098	0.0 KY 15	14.8 Mine Access
	Weight Limit - Bridge over South Fork Quicksand Creek @ milepoint 5.27		
	TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 1110	15.2 Haddix Tipple	15.7 KY 15
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 15.55		
	TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 51 tons		
*	KY 1111	1.6 Mine Access	2.2 Big Lovely RD
*	KY 3193	0.0 Wolverine RD	0.1 Wolverine RD
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.01		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		

*	Big Lovely Road			
	CR 5030	0.0 KY 1111	1.4	KY 542
*	Springsfork Road			
	CR 5032	2.2 KY 542	3.6	Mine Access
*	Slusher Road			
	CR 5067	0.0 KY 542	2.5	Mine
*	Wolverine Road			
	CR 5318	5.1 Mine	5.3	KY 3193
		5.3 KY 3193	5.7	KY 15

BUTLER COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		18.2 Warren CO LN	35.1 Ohio CO LN
	Weight Limit - Bridge over Green River @ milepoint 32.64		
	TY I = 20 tons, TY II = 42 tons, TY III = 46 tons, TY IV = 54 tons		
*	US 231	8.4 Alley-Cassetty Tipple	18.9 Ohio CO LN
	Weight Limit - Bridge over Embrys Ditch @ milepoint 9.92		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Green River @ milepoint 12.26		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Indian Camp Creek @ milepoint 16.32		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons		
	Weight Limit - Bridge over West Fork Indian Camp Creek @ milepoint 17.1		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons		
*	KY 70	0.0 Muhlenberg CO LN	14.4 US 231
	Weight Limit - Bridge over Panther Creek @ milepoint 4.19		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
		14.4 US 231	25.3 KY 411
	Weight Limit - Bridge over Welch Creek @ milepoint 20.37		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 79	13.4 KY 70	15.2 Possum Hollow SCH RD
*	KY 269	4.2 Johnson RD	6.0 Ohio CO LN
*	KY 411	0.0 KY 70	2.2 Mine
*	KY 1328	10.0 Mine	10.6 Old Greenwich SCH RD
		11.5 Mine	11.7 KY 70
*	KY 1468	0.0 KY 70	1.1 US 231
*	Old Greenwich School Road		
	CR 5015	0.0 KY 1328	0.7 KY 70
*	Jolertown Ridge Road		
	CR 5027	0.0 Peyton Cemetery RD	1.4 KY 70
*	Peyton Cemetery Road		
	CR 5028	0.6 Mine	0.9 Jolertown Ridge RD
*	New Cut Road (South)		
	CR 5243	0.0 KY 70	0.4 Mine
*	Hickory Camp Creek Road		
	CR 5246	0.0 KY 70	1.4 G Southerland RD
*	Elzie Penally Road		
	CR 5247	0.0 KY 70	0.4 Mine
*	Possum Hollow School Road		
	CR 5355	0.0 KY 70	0.7 Mine
	[Weight Limit - Bridge over East Prong of Indian Camp Creek		
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons]		
*	Johnson Road		
	CR 5394	0.0 Mine	0.1 KY 269
*	G Southerland Road		
	CR 5406	2.0 Mine	3.0 Hickory Camp Creek RD

CALDWELL COUNTY

ROAD	FROM	TO
Western Kentucky Parkway		
	5.6 Lyon CO LN	21.8 Hopkins CO LN
Weight Limit - Bridge over I. C. R.R. @ milepoint 11.36		
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 57 tons		
Weight Limit - Bridge over Tradewater River @ milepoint 21.75		
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 58 tons		

CAMPBELL COUNTY

ROAD	FROM	TO
US 27	0.0 Pendleton CO LN	16.6 I-471

CARTER COUNTY

	ROAD	FROM	TO
*	US 60	24.1 KY 1	35.0 Boyd CO LN
	Weight Limit - Bridge over Upper Stinson Creek @ milepoint 26.30		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
*	KY 1	10.6 US 60 & KY 7	11.5 I-64
	Weight Limit - Bridge over I-64 @ milepoint 11.50		
	TY I = 20 tons, TY II = 26 tons, TY III = 30 tons, TY IV = 51 tons		
*	KY 7	0.0 Elliott CO LN	10.9 KY 1
	Weight Limit - Bridge over Clifty Creek near Sophie @ milepoint 1.64		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Little Sandy River @ milepoint 10.12		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons		

CHRISTIAN COUNTY

	ROAD	FROM	TO
*	US 41	28.5 KY 1296	31.6 Hopkins CO LN
	Weight Limit - Bridge over Campbells Creek @ milepoint 29.51		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over L & N RR @ milepoint 30.88		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 50 tons		
*	KY 1296	2.7 Campbell Cemetery RD	5.2 US 41
*	Campbell Cemetery Road		
	CR 5418	0.0 KY 1296	1.6 Mine

CLARK COUNTY

	ROAD	FROM	TO
*	Mountain Parkway		
		0.0 I-64	11.9 Powell CO LN
	Weight Limit - Bridge over I-64 @ milepoint 0.13		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 47 tons		
	Weight Limit - Bridge over C & O RR @ milepoint 3.65		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 55 tons		
*	KY 418	5.7 KY 1924	5.8 KY 627
*	KY 627	0.1 KY 418	6.4 KY 1958
		9.3 I-64	14.8 Bourbon CO LN
	Weight Limit - Bridge over Woodruff Creek @ milepoint 13.20		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons		
*	KY 1924	0.0 Dale Power Plant	1.8 KY 418
*	KY 1958	0.0 KY 627	2.8 I-64

CLAY COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway		
		10.6 Laurel CO LN	35.9 Leslie CO LN
	Weight Limit - Bridge over Little Goose Creek Rd. @ milepoint 10.81		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Urban Road @ milepoint 13.90		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Hooker Road @ milepoint 16.14		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Ham Branch Rd. & Goose Creek @ milepoint 21.67		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Red Bird River @ milepoint 33.58		
	TY I = 20 tons, TY II = 42 tons, TY III = 42 tons, TY IV = 56 tons		
*	US 421	2.6 KY 66	28.5 KY 1350
	Weight Limit - Bridge over Horse Creek @ milepoint 16.58		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Goose Creek @ milepoint 18.59		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Island Creek @ milepoint 20.49		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Branch of Island Creek @ milepoint 21.20		
	TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Laurel Creek @ milepoint 23.97		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Sexton Creek @ milepoint 28.41		
	TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 52 tons		
*	KY 11	0.0 Knox CO LN	8.9 US 421 (South)
	Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 2.91		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 5.38		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
		8.9 US 421 (North)	26.6 Owsley CO LN

Weight Limit - Bridge over Wildcat Creek @ milepoint 15.57
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
* KY 66 0.0 Bell CO LN 6.9 Leslie CO LN
Weight Limit - Bridge over Phillips Fork Creek @ milepoint 4.95
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 48 tons
6.9 Leslie CO LN 18.5 US 421
19.1 Daniel Boone Parkway 32.5 KY 1482
32.8 KY 3014 33.2 KY 11
* KY 80 7.0 Big Creek Tipple 7.5 US 421
* KY 577 4.2 Buncomb RD 5.4 KY 1350 (South)
Weight Limit - Bridge over Little Sexton Creek @ milepoint 5.26
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
* KY 638 11.9 Mine Access 13.4 US 421
* KY 1350 0.0 US 421 4.1 KY 577 (West)
* KY 1482 9.4 Mine Access 10.2 KY 66
* KY 1524 0.0 US 421 6.9 Big John Branch RD
Weight Limit - Bridge over Mud Lick Creek @ milepoint 4.06
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons
* KY 2000 0.0 KY 1524 3.5 Mine
* KY 2432 0.0 Sester Road 0.7 Littleton Road
* KY 2438 0.0 US 421 0.1 KY 2432
Weight Limit - Bridge over Goose Creek & L & N RR @ milepoint 0.01
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 50 tons
* KY 3014 0.0 KY 66 0.2 Oneida Bottom RD
* Oneida Bottom Road
CR 5050 0.0 KY 3014 1.0 Mine
Weight Limit - Bridge over Goose Creek
TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons
* Littleton Road
CR 5103 0.0 KY 2432 0.9 Panama School RD
Weight Limit - Bridge over Coal Hollow
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
* Saplings Fork Road
CR 5169 0.0 KY 1524 3.5 Buzzard Creek RD
Weight Limit - Bridge over Goose Creek
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
* Swafford Branch Road
CR 5171 0.0 Buzzard Creek RD 1.7 Mine
* Sevier Road
CR 5180 0.0 US 421 0.2 Bridge
Weight Limit - Bridge over Goose Creek
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 60 tons
* Sester Road (Manchester)
CR 5227AA 0.0 KY 2432 0.2 Tipple Acess
* Buzzard Creek Road
CR 5238 1.7 Swafford Branch RD 2.7 Saplings Fork RD
* Panama School Road
CR 5341 0.0 Littleton Road 0.8 Steele RD
* Steele Road
CR 5342 0.0 Panama School RD 0.9 End of Road
* Buncomb Road
CR 5376 0.0 KY 577 0.4 Mine
* Sourwood Road
CR 5377 0.0 Buncomb RD 0.1 Mine

DAVIESS COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		59.5 Ohio CO LN	70.2 US 60 Bypass
	Weight Limit - Bridge over Owensboro Beltline @ milepoint 70.18		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons		
*	US 60	10.1 US 60 Bypass	27.9 Hancock CO LN
	Weight Limit - Bridge over L & N Railroad @ milepoint 11.78 [11.66]		
	TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 44 tons		
	Weight Limit - Westbound Bridge over L & N RR @ milepoint 16.66 [16.54]		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
	Weight Limit - Eastbound Bridge over Power Plant Entrance @ milepoint 16.66 [16.54]		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Pup Creek @ milepoint 20.31 [20.19]		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 45 tons		
*	US 60B	0.0 US 60	10.2 US 60
	Weight Limit - Bridge over US 431 @ milepoint 4.22		
	TY I = 20 tons, TY II = 42 tons, TY III = 42 tons, TY IV = 48 tons		

Weight Limit - Bridge over L & N Railroad @ milepoint 4.84
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 49 tons
Weight Limit - Bridge over Sutherland Road @ milepoint 5.08
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
Weight Limit - Bridge over Horse Fork Creek @ milepoint 5.65
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over I C RR @ milepoint 7.71
TY I = 20 tons, TY II = 37 tons, TY III = 37 tons, TY IV = 48 tons
Weight Limit - Bridge over L&N RR & KY 2710 @ milepoint 9.77
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 43 tons

*	US 231	0.0 Ohio CO LN	11.3	US 60 Bypass

Weight Limit - Bridge over Panther Creek @ milepoint 3.91
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Panther Creek @ milepoint 8.84
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over overflow @ milepoint 8.94
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over overflow @ milepoint 9.22
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Owensboro Beltline @ milepoint 11.29
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons

*	KY 54	2.5 US 60 Bypass	15.2	KY 764 (South)

Weight Limit - Bridge over Barnett Creek @ milepoint 5.7
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over Caney Creek @ milepoint 7.8
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over Panther Creek Overflow @ milepoint 10.3
TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons
Weight Limit - Bridge over Panther Creek @ milepoint 10.5
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons

*	KY 81	0.0 McLean CO LN	11.9	US 60 Bypass

Weight Limit - Bridge over Panther Creek @ milepoint 6.50
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 43 tons

*	KY 140	9.3 Mine	9.8	US 231
*	KY 144	0.0 US 60	11.9	Floral RD

Weight Limit - Bridge over L & N RR @ milepoint 0.16
TY I = 20 tons, TY II = 43 tons, TY III = 46 tons, TY IV = 50 tons

*	KY 331	0.0 US 60	1.8	Owensboro Riverport
*	KY 554	1.9 Mine	4.8	KY 81
*	KY 764	1.7 Deserter Creek RD	3.9	KY 54

Weight Limit - Bridge over Unnamed Stream @ milepoint 2.07
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 951	0.0 KY 144	1.6	Mine
*	Floral Road			
	CR 5035	0.0 KY 144	1.4	Mine
*	St Lawrence Road			
	CR 5036	0.0 KY 144	0.2	Mine
*	Iceland Road			
	CR 5076	0.0 US 60	0.2	Nerco River Terminal
*	Deserter Creek Road			
	CR 5151	3.3 Mine	3.7	KY 764

ELLIOTT COUNTY

	ROAD	FROM	TO	
*	KY 7	0.0 Morgan CO LN	19.3	Carter CO LN

Weight Limit - Bridge over Doctors Branch @ milepoint 4.15
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Sandy River @ milepoint 7.15
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons
Weight Limit - Bridge over Little Sandy River @ milepoint 10.32
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 55 tons
Weight Limit - Bridge over Little Sandy River @ milepoint 13.61
TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons
Weight Limit - Bridge over Little Sandy River @ milepoint 19.27
TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons

*	KY 32	8.6 KY 7	16.6	Mason Branch RD

Weight Limit - Bridge over Middle Fork @ milepoint 11.30
TY I = 20 tons, TY II = 32 [33] tons, TY III = 33 [34] tons, TY IV = 47 [48] tons
Weight Limit - Bridge over Newcombe Creek @ milepoint 14.06
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons

*	KY 486	0.0 KY 32	2.4	P Skaggs RD
*	KY 650	0.0 Morgan CO LN	4.5	KY 7

Weight Limit - Bridge over Little Sandy River @ milepoint 4.36
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 56 tons

	ROAD	FROM	TO
*	KY 719	0.0 Begin State Maintenance	4.7 KY 32
*	Dickerson		
	CR 5025	0.0 KY 7	0.3 Mine
*	P Skaggs Road		
	CR 5121	0.0 KY 486	0.2 Mine
*	Lick Ford Road		
	CR 5123	0.0 KY 32	0.7 Mine
	Weight Limit - Bridge over Lick Fork of Newcombe Creek		
	TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons		
	Weight Limit - Bridge over Lick Fork of Newcombe Creek		
	TY I = 7 tons, TY II = 7 tons, TY III = 7 tons, TY IV = 7 tons		
*	Right Fork Road		
	CR 5269	0.0 KY 719	1.8 Morgan CO LN

ESTILL COUNTY

	ROAD	FROM	TO
*	KY 52	0.0 Madison CO LN	7.6 KY 89
	Weight Limit - Bridge over Drowning Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY River @ milepoint 7.37		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 37 tons		
*	KY 89	11.4 KY 52	13.4 KY 1840
	Weight Limit - Bridge over Sweet Lick Creek @ milepoint 12.14		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons		
*	KY 1840	0.0 Stump RD	0.4 KY 89
*	Stump Road		
	CR 5356	0.0 KY 1840	0.8 Southeast Prep Plant

FAYETTE COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Jessamine CO LN	2.4 KY 4
	Weight Limit - Bridge over New Circle Road @ milepoint 2.41		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 60	10.2 KY 4	12.1 I-75
	Weight Limit - Bridge over New Circle Road @ milepoint 10.19		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons		
*	US 68	0.0 Jessamine CO LN	3.1 KY 4
	Weight Limit - Bridge over South Elkhorn Creek @ milepoint 0.74		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 4	2.2 US 68	9.3 KY 922
	Weight Limit - Bridge over Parkers Mill Road @ milepoint 3.86		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over US 60, Versailles Road @ milepoint 4.61		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Viley Pike @ milepoint 5.48		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Southern RR @ milepoint 6.01		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 6.76		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Leestown Pike @ milepoint 7.24		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Southern RR @ milepoint 8.03		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		12.7 US 60	19.3 US 27
	Weight Limit - Bridge over Richmond Road @ milepoint 14.84		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Green Tree-Chinoe Road @ milepoint 17.05		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Tates Creek Pike @ milepoint 17.75		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Lansdowne Drive @ milepoint 18.81		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 922	1.0 KY 4	2.9 I-75
*	Man-O-War Boulevard (Lexington)		
		0.0 US 68	3.3 US 27

FLEMING COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Robertson CO LN	5.4 Mason CO LN
*	KY 11	0.0 Bath CO LN	17.2 Mason CO LN
	Weight Limit - Bridge over Fleming Creek @ milepoint 7.80		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons		

Weight Limit - Bridge over Cassidy Creek @ milepoint 8.77
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons

FLOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Pike CO LN	24.1 Johnson CO LN
	Weight Limit - Bridge over Levisa Fork Big Sandy River @ milepoint 10.76		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons		
	Weight Limit - Bridge over C&O RR @ milepoint 10.95		
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons		
*	KY 3	0.0 US 23 & KY 80	2.3 Blackhawk Tipple
*	KY 7	0.0 Knott CO LN	8.0 KY 550
	Weight Limit - Bridge over Right Fork Beaver Creek @ milepoint 8.01		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 38 tons		
*	KY 80	0.0 Knott CO LN	14.4 US 23 & KY 3
*	KY 114	9.5 KY 404	11.4 US 23
	Weight Limit - Bridge over C&O RR @ milepoint 10.41		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 56 tons		
	Weight Limit - Bridge over Middle Creek @ milepoint 10.60		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons		
*	KY 122	8.5 KY 80	31.6 KY 466
	Weight Limit - Bridge over Left Beaver Creek north of Price		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 53 tons		
	Weight Limit - Bridge over unnamed stream @ Pilgrim Church		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
	Weight Limit - Bridge over Abner Fork @ Melvin		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	KY 194	0.0 KY 1428	5.6 Buffalo CR RD
	Weight Limit - Bridge over Cow Creek @ milepoint 1.27		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Cow Creek @ milepoint 2.03		
	TY I = 20 tons, TY II = 41 [38] tons, TY III = 43 [40] tons, TY IV = 60 tons		
		7.4 Copperas RD	12.2 Pike CO LN
	Weight Limit - Bridge over Brushy Creek @ milepoint 12.15		
	TY I = 20 tons, TY II = 40 [39] tons, TY III = 42 [41] tons, TY IV = 60 tons		
*	KY 404	0.0 Magoffin CO LN	8.1 KY 114
	Weight Limit - Bridge over Middle Creek @ milepoint 8.07		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 466	2.1 Mine	4.1 KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 2.58		
	TY I = 20 tons, TY II = 18 [21] tons, TY III = 21 tons, TY IV = 37 tons		
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 2.90		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
*	KY 550	0.0 Knott CO LN	0.2 KY 7
	Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.06		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
		0.2 KY 7	4.6 KY 80
	Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 1.58		
	TY I = 20 tons, TY II = 28 tons, TY III = 27 tons, TY IV = 31 tons		
	Weight Limit - Bridge over Brush Creek @ milepoint 2.02		
	TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 52 tons		
*	KY 680	0.0 KY 122	5.4 KY 979
*	KY 777	5.9 Mine	9.0 KY 80
	Weight Limit - Bridge over Turkey Creek @ milepoint 8.63		
	TY I = 20 tons, TY II = 43 tons, TY III = 48 tons, TY IV = 57 tons		
*	KY 850	0.0 KY 550	7.5 KY 404
*	KY 979	0.0 KY 122	19.3 US 23
	Weight Limit - Bridge over Toler Creek @ milepoint 17.43		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 1101	0.9 Stonecoal BR RD	1.0 KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 0.90		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 59 tons		
*	KY 1210	0.0 KY 80	7.8 KY 404
	Weight Limit - Bridge over Middle Creek @ milepoint 7.76		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
*	KY 1426	2.5 Mine	6.6 KY 979
		6.6 KY 979	9.0 Mine
*	KY 1428	5.7 Colliver RD	6.2 US 23
	Weight Limit - Bridge over Levisa Fork @ milepoint 5.9		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
		6.2 US 23	8.8 KY 194
	Weight Limit - Bridge over Cow Creek @ milepoint 8.75		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		

		14.1 Mine	15.6 US 23
	Weight Limit - Bridge over Little Paint Creek @ milepoint 14.85		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons		
*	KY 1498	0.0 Knott CO LN	4.6 KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 4.59		
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 60 tons		
*	KY 1929	0.0 Ned FK RD	2.5 KY 680
*	KY 2030	0.0 KY 122	7.8 KY 1426
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 0.10		
	TY I = 20 tons, TY II = 42 [45] tons, TY III = 43 [46] tons, TY IV = 56 [58] tons		
*	KY 2557	0.0 Betsy Layne BR RD	0.3 US 23
*	KY 3188	0.8 Mine	1.3 KY 80
*	Powell Branch Road		
	CR 5022	0.0 Justell Bridge RD	0.3 Camp BR Branch RD
*	Justell Bridge Road		
	CR 5024F	0.0 US 23	0.1 Powell Branch RD
*	Clark Branch Road		
	CR 5040	0.0 Buffalo Creek RD	1.4 Mine
*	Buffalo Creek Road		
	CR 5043	0.0 KY 194	4.0 Clark Branch RD
	Weight Limit - Bridge over Buffalo Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Copperas Creek Road		
	CR 5045	0.0 KY 194	2.1 Mine
*	Bull Creek Road		
	CR 5055	0.0 KY 3	0.5 Cabin Coal Tipple
*	Colliver Road		
	CR 5074	0.0 KY 1428	1.6 Mine
*	Camp Branch Road		
	CR 5078	0.0 Powell Branch RD	0.9 Right FK/Camp BR RD
*	Right Fork/Camp Branch Road		
	CR 5078A	0.0 Camp Branch RD	0.2 Mine
*	Transcontinental Road (Excluding Bridge)		
	CR 5083	0.0 Transcontinental Tip	0.8 US 23
*	Big Branch/Little Mud Creek Road		
	CR 5108	0.0 KY 2030	3.3 Mine
*	Frog Branch Road		
	CR 5110	0.0 KY 2030	1.0 Mine
*	Betsy Layne Branch Road		
	CR 5111	0.0 KY 2557	0.9 Mine
*	Cedar Hill Road		
	CR 5118	0.0 KY 1426	0.6 Bebe Tipple
*	Mink Branch Road		
	CR 5138	0.0 KY 979	1.5 Mine
	Weight Limit - Bridge over Big Mud Creek		
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons		
*	Ned Fork Road		
	CR 5140	0.0 KY 1929	1.1 Premium Elkhorn Shannon Mine
*	Branham Creek Road		
	CR 5142	0.0 KY 979	3.1 Mine
		7.7 Left FK/Tinker FK RD	8.3 Pike CO LN
*	Left Fork/Tinker Fork Road		
	CR 5147	0.0 Branham Creek RD	0.2 Wellmore Kodiak Mine
*	Andy Branch Road		
	CR 5148	0.0 Tinker Fork RD	0.5 Ensol Mine
*	Tinker Fork Road		
	CR 5152	0.0 KY 979	0.6 Andy Branch RD
*	Red Morg Branch Road		
	CR 5153	0.0 KY 979	0.7 End of Road
*	Buzzard Rock Road		
	CR 5157	0.2 Mine	0.5 Pike CO LN
*	Buckhorn Hollow Road		
	CR 5159	0.0 KY 979	0.4 Wheelwright Douglas #2 Mine
*	Spewing Camp Branch		
	CR 5190	0.0 KY 122	2.4 Mine
	Weight Limit - Bridge over Left Fork of Beaver Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Little Muddy Creek Road		
	CR 5197	0.0 KY 2030	3.0 Mine
*	Stonecoal Branch Road		
	CR 5234	0.0 KY 1101	2.0 Mine
*	Goose Creek Road		
	CR 5273	0.0 Gosling Branch RD	0.6 Transcontinental T&H Mine

*	Gosling Branch Road			
	CR 5274	0.0 KY 80	0.1	Goose Creek RD
*	Vine Street (Eastern)			
	CR 5283C	0.0 KY 80	0.1	May I Tipple
	Weight Limit - Bridge over Right Fork of Beaver Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Prater Fork Road			
	CR 5285	0.0 KY 850	1.1	Left FK/Prater CK RD
*	Left Fork/Prater Creek Road			
	CR 5285A	0.0 Prater Fork RD	0.4	Mine
*	Johnson Fork-Conley Fork Road			
	CR 5409	0.0 KY 1210	0.2	Amber Prep Plant

GARRARD COUNTY

	ROAD	FROM	TO	
*	US 27	10.3 KY 34	16.5	Jessamine CO LN
	Weight Limit - Bridge over the Kentucky River @ milepoint 16.28			
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 45 tons			
*	KY 34	0.0 Boyle CO LN	2.7	US 27

GREENUP COUNTY

	ROAD	FROM	TO	
*	US 23	0.0 Boyd CO LN	11.8	KY 2541
	Weight Limit - Bridge over Little Sandy River @ milepoint 11.4			
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 57 tons			
*	KY 1	11.4 KY 207	17.3	US 23
*	KY 207	0.4 Logtown RD	9.2	KY 1
	Weight Limit - Bridge over Sandslick Creek @ milepoint 6.64			
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons			
*	KY 2541	1.3 Pilgrim Dock	1.6	US 23
*	Logtown Hollow Road			
	CR 5168	0.0 KY 207	0.5	Mine

HANCOCK COUNTY

	ROAD	FROM	TO	
*	US 60	0.0 Daviess CO LN	5.5	Mine

HARLAN COUNTY

	ROAD	FROM	TO	
*	US 119	0.0 Bell CO LN	18.7	Rhea Tipple
		26.4 Totz Prep Plant	28.2	Belt Line
		34.3 Mine	39.7	Letcher CO LN
	Weight Limit - Bridge over Poor Fork @ milepoint 35.56			
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Poor Fork @ milepoint 38.91			
	TY I = 20 tons, TY II = **25** [27] tons, TY III = 27 tons, TY IV = **35** [36] tons			
	Weight Limit - Bridge over Poor Fork @ milepoint 39.61			
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons			
*	US 421	0.0 Virginia State LN	17.6	US 119 (West)
	Weight Limit - Bridge over Cranks Creek @ milepoint 2.70			
	TY I = 20 tons, TY II = **29** [37] tons, TY III = **30** [38] tons, TY IV = **42** [53] tons			
	Weight Limit - Bridge over Fork of Crummies Creek @ milepoint 7.36			
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 40 tons			
	Weight Limit - Bridge over KY 840, L&N RR, Clover Fork @ milepoint 17.51			
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 49 tons			
		17.6 US 119 (West)	27.4	Leslie CO LN
*	KY 38	0.0 US 421	13.3	Shields School RD
	Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 8.21			
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons			
	Weight Limit - Bridge over Yocum Creek @ milepoint 8.60			
	TY I = 20 tons, TY II = **26** [37] tons, TY III = **27** [38] tons, TY IV = **38** [53] tons			
	Weight Limit - Bridge over Clover Fork @ milepoint 12.90			
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons			
		16.7 Belt Line	17.0	KY 179
		28.1 Jericol Tipple	29.5	Virginia State LN
*	KY 72	0.0 Bell CO LN	4.9	Rockhouse Creek RD
	Weight Limit - Bridge over Puckett Creek @ milepoint 4.73			
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Puckett Creek @ milepoint 4.84			
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons			
		9.0 KY 2425	11.3	US 421
*	KY 160	8.8 Benham Tipple	14.6	Letcher CO LN
	Weight Limit - Bridge over L&N RR & Looney Creek @ milepoint 9.05			
	TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 50 tons			

Weight Limit - Bridge over L&N RR & Looney Creek @ milepoint 10.34
TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 44 tons
Weight Limit - Bridge over Looney Creek @ milepoint 11.29
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 57 tons
Weight Limit - Bridge over Poor Creek @ milepoint 11.82
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons

*	KY 179	0.0 KY 38	0.6	Mines

[Weight Limit - Bridge over Fugitt Creek @ milepoint 0.08
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons]

*	KY 215	0.0 KY 38	1.1	Mine

Weight Limit - Bridge over Yocum Creek @ milepoint 1.06
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons

*	KY 219	2.3 Mine	5.1	US 119

Weight Limit - Bridge over Wallins Creek @ milepoint 2.48
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 58 tons
Weight Limit - Bridge over Tributary of Wallins Creek @ milepoint 2.79
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons
Weight Limit - Bridge over Wallins Creek @ milepoint 2.88
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons

*	KY 221	0.0 Bell CO LN	8.9	US 421 (South)
		8.9 US 421 (North)	26.8	Perry CO LN
*	KY 987	10.4 Wilder Branch RD	18.5	US 421

Weight Limit - Bridge over Martins Fork Lake @ milepoint 12.72
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons
Weight Limit - Bridge over Martins Fork @ milepoint 15.07
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Crummies Creek @ milepoint 18.52
TY I = 20 tons, TY II = 29 tons, TY III = 34 tons, TY IV = 41 tons

*	KY 990	0.0 US 421	1.3	Coalgood Tipple
*	KY 1137	0.0 US 421	2.0	Crummies Creek RD
*	KY 2006	0.7 Mine	4.6	Arch of KY Tipple
*	KY 2007	0.0 US 119	0.5	Layman-Coldiron RD

Weight Limit - Bridge over Cumberland River @ milepoint 0.43
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons

*	KY 2008	0.0 Leslie CO LN	1.4	KY 221
*	KY 2009	0.0 KY 221	2.7	Leslie CO LN

Weight Limit - Bridge over Fork of Laurel Fork Creek @ milepoint 1.51
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons
Weight Limit - Bridge over Laurel Fork Creek @ milepoint 2.72
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons

*	Totz Road			
	CR 5007B	0.0 Haul RD	0.1	Totz Washer
*	Crummies Creek Road			
	CR 5137	0.0 KY 1137	1.5	N to End
*	Slack Cemetery Road			
	CR 5140	0.0 US 421 (North)	0.3	Mine
*	Barn Branch Road			
	CR 5142	0.0 US 421	0.4	End
*	Old US 421 Road			
	CR 5147	0.0 Daniel Carredd RD	0.4	US 421
*	Daniel Carredd Road			
	CR 5148	0.0 Old US 421 RD	0.7	End
*	Grays Branch Road			
	CR 5206K	0.0 US 421 @ Grays Knob	0.4	End

Weight Limit - Bridge over Martins Fork
TY I = 20 tons, TY II = 20 tons, TY III = 20 tons, TY IV = 20 tons

*	Mill Branch Hollow			
	CR 5219	0.0 KY 72	0.3	Mine
*	Frye Street			
	CR 5232A	0.0 KY 72	0.2	Elcomb DR

Weight Limit - Bridge over Catron Creek
TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 40 tons

*	Elcomb Drive			
	CR 5232C	0.0 Frye ST	0.4	Mine Access
*	Layman-Coldiron Road			
	CR 5236H	0.0 KY 2007	0.9	Forester Creek RD

Weight Limit - Bridge over Jesses Creek
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons

*	Rockhouse Creek Road			
	CR 5256	0.0 KY 72	0.2	R B Tipple
*	Ages Creek Road			
	CR 5326M	0.0 KY 38	0.5	Mine

Weight Limit - Bridge over Ages Branch
TY I = 20 tons, TY II = 27 tons, TY III = 33 tons, TY IV = 53 tons

* Abner Fork Road
CR 5338 0.0 KY 221 3.9 Leslie CO LN
* Big Run Hollow Road
CR 5344 1.4 Mine RD 1.7 Bell CO LN

HARRISON COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Bourbon CO LN	19.5 Pendleton CO LN

Weight Limit - Bridge over South Fork Licking River @ milepoint 5.65
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 57 tons
Weight Limit - Bridge over L&N RR @ milepoint 6.28
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 45 tons
Weight Limit - Bridge over Indian Creek @ milepoint 7.09
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 58 tons
Weight Limit - Bridge over Sycamore Creek @ milepoint 9.09
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over Two Lick Creek @ milepoint 10.40
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 57 tons
Weight Limit - Bridge over Curry Creek @ milepoint 13.27
TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 50 tons
Weight Limit - Bridge over Richland Creek @ milepoint 19.18
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons

HENDERSON COUNTY

	ROAD	FROM	TO
*	US 41	0.0 Webster CO LN	13.0 KY 812

Weight Limit - Bridge over King Creek @ milepoint 0.65
TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over East Fork of Cane Creek @ milepoint 6.20
TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Dredged Ditch @ milepoint 6.32
TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons

* KY 812 5.6 Mine 7.4 US 41
* KY 2097 0.0 US 41 0.9 Bill Givens RD
* Bill Givens Road
CR 5142 0.0 Webster CO LN 0.2 KY 2097

HOPKINS COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		21.8 Caldwell CO LN	43.4 Muhlenberg CO LN

Weight Limit - Bridge over Tradewater River Overflow @ milepoint 22.00
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over I.C. RR @ milepoint 24.89
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over KY 112 & Copperas Creek @ milepoint 28.35
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons
Weight Limit - Bridge over Oak Hill Rd. & I.C. RR @ milepoint 33.87
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over Pennyrile Parkway @ milepoint 38.31
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 56 tons

* Pennyrile Parkway (Non-Toll Segment)
29.6 US 41 45.2 Begin Toll Segment
Weight Limit - Bridge on exit ramp to U.S. 41 @ milepoint 45.2
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

* Pennyrile Parkway (Toll Segment)
45.2 Non-Toll Segment 55.0 Webster CO LN
Weight Limit - Bridge over KY 138 @ milepoint 54.07
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 56 tons

* US 41 0.0 Christian CO LN 2.3 Pennyrile Parkway
Weight Limit - Bridge over Drakes Creek @ milepoint 0.49
TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 53 tons
Weight Limit - Bridge on entrance ramp to Pennyrile Parkway @ milepoint 2.3
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
3.0 KY 1751 11.8 Webster CO LN
Weight Limit - Bridge over Otter Creek @ milepoint 6.13
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

* US 41A 3.7 US 62 29.4 Webster CO LN
Weight Limit - Bridge over L&N RR @ milepoint 6.59
TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 34 tons
Weight Limit - Bridge over Pond Creek @ milepoint 22.86
TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 43 tons
Weight Limit - Bridge over Weirs Creek @ milepoint 28.01
TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 43 tons

*	US 62	1.7	KY 109	21.3	Mine
	Weight Limit - Bridge over Copperas Creek @ milepoint 5.70				
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Cane Run Creek @ milepoint 7.94				
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Pleasant Run @ milepoint 12.51				
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons				
	Weight Limit - Bridge over L&N RR, Fork Pleasant Run @ milepoint 14.89				
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 58 tons				
	Weight Limit - Bridge over US 41 @ milepoint 15.64				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Pleasant Run Creek @ milepoint 16.39				
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Drakes Creek @ milepoint 16.72				
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons				
*	KY 70	7.1	KY 109	18.7	US 41A
	Weight Limit - Bridge over Richland Creek @ milepoint 11.77				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons				
	Weight Limit - Bridge over ICG RR NE of Richland @ milepoint 13.09				
	TY I = 20 tons, TY II = 27 tons, TY III = 27 tons, TY IV = 34 tons				
	Weight Limit - Bridge over Sugar Creek @ milepoint 13.45				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons				
	Weight Limit - Bridge over L&N RR @ milepoint 18.53				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
		19.9	Pennyrile Parkway	23.2	KY 85
*	KY 85	0.0	KY 70	3.3	Mine
*	KY 109	2.1	US 62	17.2	KY 814
	Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 3.81				
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 54 tons				
	Weight Limit - Bridge over IC RR @ milepoint 4.50				
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons				
	Weight Limit - Bridge over IC RR @ milepoint 6.49				
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons				
	Weight Limit - Bridge over Lick Creek @ milepoint 7.24				
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons				
*	KY 112	2.8	Mine	5.0	Copper Creek RD
		5.4	Edro Washer	9.8	US 41A
	Weight Limit - Bridge over Finley Ditch @ milepoint 5.85				
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons				
	Weight Limit - Bridge over Unnamed Stream @ milepoint 8.06				
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons				
	Weight Limit - Bridge over Unnamed Stream @ milepoint 8.26				
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons				
*	KY 262	0.0	KY 630	0.3	Mine
*	KY 281	0.0	US 41A	0.7	Pennyrile Parkway
	Weight Limit - Bridge over L&N RR @ milepoint 0.25				
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons				
*	KY 336	0.0	US 41A	2.3	McLeod RD
*	KY 630	0.0	KY 262	2.0	US 41A
*	KY 813	2.6	Farmer Crossing RD	2.8	US 62
		4.3	Mine	5.0	Private Haul RD
		10.2	Mortons Gap-WH CTY RD	12.3	US 41A
*	KY 814	0.0	KY 109	1.4	Webster CO LN
*	KY 1302	1.9	Bean Cemetery RD	2.7	Poole RD
*	KY 1687	3.9	Mine	4.6	US 62
*	KY 1751	0.0	US 41A	1.4	US 41
	Weight Limit - Bridge over L&N RR @ milepoint 1.14				
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons				
*	KY 2083	0.9	US 62	1.1	South Hopkins Tipple
*	KY 2086	0.0	Walnut Grove RD	1.2	KY 109
*	McLeod Road				
	CR 5140	0.0	KY 336	0.5	Mine
*	Mortons Gap-White City Road				
	CR 5153	0.0	KY 813	1.9	Mine
*	Farmers Crossing Road				
	CR 5161	0.0	KY 813	3.0	Ogelsby RD
	Weight Limit - Bridge over Unnamed Tributary of Pond River				
	TY I = 20 tons, TY II = 36 tons, TY III = 46 tons, TY IV = 50 tons				
*	Ogelsby Road				
	CR 5163	0.9	Mine	1.4	Farmer Crossing RD
*	Goat Lane				
	CR 5179	0.0	US 62	0.4	Drakes Creek RD
*	Drakes Creek Road				
	CR 5180	1.4	KY 813	1.5	Farmers Crossing RD

* Copper Creek Road
CR 5257 0.0 KY 112 1.0 Clyde Lee RD
Weight Limit - Bridge over Copper Creek
TY I = 20 tons, TY II = 36 tons, TY III = 46 tons, TY IV = 50 tons
* Clyde Lee Road
CR 5258 0.0 Copper Creek RD 0.4 Mine
* Leonard Jackson Road
CR 5262 0.0 Dawson Daylight RD 1.0 Private Haul RD
* Walnut Grove Road
CR 5301 0.0 Mine 0.6 KY 2086
* Dawson Daylight Road
CR 5305 0.0 KY 109 2.4 Leonard Jackson RD
* Ferguson Town Spur
CR 5311 0.0 Ferguson Town RD 0.1 Roberts Bros Tipple
* Ferguson Town Road
CR 5325 3.0 Ferguson Town Spur 3.2 KY 109
* Poole Road
CR 5390 0.2 KY 70 0.4 KY 1302
* Bean Cemetery Road
CR 5396 0.0 KY 1302 0.4 Mine

JACKSON COUNTY

	ROAD	FROM	TO
*	US 421	3.8 KY 30	10.8 KY 587

Weight Limit - Bridge over Fork Lick Creek @ milepoint 6.26
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over McCammon Creek @ milepoint 8.82
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons

*	KY 30	0.0 Laurel CO LN	12.5 US 421

Weight Limit - Bridge over Moores Creek @ milepoint 0.59
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons
Weight Limit - Bridge over Pond Creek @ milepoint 2.64
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons

*	KY 587	0.0 US 421	5.5 Brushy Ridge RD
*	Brushy Ridge RD		
	CR 5041	0.0 KY 587	1.1 Mine
*	Old Island City Road		
	CR 5165	0.0 Clay CO LN	1.1 Mine
*	Mildred Road		
	CR 5184	0.0 US 421	1.6 Laurel Fork RD

Weight Limit - Bridge over Laurel Fork
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Laurel Fork Road		
	CR 5248	0.0 Mildred RD	0.3 Mine

JEFFERSON COUNTY

	ROAD	FROM	TO
*	US 31W	3.2 Kosmos Cement CO	14.8 I-264
*	KY 1934	6.8 I-264	7.0 Ralph Avenue
*	Ralph Avenue (Louisville)		
		0.9 KY 1934	1.8 Dupont Plant

JESSAMINE COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Garrard CO LN	14.1 Fayette CO LN

Weight Limit - Bridge over Town Fork @ milepoint 5.59
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

JOHNSON COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Floyd CO LN	18.4 Lawrence CO LN

Weight Limit - Bridge over C&O RR & Levisa Fork @ milepoint 3.53
TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 38 tons
Weight Limit - Bridge over Paint Creek @ milepoint 8.68
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons

*	US 460	0.0 Magoffin CO LN	8.3 US 23
*	KY 3	0.1 KY 302	4.7 Martin CO LN
*	KY 40	0.0 Magoffin CO LN	8.7 US 460

Weight Limit - Bridge over Little Paint Creek @ milepoint 0.53
TY I = 20 tons, TY II = 25 tons, TY III = 26 tons, TY IV = 43 tons
Weight Limit - Bridge over Little Paint Creek @ milepoint 1.50
TY I = 20 tons, TY II = 23 [26] tons, TY III = 27 tons, TY IV = 44 tons
Weight Limit - Bridge over Road Fork Creek @ milepoint 4.60
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 41 tons

Weight Limit - Bridge over Road Fork Creek @ milepoint 4.92
TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 41 tons
Weight Limit - Bridge over Barnetts Creek @ milepoint 6.31
TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 41 tons
Weight Limit - Bridge over Big Paint Creek @ milepoint 6.46
TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons

*	KY 172	2.5	Mine Access	12.4	KY 40

Weight Limit - Bridge over Mudlick Creek @ milepoint 11.91
TY I = 20 tons, TY II = 37 tons, TY III = 39 [38] tons, TY IV = 55 [53] tons

*	KY 302	4.1	KY 2381	6.5	KY 3
*	KY 469	3.0	KY 1614	6.2	Lawrence CO LN
*	KY 993	0.0	KY 581	2.8	US 23
*	KY 1614	0.0	Morgan CO LN	1.2	KY 469
*	KY 2381	0.0	US 23	2.2	KY 302

KNOTT COUNTY

	ROAD	FROM		TO	
*	KY 7	0.0	Letcher CO LN	16.0	Floyd CO LN

Reduced Weight Limit - Bridge over Beaver Fork @ milepoint 6.10
TY I = 20 tons, TY II = 40 [41] tons, TY III = 41 [43] tons, TY IV = 60 tons

*	KY 15	0.0	Letcher CO LN	9.4	Perry CO LN

Reduced Weight Limit - Bridge over Carr Fork Reservoir @ milepoint 2.82
TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 55 tons
Reduced Weight Limit - Bridge over Carr Fork Lake @ milepoint 5.64
TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 60 tons

*	KY 80	0.0	Perry CO LN	20.1	Floyd CO LN
*	KY 160	0.0	KY 15	4.2	Runnells Branch RD

Reduced Weight Limit - Bridge over Carr Fork Lake @ milepoint 1.74
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 56 tons

		8.2	KY 1393	12.5	KY 80
*	KY 550	20.6	Mine	26.6	Floyd CO LN

Reduced Weight Limit - Bridge over Jones Fork @ milepoint 20.63
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 51 tons
Reduced Weight Limit - Bridge over Jones Fork @ milepoint 21.51
TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 39 tons
Reduced Weight Limit - Bridge over Jones Fork @ milepoint 25.30
TY I = 20 tons, TY II = 30 [33] tons, TY III = 31 [34] tons, TY IV = 44 [48] tons

*	KY 899	0.0	KY 1393	4.9	Mine
		7.7	Mine	12.2	KY 7

Reduced Weight Limit - Bridge over Caney Creek @ milepoint 8.74
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons
Reduced Weight Limit - Bridge over Caney Creek @ milepoint 11.82
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons

*	KY 1087	1.4	KY 3209	3.4	Mine
		12.0	Sandlick Branch RD	14.1	KY 80
		19.9	Bruce Branch RD	20.6	KY 550
*	KY 1088	3.9	Youngs Fork RD	9.4	KY 15

Reduced Weight Limit - Bridge over Yellow Creek @ milepoint 9.12
TY I = 20 tons, TY II - 36 tons, TY III = 38 tons, TY IV = 60 tons
Reduced Weight Limit - Bridge over Carr Creek @ milepoint 9.36
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 56 tons

*	KY 1231	0.0	KY 15	1.2	Irishman Creek RD
		4.8	Mine	5.8	Mine
*	KY 1393	2.8	KY 899	4.9	KY 160
*	KY 1410	0.0	KY 160	4.7	Letcher CO LN

Reduced Weight Limit - Bridge over Carr Fork @ milepoint 0.01
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons

*	KY 1498	0.0	KY 7	1.5	Floyd CO LN
*	KY 3209	0.0	KY 80	0.4	KY 1087

Reduced Weight Limit - Bridge over Ball Fork @ milepoint 0.05
TY I = 20 tons, TY II = 40 [39] tons, TY III = 42 [41] tons, TY IV = 60 tons

*	Patten Branch of Beaver Creek Road				
	CR 5009	0.0	KY 7	0.4	G.S. & M. Mine
*	Bruce Branch Road				
	CR 5026	0.0	KY 1087	0.7	Patsy Jane Mine
*	Big Springs Branch Road				
	CR 5032	0.0	KY 550	0.9	Mine

Reduced Weight Limit - Bridge over Jones Fork
TY I = 19 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 39 tons

*	Rock Fork (Bolyn) Road				
	CR 5037	0.0	KY 80	0.8	Mine
*	Bates Branch Road				
	CR 5117	0.0	KY 7	1.4	Mine

	ROAD	FROM	TO
*	Perkins Branch-Lick Branch Road CR 5145	0.0 KY 15	0.4 Mine
*	Runnells Branch Road CR 5156	0.0 KY 160	0.5 Left FK Runnells BR RD
*	Left Fork of Runnells Branch Road CR 5156A	0.0 Runnells Branch RD	0.3 Mine
*	Irishman Creek Road CR 5203	0.0 KY 1231	2.5 Mine
*	Flaxpatch Branch Road CR 5208	0.0 KY 1231	0.6 Mine
*	Defeated Creek Road CR 5212	0.0 KY 15	3.2 Mine
*	Youngs Fork Road CR 5226	0.0 KY 1088	1.3 Mine

KNOX COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Bell CO LN	26.6 Laurel CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 0.85 TY I = 20 tons, TY II = 33 [38] tons, TY III = 33 [38] tons, TY IV = 40 [44] tons		
	Weight Limit - Bridge over L&N RR @ milepoint 1.54 TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Stinking Creek @ milepoint 3.70 TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Turkey Creek @ milepoint 4.81 TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 51 tons		
*	KY 6	0.0 Whitley CO LN	14.7 KY 11
	Weight Limit - Bridge over Lynn Camp Creek @ milepoint 0.23 TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Stewards Creek @ milepoint 0.83 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Indian Creek @ milepoint 6.15 TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Tributary of Indian Creek @ milepoint 6.85 TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Indian Creek @ milepoint 8.37 TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 11	0.0 Whitley CO LN	10.1 US 25E
	Weight Limit - Bridge over Little Poplar Creek @ milepoint 2.17 TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
		10.1 US 25E	22.7 Clay CO LN
	Weight Limit - Bridge over Little Richland Creek @ milepoint 13.00 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Richland Creek @ milepoint 13.39 TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Richland Creek @ milepoint 13.57 TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 223	0.0 US 25E	3.9 KY 718
	Weight Limit - Bridge over Roads Fork Stinking Creek @ milepoint 3.91 TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons		
*	KY 225	5.9 Mine	15.0 US 25E
*	KY 233	4.6 Lynn Camp Branch RD	6.2 US 25E
*	KY 718	0.0 KY 223	9.2 Alex Creek RD
*	KY 1418	0.0 Whitley CO LN	0.6 Hubbs Hollow RD
*	KY 1809	0.0 Whitley CO LN	6.3 KY 11
*	KY 2421	0.0 KY 225	0.9 KY 11
*	Alex Creek Road CR 5031	0.0 KY 718	0.8 Mine
	Weight Limit - Bridge over Pigeon Fork TY I = 20 tons, TY II = 26 tons, TY III = 31 tons, TY IV = 51 tons		
*	Little Brush Creek Road CR 5166	0.0 KY 225	1.6 Lay Branch RD
	Weight Limit - Bridge over Brush Creek TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Lay Branch Road CR 5169	0.0 Little Brush CK RD	0.2 Mines
*	Stoney Fork Road CR 5210	0.0 KY 1809	1.8 Swanpond Road
*	Hubbs Road CR 5214	0.0 KY 1809	1.5 Mine
	Weight Limit - Bridge over Hubbs Creek east of Bryant's Store TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons		
	Weight Limit - Bridge over Hubbs Creek @ Bain Branch TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons		

*	Sugartree Road			
	CR 5216	0.0 Hubbs RD	0.5 Mine	
	Weight Limit - Bridge over Hubbs Creek			
	TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons			
*	Old US 25E Loop #6 Road			
	CR 5304	0.6 Bailey Branch RD	1.0 US 25E	
	Weight Limit - Branch over Bailey Creek			
	TY I = 9 tons, TY II = 9 tons, TY III = 9 tons, TY IV = 9 tons			
*	Bailey Branch Road			
	CR 5305	0.0 Old US 25E Loop #6 RD	0.5 Bailey Switch Tipple	
	Weight Limit - Branch over Baily Branch (Richland Creek)			
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons			
*	Richland Creek Road			
	CR 5311	0.8 Harris RD	0.9 Higgins RD	
*	Higgins Road			
	CR 5323	0.0 US 25E	0.8 Richland Creek RD	
*	Harris Road			
	CR 5327	0.7 Mine	0.2 Richland Creek RD	
*	Lynn Camp Branch Road			
	CR 5369	0.0 KY 233	1.0 Mine	

LAUREL COUNTY

	ROAD	FROM	TO	
*	Daniel Boone			
	Parkway	0.0 US 25 & KY 80	10.6 Clay CO LN	
	Weight Limit - Bridge over L&N RR @ milepoint 0.85			
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons			
	Weight Limit - Bridge over Little Laurel River @ milepoint 3.40			
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Sallys Branch Rd. @ milepoint 4.18			
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons			
	Weight Limit - Bridge over KY 1305 @ milepoint 6.42			
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons			
	Weight Limit - Bridge over Lick Creek Road @ milepoint 7.64			
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons			
	Weight Limit - Bridge over KY 488 @ milepoint 8.57			
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons			
*	US 25	0.0 US 25E & US 25W	16.3 KY 490	
	Weight Limit - Bridge over Robinson Creek @ milepoint 3.28			
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons			
	Weight Limit - Bridge over Laurel River at Lily @ milepoint 4.14			
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons			
	Weight Limit - Bridge over L&N RR @ milepoint 7.19			
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 48 tons			
	Weight Limit - Bridge over Little Laurel River @ milepoint 8.44			
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons			
*	US 25E	0.0 Knox CO LN	2.0 I-75	
*	US 25W	0.0 Whitley CO LN	1.0 US 25 & US 25E	
*	KY 30	1.4 KY 490	9.8 Jackson CO LN	
	Weight Limit - Bridge over Rockcastle River @ milepoint 9.08			
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 59 tons			
*	KY 80	0.0 Pulaski CO LN	11.1 US 25 & D Boone PKWY	
	Weight Limit - Bridge over I-75 @ milepoint 10.59			
	TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 43 tons			
		11.1 US 25	11.8 KY 638	
*	KY 192	18.2 I-75	22.0 D Boone PKWY	
	Weight Limit - Bridge over I-75 @ milepoint 18.24			
	TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 42 tons			
*	KY 490	0.0 US 25	0.9 KY 30	
	Weight Limit - Bridge over L&N RR @ milepoint 0.10			
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 44 tons			
		0.9 KY 30	5.7 Victory-Greenmount RD	
*	KY 1006	0.3 J & B Tipple	0.5 US 25	
*	Railroad Street (London)			
	CR 5091N	0.0 KY 80 (4th Street)	0.5 Balmont Tipple	
*	Carmichael Road			
	CR 5475	0.0 KY 80	4.1 Mine	

LAWRENCE COUNTY

	ROAD	FROM	TO	
*	US 23	0.0 Johnson CO LN	30.2 Boyd CO LN	
*	KY 3	0.0 Martin CO LN	15.5 US 23	
	Weight limit - Bridge over Levisa & Tug Forks @ milepoint 14.87			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			

Weight Limit - Bridge over Two Mile Branch @ milepoint 15.52
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
* KY 3S 0.0 KY 3 0.1 West Virginia State LN
* KY 32 5.9 KY 469 28.9 US 23
Weight Limit - Bridge over Cains Creek @ milepoint 9.53
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Blaine Creek @ milepoint 10.10
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 54 tons
Weight Limit - Bridge over Hood Creek @ milepoint 10.85
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Brushy Creek @ milepoint 16.05
TY I = 20 tons, TY II = **32** [35] tons, TY III = **33** [37] tons, TY IV = **54** [60] tons
Weight Limit - Bridge over Rich Creek @ milepoint, 18.39
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons
Weight Limit - Bridge over Blaine Creek @ milepoint 22.55
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Russey Branch @ milepoint 23.46
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
* KY 469 0.0 Johnson CO LN 2.0 KY 32
Weight Limit - Bridge over Left Fork of Blaine Creek @ milepoint 0.01
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons
* KY 645 0.0 Martin CO LN 5.2 US 23
* KY 1760 0.0 US 23 2.8 Georges Creek RD
* Donithon Branch Road
CR 5118 0.0 KY 3 1.6 Lockworth Mine
* Yellow Creek-Tug Fork Road
CR 5122 0.0 KY 3 0.8 Mine
* Laurel Creek Road
CR 5124 0.0 KY 3 1.7 Lockworth Mine
Weight Limit - Bridge over Laurel Creek
TY I = 6 tons, TY II = 6 tons, TY III = 6 tons, TY IV = 6 tons
* Georges Creek Road
CR 5156 0.0 KY 1760 1.5 Tebco #22 Mine

LESLIE COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway	35.9 Clay CO LN	51.0 Perry CO LN
*	US 421	0.0 Harlan CO LN	22.6 KY 118
	Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 11.55		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 46 tons		
*	KY 66	0.0 Clay CO LN	2.8 Clay CO LN
	Weight Limit - Bridge over Red Bird River @ milepoint 2.71		
	TY I = 20 tons, TY II = 33 tons, TY III = 33 tons, TY IV = 44 tons		
*	KY 80	0.0 US 421	9.7 Perry CO LN
	[Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 0.01		
	TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 31 tons]		
	Weight Limit - Bridge over Cutshin Creek @ milepoint 5.15		
	TY I = 20 tons, TY II = **27** [37] tons, TY III = **28** [39] tons, TY IV = **43** [57] tons		
	Weight Limit - Bridge over Wooten Creek @ milepoint 6.12		
	TY I = 20 tons, TY II = **29** [37] tons, TY III = **30** [39] tons, TY IV = **46** [59] tons		
	Weight Limit - Bridge over MacIntosh Creek @ milepoint 8.84		
	TY I = 20 tons, TY II = **25** [36] tons, TY III = **26** [38] tons, TY IV = **42** [60] tons		
*	KY 118	0.0 US 421	3.5 D Boone PKWY
*	KY 221	0.0 Perry CO LN	1.9 KY 699
*	KY 257	0.0 US 421	2.4 Asher Branch RD
*	KY 699	0.0 KY 80	16.0 Perry CO LN
	Weight Limit - Bridge over Cutshin Creek @ milepoint 1.96		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Maggard Creek @ milepoint 8.14		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	KY 1807	0.0 KY 80	3.6 End State MAINT
*	KY 2008	0.0 KY 2009	0.6 White Oak RD
		1.5 Begin State MAINT	3.8 Harlan CO LN
*	KY 2009	0.0 Harlan CO LN	5.4 Bledsoe Tipple
	Weight Limit - Bridge over Greasy Creek @ milepoint 3.58		
	TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons		
*	KY 2057	0.0 KY 699	0.9 Mine
*	KY 2431	0.0 US 421	0.1 High School
	Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 0.01		
	TY I = 20 tons, TY II = 26 tons, TY III = 28 tons, TY IV = 32 tons		
*	KY 6272	0.0 Mine	0.5 KY 6274
*	KY 6273	1.0 KY 6275	1.2 KY 118
*	KY 6274	0.0 KY 6272	0.3 KY 6275

	ROAD	FROM	TO
*	KY 6275	0.0 KY 6274	0.3 KY 6273
*	Wendover Road		
	CR 5001	0.0 KY 2431	1.6 Hurricane Creek RD
*	Hurricane Creek Road		
	CR 5002	0.7 Big BR H'Cane CR RD	3.3 Wendover RD
*	Camp Creek Long Fork Road		
	CR 5005	0.0 Hurricane Creek RD	0.7 Mine Access
*	Big Branch Hurricane Creek Road		
	CR 5006	0.0 Hurricane Creek RD	1.6 Leeco Prep Plant
	Weight Limit - Bridge over Raccoon Creek		
	TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons		
*	Bailey Branch Road		
	CR 5027	0.0 KY 1807	0.6 Mine
*	Long Branch Road		
	CR 5118	0.0 KY 699	0.2 Mine
*	Lewis Creek-Napier Road		
	CR 5132	0.0 KY 2008	2.0 Mine
*	Abner Branch Road		
	CR 5133	0.0 Harlan CO LN	1.3 Lewis Creek-Napier RD
*	White Oak Road		
	CR 5135	0.0 KY 2008	0.8 Mine
*	Lewis Creek Road		
	CR 5137	0.0 KY 2009	1.7 Mine
*	Phillips Fork Road		
	CR 5225	5.0 Mine RD	5.2 Mine RD

LETCHER COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Virginia State LN	7.1 Pike CO LN
	Weight Limit - Bridge over Elkhorn Creek @ milepoint 5.83		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	US 119	0.0 Harlan CO LN	10.3 KY 932
		17.6 KY 15	27.7 US 23
	Weight Limit - Bridge over North Fork Ky. River, L&N RR @ milepoint 17.7		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 55 tons		
*	KY 7	0.3 KY 1103	27.6 Knott CO LN
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 2.61		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Elk Creek @ milepoint 5.28		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Gaudill Branch @ milepoint 8.04		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Rockhouse Creek @ milepoint 22.31		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Rockhouse Creek @ milepoint 24.78		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 48 tons		
*	KY 15	0.0 US 119	9.2 KY 7
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.10		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 45 tons		
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.41		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 54 tons		
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.70		
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Business Ramp @ milepoint 1.33		
	TY I = 20 tons, TY II = 42 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 1.48		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons		
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 1.67		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		9.2 KY 7	10.7 Knott CO LN
*	KY 113	0.0 KY 805	4.5 End State MAINT
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.53		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 1.49		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
	Weight Limit - Bridge over Left Fork Milestone Creek @ milepoint 1.80		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Milestone Creek @ milepoint 2.48		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 160	0.0 Harlan CO LN	1.9 KY 463
	Weight Limit - Bridge over Line Fork @ milepoint 1.83		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
		13.4 Lucky Branch RD	21.8 KY 15

Weight Limit - Bridge over Kings Creek @ milepoint 14.73
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 51 tons

*	KY 317	0.0 KY 805	8.9 KY 7
*	KY 463	0.0 KY 160	3.3 Perry CO LN
*	KY 588	3.7 Tolson Loading	5.0 KY 160
		5.0 KY 160	6.2 Kingdom Come Creek RD
*	KY 805	0.0 US 119	9.2 US 23

Weight Limit - Bridge over Potters Fork @ milepoint 6.98
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons
Weight Limit - Bridge over Potters Fork @ milepoint 8.18
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons
Weight Limit - Bridge over Potters Fork @ milepoint 8.92
TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons
Weight Limit - Bridge in Haymond @ milepoint 9.24
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons

*	KY 931	11.5 Mine	13.5 Mine
		15.2 KY 1148	18.4 KY 7
*	KY 932	0.0 US 119	2.4 Meadow Branch RD
*	KY 1103	3.3 Defeated Creek	8.2 Tolby Branch RD
		11.8 Mine	14.3 KY 7
*	KY 1148	0.0 KY 15	4.1 KY 931
*	KY 1410	0.0 Knott CO LN	1.6 KY 7
*	KY 1862	0.3 Mayking-Cram CR RD	0.4 US 119

Weight Limit - Bridge over North Fork Kentucky River @ milepoint 0.31
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	Millstone-Democrat Road		
	CR 5020	1.7 Mine	2.7 KY 113
*	Beaverdam Branch Road		
	CR 5047	0.0 KY 7	2.0 Mine
*	Loves Branch Road		
	CR 5048	0.0 KY 7	1.5 Mine
*	Mayking-Cram Creek Road		
	CR 5153	0.0 KY 1862	1.5 Cram Creek RD
*	Cram Creek Road		
	CR 5169	0.0 Mayking-Cram CR RD	0.5 Mine
*	Meadow Branch Road		
	CR 5187	0.0 KY 932	2.1 Mine
*	Kingdom Come Creek Road		
	CR 5229	0.0 Ky 588	1.2 Mine

Weight Limit - Bridge over Cowan Creek
TY I = 20 tons, TY II = 30 tons, TY III = 34 tons, TY IV = 53 tons
Weight Limit - Bridge over Kingdom Come Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Big Branch-Tolson Branch Road		
	CR 5258	0.0 KY 588	4.5 Mine
*	Whitaker Branch Road		
	CR 5259	0.0 KY 1103	2.5 Big BR-Tolson BR RD
*	Defeated Creek Road		
	CR 5265	5.1 Mine	5.6 KY 1103

Weight Limit - Bridge over Line Fork Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Lucky Branch Road		
	CR 5272	0.0 KY 160	0.4 Mine
*	Johnson Branch Road		
	CR 5309	0.0 KY 160	0.3 Mine
*	Hollybush Branch Road		
	CR 5312	0.0 KY 160	0.4 Mine
*	Loggy Hollow Road		
	CR 5314	0.0 KY 15	1.1 Mine
*	Hicks Branch Road		
	CR 5338	0.0 KY 7	0.1 Isom #2 Tipple

Weight Limit - Bridge over Rockhouse Creek
TY I = 9 tons, TY II = 9 tons, TY III = 9 tons, TY IV = 9 tons

*	Caudill Creek Road		
	CR 5354	0.0 KY 7	2.3 Mine
*	Lowgap Branch/Elk Creek Road		
	CR 5361	0.0 KY 7	1.2 Elk Creek RD

Weight Limit - Bridge over Elk Creek
TY I = 20 tons, TY II = 36 tons, TY III = 42 tons, TY IV = 60 tons

*	Elk Creek Road		
	CR 5362	0.0 Lowgap BR/Elk CK RD	0.5 Mine

LINCOLN COUNTY

	ROAD	FROM	TO
*	US 27	17.2 US 150	18.0 US 150 Bypass
*	US 150	0.0 Boyle CO LN	4.3 US 150 Bypass
	Weight Limit - Bridge over Hanging Fork Creek @ milepoint 1.81		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons		
		6.4 US 27	19.7 Rockcastle CO LN
	Weight Limit - Bridge over Logans Creek @ milepoint 7.04		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
	[Weight Limit - Bridge over Cedar Creek @ milepoint 13.30		
	TY I = 20 tons, TY II = 25 tons, TY III = 27 tons, TY IV = 35 tons]		
	Weight Limit - Bridge over L&N RR @ milepoint 18.62		
	TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Turkey Creek @ milepoint 19.35		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
*	US 150B	0.0 US 150	1.1 US 27

LIVINGSTON COUNTY

	ROAD	FROM	TO
*	US 62	1.2 KY 453	2.9 Lyon CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 2.78		
	TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons		
*	KY 453	0.5 B R T Dock	2.8 US 62
	Weight Limit - Bridge over IC RR @ milepoint 1.92		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		

LYON COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		3.7 US 62	5.6 Caldwell CO LN
*	US 62	0.0 Livingston CO LN	12.2 Western Kentucky Parkway

McCREARY COUNTY

	ROAD	FROM	TO
*	US 27	4.6 KY 90	22.7 Pulaski CO LN
*	KY 90	0.0 US 27	4.9 Eagle Creek RD
*	KY 92	17.3 Railroad DR	28.4 Whitley CO LN
	Weight Limit - Bridge over Marsh Creek @ milepoint 25.42		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
*	KY 1673	0.0 Whitley CO LN	0.6 Whitley CO LN
*	KY 90 - Sawyer Road (Eagle Creek Road)		
	CR 5023	0.0 KY 90	1.4 Big Swag Ridge RD
*	Big Swag Ridge Road		
	CR 5055	0.0 Eagle Creek RD	1.3 Mine
*	Railroad Drive		
	CR 5203	0.0 KY 92	0.3 Revelo Prep Plant

McLEAN COUNTY

	ROAD	FROM	TO
*	US 431	0.0 Muhlenberg CO LN	9.3 Barrett Hill RD
	Weight Limit - Bridge over Drain to Cypress Creek @ milepoint 0.80		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Unnamed Stream to Green River @ milepoint 4.63		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Green River & Rough River @ milepoint 5.10		
	TY I = 20 tons, TY II = 34 tons, TY III = 33 [38] tons, TY IV = 46 tons		
	Weight Limit - Bridge over Buck Creek @ milepoint 9.13		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
*	KY 81	0.0 Muhlenberg CO LN	6.2 Mine
	Weight Limit - Bridge over Unnamed Stream @ milepoint 0.08		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Unnamed Stream @ milepoint 5.26		
	TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons		
	Weight Limit - Bridge over Slough @ milepoint 5.74		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 43 tons		
		11.9 KY 256	18.3 Daviess CO LN
*	KY 136	11.1 KY 1792	12.9 KY 81
	Weight Limit - Bridge over Long Falls Creek @ milepoint 11.26		
	TY I = 20 tons, TY II = 38 [37] tons, TY III = 40 [38] tons, TY IV = 56 [53] tons		
*	KY 140	0.0 KY 256	0.1 KY 1792
*	KY 256	5.6 Mine	10.4 KY 81
	Weight Limit - Bridge over Porters Ditch @ milepoint 6.72		
	TY I = 17 [19] tons, TY II = 17 [19] tons, TY III = 20 tons, TY IV = 22 [35] tons		

Weight Limit - Bridge over Branch of Porters Ditch @ milepoint 7.34
TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons
Weight Limit - Bridge over Long Falls Creek @ milepoint 9.86
TY I = 20 tons, TY II = 24 tons, TY III = 25 tons, TY IV = 31 tons

*	KY 1792	0.0 KY 140	2.6	KY 136

Weight Limit - Bridge over Porters Drainage Ditch @ milepoint 0.92
TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons

*	Barrett Hill Road			
	CR 5014	0.0 US 431	2.4	Brierfield Schoolhouse RD

Weight Limit - Bridge over Buck Creek
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	Brierfield Schoolhouse Road			
	CR 5015	0.0 Barrett Hill RD	0.7	Mine

MADISON COUNTY

	ROAD	FROM	TO	
*	US 25	0.0 Rockcastle CO LN	3.8	KY 21

Weight Limit - Bridge over L & N Railroad @ milepoint 3.20
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 21	8.6 I-75	9.1	US 25

Weight Limit - Bridge over I-75 @ milepoint 8.62
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 52 tons

*	KY 52	13.0 KY 876	22.9	Estill CO LN
*	KY 876	8.6 Kit Carson DR	10.8	KY 52

MAGOFFIN COUNTY

	ROAD	FROM	TO	
*	Mountain Parkway			
		63.1 Morgan CO LN	75.6	US 460

Weight Limit - Bridge over Licking River @ milepoint 74.51
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons

*	US 460	0.0 Morgan CO LN	20.4	Johnson CO LN

Weight Limit - Bridge over Licking River @ milepoint 1.75
TY I = 20 tons, TY II = 37 [28] tons, TY III = 38 [28] tons, TY IV = 42 [40] tons
Weight Limit - Bridge over State Road on Fork Creek @ milepoint 11.35
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons

*	KY 7	4.8 Brushy Creek RD	23.9	Mountain Parkway

Weight Limit - Bridge over Licking River @ milepoint 5.79
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons

*	KY 30	0.0 Breathitt CO LN	8.9	Mountain Parkway

Weight Limit - Bridge over Middle Fork @ milepoint 7.55
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons

*	KY 40	4.6 KY 1081	6.9	Johnson CO LN

Weight Limit - Bridge over Little Paint Creek @ milepoint 6.48
TY I = 18 [20] tons, TY II = 19 [22] [27] tons, TY III = 22 [23] [28] tons, TY IV = 39 [47] tons

*	KY 364	0.0 KY 1081	1.3	Mine
*	KY 404	0.0 KY 7	2.7	Floyd CO LN
*	KY 542	0.0 Breathitt CO LN	5.8	KY 7
*	KY 867	4.7 KY 1635	5.7	KY 7
		5.7 KY 7	7.4	Hickory Tipple
*	KY 1081	8.3 KY 364	16.9	KY 40
*	KY 1090	0.0 KY 30	1.5	Mine

Weight Limit - Bridge over Middle Fork Creek @ milepoint 0.01
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 52 tons

*	KY 1397	2.5 Crane Nest Branch RD	3.0	KY 30
*	KY 1471	0.0 Big Half Mountain RD	4.3	KY 7

Weight Limit - Bridge over Licking River @ milepoint 3.96
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 1502	1.3 Mine	3.3	KY 542
*	KY 1635	0.0 Tiptop-Bettsmann RD	5.7	KY 867
*	KY 1734	0.0 KY 7	1.3	Salt Lick RD
*	Salt Lick Road			
	CR 5126	0.0 KY 1734	0.3	Mine
*	Brushy Fork Road			
	CR 5132	0.0 KY 7	1.0	Mine
*	Beetree Branch Road			
	CR 5145	0.0 KY 7	0.7	Mine
*	Big Half Mountain Road			
	CR 5148	0.0 Mine	0.5	KY 1471

Weight Limit - Bridge over Big Half Mountain Creek
TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons

*	Tiptop-Bettsmann Branch Road			
	CR 5225B	0.0 Breathitt CO LN	0.7	KY 1635

	ROAD	FROM	TO
*	Crane Nest Branch Road		
	CR 5229	0.0 KY 1397	0.3 Mine

MARTIN COUNTY

	ROAD	FROM	TO
*	KY 3	0.0 Johnson CO LN	13.3 KY 40
	Weight Limit - Branch Coldwater Fork Rockcastle Creek @ milepoint 13.09		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 52 tons		
		21.8 Laurel Creek RD	23.2 Lawrence CO LN
*	KY 40	5.3 KY 3	10.2 KY 3
	Weight Limit - Bridge over Rockcastle Fork @ milepoint 6.95		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Rockcastle Creek @ milepoint 10.14		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
		10.2 KY 3	20.2 KY 292
*	KY 292	0.0 Pike CO LN	13.2 KY 40
	Weight Limit - Bridge over Wolfe Creek @ milepoint 11.99		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons		
*	KY 645	0.0 KY 40	4.7 Lawrence CO LN
*	KY 908	1.7 Mine	6.7 KY 40
*	KY 1224	0.5 Mine	4.4 KY 40
	Weight Limit - Bridge over Rockcastle Fork @ milepoint 4.32		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 55 tons		
*	KY 1439	0.0 Meathouse Road	6.4 KY 1714
	Weight Limit - Bridge over Wolfe Creek @ milepoint 1.83		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 45 tons		
*	KY 1714	1.7 Mine	9.2 KY 292
*	KY 2032	0.0 KY 1439	4.0 KY 40
*	Big Branch Road		
	CR 5102	0.0 KY 1714	0.7 Mine
*	Emily Branch Road		
	CR 5105	0.0 KY 1714	1.0 Mine
	Weight Limit - Bridge over Holty Branch		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	Meathouse Road		
	CR 5116	0.0 KY 1439	2.6 Lowgap RD
*	Lowgap Road		
	CR 5117	0.0 Pike CO LN	2.0 Meathouse RD
*	Middle Fork of Wolf Creek Road		
	CR 5205	0.0 Mid FK Rockcastle RD	4.0 Private Haul Road
*	Middle Fork of Rockcastle Creek Road		
	CR 5206	0.0 KY 3	0.2 Mid FK Wolf CK RD
*	Venters Branch Road		
	CR 5212	0.0 KY 3	1.0 Mine
*	Little Laurel Creek Road		
	CR 5313	0.0 KY 3	0.6 Mine
	Weight Limit - Bridge over Rockcastle Creek		
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons		

MASON COUNTY

	ROAD	FROM	TO
*	US 62	12.7 US 68	17.4 KY 10 (West) 4.7
*	US 68	0.0 Fleming CO LN	11.9 US 62
*	KY 8	0.0 Bracken CO LN	11.0 KY 10
	Weight Limit - Bridge over Phillips Creek @ milepoint 7.11		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 39 tons		
*	KY 10	9.7 US 68	15.9 Spring Creek RD
	Weight Limit - Bridge over L&N RR @ milepoint 9.79		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Bull Fork @ milepoint 13.30		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 11	0.0 Fleming CO LN	11.3 US 62
	Weight Limit - Bridge over Mill Creek @ milepoint 0.16		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
*	Spring Creek Road		
	CR 5012	0.0 KY 10	1.8 Cabin Creek PK
	Weight Limit - Bridge over Spring Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Spring Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Cabin Creek Pike		
	CR 5013	0.0 Spring Creek RD	0.7 Dravo Lime CO

MERCER COUNTY

	ROAD	FROM	TO
*	US 127	0.0 Boyle CO LN	4.4 US 68

MONTGOMERY COUNTY

	ROAD	FROM	TO
*	US 460	7.3 KY 11	8.3 KY 686
*	KY 11	0.0 Powell CO LN	9.2 KY 686
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 3.92		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons TY IV = 58 tons		
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 5.38		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
		10.0 US 460	15.4 Bath CO LN
*	KY 686	0.0 KY 11	2.7 US 460

MORGAN COUNTY

	ROAD	FROM	TO
*	Mountain Parkway		
		57.7 Wolfe CO LN	63.1 Magoffin CO LN
	Weight Limit - Bridge over Red River & KY 134 @ milepoint 60.40		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Johnson Creek & KY 134 @ milepoint 62.12		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	US 460	13.1 KY 205	17.7 KY 7
	[Weight Limit - Bridge over Licking River @ milepoint 17.21		
	TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 57 tons]		
		23.9 Malone-Jones RD	28.8 Magoffin CO LN
	Weight Limit - Bridge over White Oak Creek @ milepoint 25.94		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	KY 7	0.0 US 460	11.7 Elliott CO LN
	Weight Limit - Bridge over Elk Fork Creek @ milepoint 2.56		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over North Fork of Licking River @ milepoint 8.37		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Road Fork @ milepoint 8.60		
	TY I = 20 tons, TY II = **25** [31] tons, TY III = **25** [34] tons, TY IV = **38** [48] tons		
*	KY 172	11.8 Laurel Fork RD	12.3 Old House Branch RD
		18.7 Cinda Branch RD	22.3 KY 1614
*	KY 205	0.0 Wolfe CO LN	6.8 US 460
*	KY 650	2.9 Mine	4.0 Elliott CO LN
*	KY 1614	0.0 KY 172	0.2 Johnson CO LN
*	Old House Branch Road		
	CR 5035	0.0 KY 172	0.6 Mine
*	Cinda Branch Road		
	CR 5043	0.0 KY 172	0.3 Mine
*	Laurel Fork Road		
	CR 5064	0.0 KY 172	2.2 Elliott CO LN
*	Jones Creek Road		
	CR 5103	0.0 Malone-Jones RD	0.4 Mine
*	Malone-Jones Creek Road		
	CR 5175	0.0 KY 7	1.3 Jones Creek RD

MUHLENBERG COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		43.4 Hopkins CO LN	65.7 Ohio CO LN
	Weight Limit - Bridge over Pond River Relief @ milepoint 43.60		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 175-IC RR - Unnamed Creek @ milepoint 48.05		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 181 @ milepoint 52.52		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons		
	Weight Limit - Bridge over IC RR @ milepoint 55.51		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 59 tons		
	Weight Limit - Bridge over L&N RR, Branch Little Cypress Creek @ milepoint 57.58		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Green River Parkway @ milepoint 65.38		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 57 tons		
			10.5 KY 176
*	US 62	8.8 KY 189	26.0 Ohio CO LN
		19.8 Cleaton-Green River RD	
	Weight Limit - Bridge over I.C. RR @ milepoint 24.71		
	TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 36 tons		

*	US 431	9.8 KY 70	27.7 McLean CO LN
	Weight limit - Bridge over Pond Creek @ milepoint 12.45		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Western KY Parkway @ milepoint 17.48		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Overflow Structure @ milepoint 27.71		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
*	KY 70	15.4 US 431	23.8 Butler CO LN
	Weight Limit - Bridge over Mud River @ milepoint 23.75		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 46 tons		
*	KY 81	0.0 US 431	7.4 McLean CO LN
	Weight Limit - Bridge over Cypress Creek @ milepoint 1.07		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Branch of Muddy Fork @ milepoint 2.71		
	TY I = 20 tons, TY II = 24 tons, TY III = 27 tons, TY IV = 46 tons		
	Weight Limit - Bridge over Muddy Fork @ milepoint 2.86		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 43 tons		
*	KY 176	0.0 US 62	12.5 T V A Paradise Plant
	Weight Limit - Bridge over Pond Creek @ milepoint 4.29		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 189	6.0 Mine Access	8.8 US 62
*	Cleaton-Green River Road		
	CR 5022	0.0 US 62	2.4 Gibraltar Haul RD
*	Gibraltar Haul Road		
	CR 5040	0.0 Cleaton-Green River RD	0.2 Mine
*	Green River Power Plant Road		
	CR 5045	0.0 US 431	0.7 KY Utilities Plant

NICHOLAS COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Bourbon CO LN	12.2 Robertson CO LN
	Weight Limit - Bridge over Stony Creek @ milepoint 9.72		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		

OHIO COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		65.7 Muhlenberg CO LN	76.8 Green River PKWY
	Weight Limit - Bridge over Lewis Creek @ milepoint 69.75		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 369 @ milepoint 72.43		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 49 tons		
	Weight Limit - Bridge over US 231 @ milepoint 74.56		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
*	Green River Parkway		
		35.1 Butler CO LN	59.5 Daviess CO LN
	Weight Limit - Bridge over Rough River @ milepoint 49.34		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 54 tons		
*	US 62	0.0 Muhlenberg CO LN	19.8 KY 505 (South)
	Weight Limit - Bridge over Green River @ milepoint 0.01		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 41 tons		
	Weight Limit - Bridge over Lewis Creek @ milepoint 1.45		
	TY I = 20 tons, TY II = 32 tons, TY III = 32 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Branch of Three Lick Fork @ milepoint 11.91		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Three Lick Fork @ milepoint 12.03		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Muddy Creek @ milepoint 12.30		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Elmlick Creek @ milepoint 14.95		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		
*	US 231	0.0 Butler CO LN	10.0 US 62 (South)
		10.0 US 62 (North)	24.3 Daviess CO LN
	Weight Limit - Bridge over North Fork Muddy Creek @ milepoint 12.30		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Barnett Creek @ milepoint 20.30		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
*	KY 69	6.9 Mine	7.6 KY 85 (South)
*	KY 85	7.3 KY 69 (East)	11.4 US 62
	Weight Limit - Bridge over Branch West Fork Lewis Creek @ milepoint 9.62 [9.69]		
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 56 tons		
*	KY 269	0.0 Butler CO LN	5.6 US 231
*	KY 1245	4.6 Pyramid Washer	5.2 James RD
*	KY 1903	0.0 US 62	0.9 Lewis Creek Dock

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*  Horton-Mount Pleasant Road
   CR 5124          0.0 US 62                                        0.1 Southwind Tipple
   Weight Limit - Bridge over Pigeon Creek
   TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
*  Daniels Mine Road (West)
   CR 5206A         0.0 US 62                                        1.6 Mine
*  Schultztown-Cool Springs Road
   CR 5267          2.5 Mine                                         3.6 KY 269
*  James Road
   CR 5322          0.0 US 62                                        0.4 KY 1245
   Weight Limit - Bridge over Railroad Ditch
   TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons
   Weight Limit - Bridge over Render Creek
   TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons

OWSLEY COUNTY
    ROAD                        FROM                                                    TO
*  KY 11            0.0 Clay CO LN                                  10.8 KY 1938
   Weight Limit - Bridge over Sexton Creek @ milepoint 1.80
   TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons
   Weight Limit - Bridge over Island Creek @ milepoint 4.02
   TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons
   Weight Limit - Bridge over White Oak Creek @ milepoint 6.18
   TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons
*  KY 1938          1.6 Minnow Branch RD                             2.5 KY 11
*  Minnow Branch Road
   CR 5304          0.0 KY 1938                                      0.3 Mine

PENDLETON COUNTY
    ROAD                        FROM                                                    TO
*  US 27            0.0 Harrison CO LN                              19.4 Campbell CO LN
   Weight Limit - Bridge over Blanket Creek near Four Oak @ milepoint 4.41
   TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 60 tons
   Weight Limit - Bridge over L&N RR @ milepoint 7.57
   TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 54 tons
   Weight Limit - Bridge over South Fork of Licking River @ milepoint 8.18
   TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
   Weight Limit - Bridge over L&N RR-CR 5011-Kennedy Br. @ milepoint 15.78
   TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 60 tons
*  KY 8             2.2 Black River Lime                             4.3 Bracken CO LN

PERRY COUNTY
    ROAD                        FROM                                                    TO
*  Daniel Boone Parkway
                   51.0 Leslie CO LN                                59.1 KY 15
*  KY 7             0.0 KY 15                                       11.4 KY 699
   Weight Limit - Bridge over Maces @ milepoint 2.44
   TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons
*  KY 15            0.0 Knott CO LN                                 25.2 Breathitt CO LN
   Weight Limit - Bridge over Main Street, Carr Fork, & L&N RR @ milepoint 0.20
   TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 55 tons
   Weight Limit - Bridge over Carr Fork & L&N RR @ milepoint 3.37
   TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons
   Weight Limit - Bridge over L&N RR @ milepoint 13.17
   TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 55 tons
   Weight Limit - Bridge over KY 80, N Fork KY River @ milepoint 13.57
   TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 49 tons
   Weight Limit - Bridge over First Creek & L&N RR @ milepoint 15.95
   TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons
*  KY 28            3.5 Buckhorn-Breathitt RD                        6.0 Breathitt CO LN
                    6.0 Breathitt CO LN                             18.1 KY 15
   Weight Limit - Bridge over Grapevine Creek @ milepoint 15.02
   TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
*  KY 80            0.0 Leslie CO LN                                 4.6 KY 451
   Weight Limit - Bridge over Right Fork of Big Creek @ milepoint 1.57
   TY I = 20 tons, TY II = 27 [36] tons, TY III = 29 [38] tons, TY IV = 46 [60] tons
                    7.9 D Boone Parkway & KY 15                     15.9 Knott CO LN
*  KY 221           0.0 Harlan CO LN                                 0.5 Leslie CO LN
*  KY 451           7.2 Mine                                         7.7 Daniel Boone PKWY
                    7.7 Daniel Boone PKWY                            7.8 KY 80
                    7.8 KY 80                                       10.9 KY 2021
*  KY 463           0.0 Letcher CO LN                                6.5 KY 699
   Weight Limit - Bridge over Leatherwood Creek @ milepoint 6.34
   TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
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* KY 476 2.0 KY 550 2.4 Darfork Tipple
Weight Limit - Bridge over Lott's Creek @ milepoint 2.07
TY I = 20 tons, TY II = **20** [37] tons, TY III = **20** [38] tons, TY IV = **30** [53] tons
Weight Limit - Bridge over Lott's Creek @ milepoint 2.22
TY I = 20 tons, TY II = **20** [21] [28] tons, TY III = 22 [31] tons, TY IV = **28** [29] [40] tons
3.9 KY 1146 18.1 Mine
Weight Limit - Bridge over Troublesome Creek @ milepoint 8.72
TY I = 20 tons, TY II = **24** [26] tons, TY III = 27 tons, TY IV = 38 tons
Weight Limit - Bridge over Ball Fork @ milepoint 12.36
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 54 tons
* KY 550 0.0 KY 15 & KY 80 2.5 KY 476
Weight Limit - Bridge over Lott's Creek @ milepoint 2.45
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 48 tons
* KY 699 0.0 Leslie CO LN 12.5 KY 7
Weight Limit - Bridge over Leatherwood Creek @ milepoint 4.75
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons
Weight Limit - Bridge over Leatherwood Creek @ milepoint 8.01
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Big Leather Creek @ milepoint 10.77
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons
* KY 1087 0.0 KY 476 0.7 Lick Branch RD
* KY 1095 0.4 Kelly Fork RD 2.9 KY 15
Weight Limit - Bridge over Carr Fork @ milepoint 2.55
TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 31 tons
* KY 1096 0.0 KY 80 4.0 Whitaker Tipple
Weight Limit - Bridge over Big Creek @ milepoint 0.02
TY I = 20 tons, TY II = 40 tons, TY III = 38 tons, TY IV = 46 tons
Weight Limit - Bridge over Big Creek @ milepoint 3.55
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* KY 1146 2.2 Jakes Fork Tipple 2.7 KY 476
Weight Limit - Bridge over Trace Fork @ milepoint 2.69
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons
2.7 KY 476 4.0 KY 80
4.0 KY 80 4.6 Buckhorn Prep Plant
* KY 2021 2.3 Hurricane Branch RD 3.4 KY 451
* KY 3196 0.0 Beech Fork RD 0.1 KY 699
Weight Limit - Bridge over Leatherwood Creek @ milepoint 0.01
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons
* Wayne Davidson Road
CR 5005 0.3 Cumberland Elk Tipple 0.5 KY 15
* Coates Branch Road
CR 5044 0.0 Ky 476 0.5 Mine
* Lick Branch Road
CR 5045 0.0 KY 1087 0.6 Mine
* Jeff-Knott County Line Road
CR 5100 0.0 Old KY 15 Loop #1 RD 2.4 Mine
* Old KY 15 Loop #1 Road
CR 5102 0.0 KY 15 0.5 Jeff-Knott CO LN RD
Weight Limit - Bridge over North Fork of Kentucky River
TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons
* Oakwood Avenue-Stacy Branch Road
CR 5117 0.0 Main ST (Vicco) 1.3 Chester Tipple
* Main Street (Vicco)
CR 5118B 0.0 KY 1095 0.6 Knott CO LN
* Kelly Fork Road
CR 5119 0.0 KY 1095 0.4 Emmons Tipple
* Little Leatherwood Creek Road
CR 5139 0.0 KY 699 5.7 Mine
Weight Limit - Bridge over Straight Fork
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
Weight Limit - Bridge over Little Leatherwood Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Little Leatherwood Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Beech Fork Road
CR 5146 0.0 KY 3196 3.0 Mine
* Jackson Fork Road
CR 5152 0.0 KY 463 0.4 Mine
* Coal Waste Road
CR 5237 0.0 Leatherwood Tipple 0.8 Leatherwood Lookout TWR RD
* Leatherwood Lookout Tower Road
CR 5238 0.0 Coal Waste RD 2.2 Leslie CO LN
* Hurricane Branch Road
CR 5301 0.0 KY 2021 1.0 Mine

* Sam Campbell Branch Road (Old Pigeon Roose-Hull School RD)
CR 5319 0.0 KY 15 4.8 River Processing Tipple
* Trace Branch-Tenmile Creek Road
CR 5326 0.0 KY 15 1.1 Mine
Weight Limit - Bridge over Ten Mile Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Spencer Creek-Napfor Branch Road
CR 5333 0.0 KY 28 1.9 Mine
* Buckhorn-Breathitt County Line Road
CR 5349 0.0 KY 28 1.2 Mine

PIKE COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Letcher CO LN	39.6 Floyd CO LN

Weight Limit - Bridge over Shelby Creek @ milepoint **17.23** [21.36]
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Little Creek @ milepoint **18.12** [22.25]
TY I = 20 tons, TY II = 34 tons, TY III = 33 [36] tons, TY IV = 60 tons
Weight Limit - Bridge over Shelby Creek @ milepoint **19.75** [23.90]
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over C&O RR & Levisa Fork @ milepoint **22.00** [26.14]
TY I = 20 tons, TY II = 30 [38] tons, TY III = 31 [40] tons, TY IV = 47 [60] tons

*	US 23X	2.1 KY 1384	2.3 US 23
*	US 119	0.0 US 23	29.7 W. Va. State LN

Weight Limit - Bridge over Raccoon Creek @ milepoint **6.61** [5.8]
TY I = 18 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons
Weight Limit - Bridge over John's Creek @ milepoint **7.94** [7.1]
TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 37 tons
Weight Limit - Bridge over Bent Branch @ milepoint **9.99** [9.2]
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Bent Branch @ milepoint **10.23** [9.4]
TY I = 13 [15] tons, TY II = 13 [15] tons, TY III = 13 [15] tons, TY IV = 13 [15] tons
Weight Limit - Bridge over Bent Branch @ milepoint **10.88** [10.1]
TY I = 12 [15] tons, TY II = 12 [15] tons, TY III = 12 [15] tons, TY IV = 12 [15] tons
Weight Limit - Bridge over Bent Branch @ milepoint **11.25** [10.4]
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 60 tons
Weight Limit - Bridge over Bent Branch @ milepoint **11.40** [10.6]
TY I = 20 tons, TY II = 20 [23] tons, TY III = 23 [24] tons, TY IV = 31 [40] tons
Weight Limit - Bridge over Bent Branch @ milepoint **11.63** [10.8]
TY I = 11 [14] tons, TY II = 11 [14] tons, TY III = 11 [14] tons, TY IV = 11 [14] tons
Weight Limit - Bridge over Fork of Big Creek @ milepoint **16.41** [15.6]
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 60 tons
Weight Limit - Bridge over Big Creek @ milepoint **17.06** [16.3]
TY I = 20 [15] tons, TY II = 23 [22] [15] tons, TY III = 24 [23] [15] tons, TY IV = 27 [26] [15] tons
Weight Limit - Bridge over Reed Fork @ milepoint **18.48** [17.7]
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Big Creek @ milepoint **20.13** [19.4]
TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons
Weight Limit - Bridge over Tug River @ West Virginia State Line @ milepoint 29.7
TY I = 20 tons, TY II = 45 tons, TY III = 45 tons, TY IV = 52 tons

*	Old US 119		
		0.0 US 23	2.8 US 119
*	US 460	0.0 US 23	24.0 Virginia State LN

Weight Limit - Bridge over Levisa Fork @ milepoint 4.26
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 46 tons

*	KY 80	0.0 US 460	6.9 Virginia State LN

Weight Limit - Bridge over Russell Fork of Big Sandy @ milepoint 3.07
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 57 tons
Weight Limit - Bridge over Russell Fork & Clinchfield @ milepoint 3.60
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons

*	KY 122	3.6 Mine	5.2 KY 610
		6.8 Robinson Creek RD	10.4 US 23

Weight Limit - Bridge over Bear Fork north of Jones Chapel **@ milepoint 8.28**
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons

*	KY 194	0.0 Floyd CO LN	16.8 US 119
		16.8 US 119	27.8 Mine

Weight Limit - Bridge over John's Creek @ milepiont 25.62
TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons

	31.0 Mine	40.0 KY 1499
	47.2 Mine	55.7 KY 632

Weight Limit - Bridge over Peter Creek @ milepoint 51.37
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

66.5 Lynntrough Branch RD	67.7 KY 2062

		69.6 KY 2059	73.2 Virginia State LN	
*	KY 195	0.0 KY 197	11.6 US 460	
	Weight Limit - Bridge over Russell Fork @ milepoint 11.44			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	KY 197	0.0 US 23	16.6 KY 80	
	Weight Limit - Bridge over Sycamore Creek @ milepoint 6.70			
	TY I = 20 tons, TY II = 32 tons, TY III = 38 tons, TY IV = 46 tons			
	Weight Limit - Bridge over Elkhorn Creek @ milepoint 13.91			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 56 tons			
*	KY 199	8.2 KY 1056	11.6 US 119	
	Weight Limit - Bridge over Pond Creek @ milepoint 8129			
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 58 tons			
	Weight Limit - Bridge over Pond Creek @ milepoint 8.72			
	TY I = 20 tons, TY II = 34 tons, TY IV = 35 tons, TY IV = 44 tons			
	Weight Limit - Bridge over Pond Creek @ milepoint 11.34			
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons			
*	KY 292	0.0 Goody-AFLX-BURNWL RD	4.8 US 119	
		4.8 US 119	12.7 Martin CO LN	
*	KY 319	3.8 KY 1056 (East)	5.8 Hatfield Branch RD	
	Weight Limit - Bridge over Blackberry Creek @ milepoint 4.40			
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons			
		8.9 Mine	12.3 US 119	
	Weight Limit - Bridge over Blackberry Fork @ milepoint 10.33			
	TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons			
*	KY 468	0.0 US 119	13.6 KY 292	
*	KY 610	0.0 US 23	2.7 Burk Branch RD	
	Weight Limit - Bridge over Beefhide Creek @ Myra **@ milepoint 1.60**			
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 60 tons			
		8.0 Virgie Tipple	8.9 KY 122	
*	KY 611	0.0 KY 195	6.0 US 23	
*	KY 612	0.0 Turkey CK-Long FK RD	1.6 Sukey Fork RD	
*	KY 632	0.0 KY 194 @ Kimper	15.0 KY 194 @ Phelps	
	Weight Limit - Bridge over Johns Creek @ milepoint 1.19			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Peter Creek @ milepoint 14.96			
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons			
*	KY 1056	0.0 KY 199	4.5 Left FK/Blackberry RD	
		5.2 Blue Springs BR RD	7.7 KY 319 (North)	
	[Weight Limit - Bridge over Blackberry Creek @ milepoint 6.32			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons]			
	Weight Limit - Bridge over Blackberry Creek @ milepoint 6.52			
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons			
		7.7 KY 319 (South)	10.1 West Virginia State LN	
*	KY 1384	0.0 US 23	7.7 US 23X	
*	KY 1426	0.0 US 23	3.5 Hoopwood Branch RD	
*	KY 1441	4.4 Mine	10.1 US 119	
	Weight Limit - Bridge over Raccoon Creek @ milepoint 4.79			
	TY I = 20 tons, TY II = **45** [38] tons, TY III = **46** [40] tons, TY IV = 60 tons			
	[Weight Limit - Bridge over Raccoon Creek @ milepoint 6.04			
	TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 51 tons]			
	Weight Limit - Bridge over Raccoon Creek @ milepoint 7.96			
	TY I = 20 tons, TY II = **45** [39] tons, TY III = **46** [41] tons, TY IV = 60 tons			
	[Weight Limit - Bridge over Raccoon Creek @ milepoint 8.55			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 40 tons]			
	Weight Limit - Bridge over Raccoon Creek @ milepoint 10.00			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 58 tons			
*	KY 1469	6.0 Mine	11.4 KY 610	
		11.4 KY 610	12.2 KY Elkhorn Tipple	
*	KY 1499	0.0 US 460	6.1 KY 194	
	Weight Limit - Bridge over Levisa Fork @ milepoint 6.03			
	TY I = 15 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 41 tons			
*	KY 1758	6.8 Daugherty Tipple	7.8 KY 632	
	[Weight Limit - Bridge over Johns Creek @ milepoint 7.79			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons]			
*	KY 1789	0.0 US 460	0.4 Clark Elkhorn #1 Tipple	
*	KY 2059	0.0 KY 194	0.3 Private Haul Road	
		1.6 Private Haul Road	2.3 Lower Elk Creek RD	
*	KY 2061	0.0 US 23	3.4 Mine	
	Weight Limit - Bridge over Cowpen Creek @ milepoint 0.81			
	TY I = 20 tons, TY II = **20** [39] tons, TY III = **21** [41] tons, TY IV = **36** [60] tons			
*	KY 2062	0.0 KY 194	3.1 KY 194	
*	KY 2552	0.0 US 23	0.3 Shelbiana RD	
	Weight Limit - Bridge over Shelby Creek @ milepoint 0.01			
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 39 tons			

*	KY 3154	0.2 Meathouse Branch RD	0.5 US 119
*	KY 3227	0.0 US 23	1.0 Coal Run Tipple
*	Raccoon Creek Road		
	CR 5001	0.0 KY 1441	0.2 Mine
*	Grassy Branch Road		
	CR 5005	0.0 KY 1441	0.5 Mine
*	Winn Branch Road		
	CR 5011	0.0 US 119	1.3 Mine
	Weight Limit - Bridge over Little Ratliff Creek		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	Varney Branch Road		
	CR 5021	0.0 KY 194	0.4 Utility Tipple
*	Meathouse Fork Road		
	CR 5022	0.0 KY 194	1.3 Rockhouse FK-Pigeon RD
*	Rockhouse Fork-Pigeon Creek Road		
	CR 5024	0.0 Meathouse FK RD	1.9 Mine
*	Meathouse Branch Road		
	CR 5025	0.0 KY 3154	3.2 Mine
*	Dix Fork Road		
	CR 5032	0.0 US 119	0.1 Mine
	Weight Limit - Bridge over Big Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Peg Branch Road		
	CR 5043	0.0 US 119	0.6 Mine Entrance
*	Goody-Aflex-Burnwell Road		
	CR 5050	0.0 KY 292	0.5 Belfry #1 Prep Plant
*	Turkey Creek-Long Fork Road		
	CR 5062	0.0 KY 468	3.1 KY 612
*	Sukey Fork Road		
	CR 5063	0.0 KY 612	0.5 Mine Entrance
*	Bent Branch Road		
	CR 5074	0.0 KY 468	1.1 Gex Tipple
	Weight Limit - Bridge over Big Creek		
	TY I = 17 tons, TY II = 18 tons, TY III = 20 tons, TY IV = 32 tons		
*	Swinge Camp Branch Road		
	CR 5075	0.0 KY 468	0.4 Mine Entrance
	Weight Limit - Bridge over Big Creek		
	TY I = 3 ton, TY II = 3 ton, TY III = 3 ton, TY IV = 3 ton		
*	Halfway Branch Road		
	CR 5077	0.0 KY 468	0.5 Mine Entrance
*	Rockhouse Fork Road		
	CR 5078	0.0 KY 468	0.3 Case Prep Plant
	Weight Limit - Bridge over Big Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Big Branch/Meathouse Creek Road		
	CR 5111	0.0 Martin CO LN	2.7 Mine Entrance
*	Miller Creek Road		
	CR 5123	3.6 Miller Creek Tipple	5.1 KY 194
	Weight Limit - Bridge over Johns Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Joes Creek Road		
	CR 5127	0.0 KY 194	0.4 Mine Entrance
	Weight Limit - Bridge over Johns Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Lick Branch Road		
	CR 5141	0.0 KY 468	0.8 Mine Entrance
*	Dicks Fork Road		
	CR 5163	0.0 KY 194	0.6 Big Fist #4 Mine
*	Lane Branch Road		
	CR 5168	0.0 KY 632	1.2 Mine Entrance
*	Mullen Fork Road		
	CR 5191	0.0 KY 199	2.1 Mine Entrance
	Weight Limit - Bridge over Pond Creek		
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons		
*	Hatfield Branch Road		
	CR 5210	0.0 KY 319	0.8 Mine Entrance
*	Left Fork/Blackberry Road		
	CR 5213	0.0 KY 1056	1.5 Mine Entrance
	Weight Limit - Bridge over Right Fork Blackberry Creek		
	TY I = 20 tons, TY II = 37 tons, TY III = 48 tons, TY IV = 60 tons		
*	Blue Springs Branch Road		
	CR 5218	0.0 KY 1056	0.1 Mine Entrance
	Weight Limit - Bridge over Blackberry Creek		
	TY I = 16 tons, TY II = 16 tons, TY III = 16 tons, TY IV = 16 tons		

* Lynntrough Branch Road
CR 5233 0.0 KY 194 0.2 Majestic Tipple
* Lower Elk Creek Road
CR 5241 0.0 KY 2059 0.6 Mine Entrance
* Prater Branch Road
CR 5253 0.0 KY 194 0.8 Mine Entrance
* Calloway Branch Road
CR 5260 0.0 KY 632 1.1 KY Carbon Scales
* Little Hackney Creek Road
CR 5281 0.0 US 460 1.5 Mine Entrance
* Card Creek-Card Knob Road
CR 5285 1.6 Mine Entrance 4.6 US 460
* Island Creek Road
CR 5287 0.0 Bane Tipple 0.6 CR 5288
* Island Creek-Grapevine Road
CR 5288 0.0 CR 5287 0.5 CR 5289
* Left Fork/Island Creek Road
CR 5289 0.0 CR 5288 0.2 Mine Entrance
* Daniel Branch Road
CR 5326 0.0 US 460 0.4 Mine Entrance
* Harless Creek Road
CR 5330 0.0 US 460 1.5 Mine Entrance
* Dog Branch Road
CR 5332 0.0 KY 195 0.4 Mine Entrance
* Ratliff Hollow Road
CR 5339 0.0 KY 195 0.2 Wolfpit Tip @ Ratliff
Weight Limit - Bridge over Marrowbone Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Shortridge Fork Road
CR 5355 0.0 CR 5285 0.9 Mine
* Abes Fork Road
CR 5356 0.0 Virginia State LN 0.4 Potter Prep Plant
* Ohio Street (Elkhorn City)
CR 5361T 0.0 KY 80 0.5 Potter Processing
* Old Bridge Street (Elkhorn City)
CR 5361Z 0.0 KY 80 0.1 Private Access Road
* Brushy Branch Road
CR 5379 0.0 KY 195 0.8 Mine
* Marrowbone Creek Road
CR 5381 0.0 KY 195 1.2 Mine
Weight Limit - Bridge over Marrowbone Creek
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons
* Bowling Fork Road
CR 5384 0.0 KY 195 1.9 Mine
* Fleming Branch Road
CR 5410 0.0 KY 610 0.8 Mine
Weight Limit - Bridge over Shelby Creek
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons
* Little Fork/Left Fork Road
CR 5416 0.0 KY 611 0.2 Mine
* Rockhouse Creek/Greasy Road
CR 5422 0.0 KY 195 0.3 Bad Fork RD
Weight Limit - Bridge over Marrowbone Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Wolfpen Branch Road
CR 5444 0.0 KY 80 0.8 Mine
* Red Creek Road
CR 5463 0.0 US 460 0.8 Right FK/Red CK RD
* Right Fork/Red Creek Road
CR 5465 0.0 Red Creek Road 0.8 Mine
* Shelbiana Road
CR 5473 0.0 KY 2553 0.2 Dry BR/Dry CK RD
* Marion Branch Road
CR 5478 0.0 KY 1426 1.6 Chapperal Tipple
[Weight Limit - Bridge over Island Creek
TY I = 20 tons, TY II = 21 tons, TY III = 21 tons, TY IV = 21 tons]
* Tollage Creek Road
CR 5496 0.0 US 23 1.0 Mine
* Dog Fork/Hurricane Creek Road
CR 5522 0.0 KY 1384 1.3 Peter Fork Joline Mine
* Coal Run Road
CR 5524 0.0 US 23 0.2 Lackens Branch RD
* Lackens Branch Road
CR 5525 0.0 Coal Run RD 0.7 Mine

* Cedar Creek/Island Creek Road
CR 5528 0.0 KY 1384 1.1 KY 1426
* Hoopwood Branch Road
CR 5529 0.0 KY 1426 0.5 Mine
* Raccoon Branch Road
CR 5531 0.0 KY 1426 1.3 Mine
* Billy Compton Road
CR 5534 0.0 Island Creek RD 0.2 Road BR/Sookeys CR RD
* Island Creek Road
CR 5535 0.0 KY 1426 4.0 Mine
* Road Branch/Sookey's Creek Road
CR 5539 0.0 RT FK Sookeys CK RD 1.9 Billy Compton RD
* Right Fork Sookeys Creek Road
CR 5540 0.0 Road BR/Sookeys CK RD 0.5 Mine
* Bear Fork - Tinker Fork Road
CR 5547 0.0 Bear Fork RD 1.1 Floyd CO LN
* L Robinson - Floyd County Road
CR 5550 0.0 Robinson Creek RD 0.6 Floyd CO LN
* Little Fork/Robinson Road
CR 5553 0.0 Robinson Creek RD 1.6 Mine
* Robinson Creek Road
CR 5554 0.0 KY 122 4.1 Mine
Weight Limit - Bridge over Robinson Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Robinson Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Burk Branch Road
CR 5578 0.0 KY 610 0.9 Mine
* Lizzie Fork Road
CR 5590 0.0 US 23 1.4 Mine
Weight Limit - Bridge over Caney Creek
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
* Rob Fork Road
CR 5593 0.0 US 23 0.5 Damron Fork Tipple
* Dry Branch/Dry Creek Road
CR 5605 0.0 Shelbiana RD 2.3 Dry BR/Dry CK Spur RD
* Esco Road
CR 5609 0.0 US 23 0.6 Landmark Tipple
* Sugar Camp Branch Road
CR 5611 0.0 KY 122 1.5 Mine
* Bear Fork Branch Road
CR 5616 0.0 KY 122 1.5 Bear FK-Tinker FK RD
* Dry Branch/Dry Creek Spur
CR 5618 0.0 Dry BR/Dry CK RD 0.3 Mine

POWELL COUNTY

	ROAD	FROM	TO
*	Mountain Parkway	11.9 Clark CO LN	36.0 Wolfe CO LN

Weight Limit - Bridge over Lulbegrud Creek @ milepoint 11.90
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 45 tons
Weight Limit - Bridge over Red River @ milepoint 18.22
TY I = 20 tons, TY II = 37 tons, TY III = 37 tons, TY IV = 45 tons
Weight Limit - Bridge over Red River @ milepoint 24.83
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons
Weight Limit - Bridge over Cane Creek @ milepoint 26.12
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over KY 613 @ milepoint 27.38
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over North Fork Red River @ milepoint 27.94
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons
Weight Limit - Bridge over Middle Fork Red River @ milepoint 31.96
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 46 tons
Weight Limit - Bridge over KY 11 & 15 @ milepoint 32.08
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 54 tons

*	KY 11	21.0 KY 15	25.0 Montgomery CO LN
*	KY 15	3.5 KY 11	4.1 Mountain Parkway

Weight Limit - Bridge over Mountain Parkway @ milepoint 4.08
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons

PULASKI COUNTY

	ROAD	FROM	TO
*	US 27	0.0 McCreary CO LN	16.9 KY 80 Bypass
	Weight Limit - Bridge over Cumberland River @ milepoint 9.19		
	TY I = 20 tons, TY II = 27 tons, TY III = 35 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Pitman Creek @ milepoint 10.06		
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 59 tons		
*	KY 80	19.1 US 27	40.4 Laurel CO LN
	Weight Limit - Bridge over Southern RR @ milepoint 19.24		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Buck Creek @ milepoint 31.55		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons		
*	KY 80B	0.0 US 27	2.3 KY 80
*	KY 90	2.0 KY 790	4.2 US 27
	Weight Limit - Bridge over Cumberland River @ milepoint 3.07		
	TY I = 20 tons, TY II = 22 tons, TY III = 35 tons, TY IV = 40 tons		
*	KY 192	0.0 KY 80	15.0 Old Whitley Road
	Weight Limit - Bridge over Pitman Creek @ milepoint 4.13		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Buck Creek @ milepoint 10.57		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	KY 790	0.0 Wayne CO LN	5.7 KY 90
*	KY 1247	0.0 US 27	8.3 KY 80 Bypass
	Weight Limit - Bridge over Southern RR @ milepoint 0.08		
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 52 tons		
	Weight Limit - Bridge over Pitman Creek @ milepoint 3.40		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 52 tons		
*	KY 1580	0.0 Ferguson Tipple	0.5 KY 1247
*	KY 1675	5.7 Acorn-Lick Creek RD	10.5 KY 80
	Weight Limit - Bridge over Branch of Short Creek @ milepoint 9.48		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons		
*	KY 1956	0.0 KY 80	0.8 Line Creek RD
*	Acorn-Lick Creek Road		
	CR 5016	0.0 KY 1675	1.7 Ano RD
*	Bolthouse Ridge Road		
	CR 5017	0.0 Ano RD	0.9 Mine
*	Ano Road		
	CR 5018	0.0 Acorn-Lick Creek RD	1.4 Bolthouse Ridge RD
*	Line Creek Road		
	CR 5027	0.0 KY 1956	0.8 Buffalo Branch RD
*	Buffalo Branch Road		
	CR 5028	0.0 Line Creek RD	0.4 Rockcastle CO LN
	[Weight Limit - Bridge over Line Creek		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons]		
*	Old Whitley Road		
	CR 5216	0.0 KY 192	3.9 Cumberland River RD
*	Cumberland River Road		
	CR 5225	0.0 Old Whitley RD	1.1 Mine
*	Cooper Power Plant Road		
	CR 5349	0.0 KY 1247	0.6 E KY Power Plant

ROBERTSON COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Nicholas CO LN	1.4 Fleming CO LN

ROCKCASTLE COUNTY

	ROAD	FROM	TO
*	US 25	11.8 I-75	13.9 US 150
		24.9 R B S Tipple	27.0 Madison CO LN
*	US 150	0.0 Lincoln CO LN	10.5 US 25
	[Weight Limit - Bridge over Negro Creek @ milepoint 4.78		
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons]		
*	KY 1249	3.0 Buffalo Branch RD	3.5 Dyer Branch RD
*	Buffalo Branch Road		
	CR 5180	0.0 KY 1249	2.3 Pulaski CO LN
*	Dyer Branch Road		
	CR 5229	0.0 KY 1249	0.4 Mine Access

SIMPSON COUNTY

	ROAD	FROM	TO
*	US 31W	0.0 Tennessee State LN	14.0 Warren CO LN

UNION COUNTY

	ROAD	FROM	TO
*	US 60	1.4 KY 109	5.7 KY 109
	Weight Limit - Bridge over Branch of Cypress Creek @ milepoint 3.66		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons		
*	KY 109	0.0 Webster CO LN	1.5 US 60
		1.5 US 60	3.2 KY 1508
*	KY 1508	0.0 KY 109	2.7 Pyro Dock

WARREN COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		0.0 I-65	18.2 Butler CO LN
	Weight Limit - Bridge over I-65 @ milepoint 0.01		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons		
	Weight Limit - Bridge over US 31-W @ milepoint 3.57		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 59 tons		
*	US 31W	0.0 Simpson CO LN	9.0 Green River Parkway
	Weight Limit - Bridge over L&N RR @ milepoint 7.99		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		

WAYNE COUNTY

	ROAD	FROM	TO
*	KY 776	9.2 Denny Creek RD	9.8 Brammer Hill Ridge RD
*	KY 790	5.0 Brammer Hill-Delta RD	10.5 Pulaski CO LN
*	Brammer Hill Ridge Road		
	CR 5023	0.0 KY 776	4.2 Mine
*	Denny Creek Road		
	CR 5024	0.0 KY 776	0.4 Sizemore RD
*	Brammer Hill-Delta Road		
	CR 5030	0.0 KY 790	2.4 Brammer Hill Ridge RD
*	Sizemore Road		
	CR 5155	0.0 Denny Creek RD	1.7 Mine

WEBSTER COUNTY

	ROAD	FROM	TO
*	Pennyrile PKWY	55.0 Hopkins CO LN	62.6 KY 56
*	US 41	0.0 Hopkins CO LN	12.1 Henderson CO LN
*	US 41A	0.0 Hopkins CO LN	19.5 KY 56
*	KY 56	5.3 US 41A	12.5 US 41
	Weight Limit - Bridge over Branch @ milepoint 12.42		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
		12.5 US 41	14.4 Old Eastwood Ferry RD
*	KY 109	2.9 KY 670	14.7 Union CO LN
	Weight Limit - Bridge over Crab Orchard Creek @ milepoint 7.33		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Caney Fork @ milepoint 10.72		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
*	KY 120	3.6 Mine	6.7 US 41A
*	KY 132	23.6 Mine	28.5 KY 56
*	KY 270	8.6 Mine	13.2 US 41A
*	KY 670	0.0 KY 109	2.7 US 41A
*	KY 814	0.0 Hopkins CO LN	0.6 US 41A
*	Old Eastwood Ferry Road		
	CR 5034	0.0 KY 56	0.1 Sebree Dock
*	Quinns Landing Road		
	CR 5036	0.0 Henderson CO LN	0.2 Big Rivers Plant

WHITLEY COUNTY

	ROAD	FROM	TO
*	US 25T	0.0 US 25W	0.7 US 25W
*	US 25W	0.0 Tennessee State LN	14.1 KY 26
	Weight Limit - Bridge over Elk Fork Creek @ milepoint 0.53		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Clear Creek @ milepoint 5.04		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons		
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 6.23		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 11.02		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
		29.6 I-75	32.8 US 25T
		33.5 KY 312 (East)	33.7 Laurel CO LN
	Weight Limit - Bridge over Lynn Camp Creek @ milepoint 33.73		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 45 tons		

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*  KY 6              0.0 KY 26                                          1.6 Knox CO LN
   Weight Limit - Bridge over Unnamed Stream @ milepoint 0.47
   TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
   Weight Limit - Bridge over Corn Creek @ milepoint 1.64
   TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons
*  KY 11             0.0 KY 92                                          2.6 Knox CO LN
*  KY 26             0.0 US 25W                                        14.3 US 25W
*  KY 92             0.0 McCreary CO LN                                11.3 US 25W (South)
   Weight Limit - Bridge over Pleasant Run @ milepoint 0.23
   TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons
   Weight Limit - Bridge over Pleasant Run @ milepoint 1.51
   TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 46 tons
   Weight Limit - Bridge over Jellico Creek @ milepoint 2.99
   TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 40 tons
   Weight Limit - Bridge over Briar Creek @ milepoint 8.39
   TY I = 14 [17] tons, TY II = 14 [19] tons, TY III = 14 [19] tons, TY IV = 14 [34]
tons
   Weight Limit - Bridge over I-75 @ milepoint 11.00
   TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 51 tons
                    11.3 US 25W (North)                              33.4 Bell CO LN
   Weight Limit - Bridge over Cumberland River @ milepoint 22.02
   TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
   Weight Limit - Bridge over Golden Fork @ milepoint 26.66
   TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 50 tons
   Weight Limit - Bridge over Harpes Creek @ milepoint 27.89
   TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons
*  KY 628            1.9 Jordan Hollow RD                               5.2 US 25W
   Weight Limit - Bridge over Possum Creek @ milepoint 3.91
   TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
   Weight Limit - Bridge over I-75 @ milepoint 4.91
   TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons
*  KY 779            6.3 KY 1064 (South)                                7.0 KY 1064 (North)
                     8.0 KY 1418                                       12.7 KY 11
   Weight Limit - Bridge over Cumberland River @ milepoint 11.83
   TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
*  KY 904            0.0 KY 92                                         13.5 KY 92
   Weight Limit - Bridge over Cumberland River @ milepoint 0.09
   TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
   Weight Limit - Bridge over Popular Creek @ milepoint 13.44
   TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
*  KY 1064           0.0 KY 92                                          4.2 KY 779 (West)
   Weight Limit - Bridge over Unnamed Stream @ milepoint 0.79
   TY I = 10 [12] tons, TY II = 10 [12] tons, TY III = 10 [12] tons, TY IV = 10 [12]
tons
                     4.2 KY 779 (East)                                 12.0 KY 6
*  KY 1418           0.0 KY 779                                         1.5 Knox CO LN
*  KY 1595           3.1 Mine                                           4.6 KY 92
   Weight Limit - Bridge over Poplar Creek @ milepoint 4.49
   TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 52 tons
*  KY 1673           0.0 KY 92                                          0.4 McCreary CO LN
                     0.4 McCreary CO LN                                 1.4 Mine
*  KY 1809           0.0 KY 92                                          1.4 Knox CO LN
   Weight Limit - Bridge over Golden Creek @ milepoint 0.21
   TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 53 tons
*  KY 1898           1.8 Mine                                           2.8 KY 92
   Weight Limit - Bridge over Jellico Creek @ milepoint 2.20
   TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 38 tons
*  KY 2995           0.0 KY 2996                                        0.8 Dean Chambers Tipple
*  KY 2996           0.0 US 25W                                         0.7 KY 2995
*  McNeil Hollow-Corn Creek Road
   CR 5045           0.0 KY 26                                          2.4 Mine
*  Morgan Road
   CR 5048           0.0 KY 1064                                        0.7 Mine
*  Bunch Creek Road
   CR 5154           0.0 KY 92                                          0.5 Mine
*  Carpenter-Lick Fork Road
   CR 5172           0.0 KY 92                                          0.8 Mine
   Weight Limit - Bridge over Popular Creek
   TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons
*  Doc Siler Road
   CR 5223           0.0 Skaggs RD                                      0.1 Tennessee ST LN
*  Skaggs Branch Road
   CR 5224           0.0 Doc Siler RD                                   0.7 Mine
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*	Keswick-Gatliff Road				
	CR 5227	2.0	Mine	8.0	KY 904
	Weight Limit - Bridge over Patterson Creek				
	TY I = 18 tons, TY II = 20 tons, TY III = 24 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Bennetts Branch				
	TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 56 tons				
*	Upper Cane Creek Road				
	CR 5230	0.0	Keswick-Gatliff RD	0.5	Mine
*	Bethel Church Road				
	CR 5268	0.0	KY 904	0.2	Mine
*	Cotton Creek - Dal Road				
	CR 5272	5.0	Mine	5.7	KY 904
*	Paint Creek - Wolf Creek Road				
	CR 5320	0.0	KY 92	1.1	Mine
*	Jordan Hollow Road				
	CR 5321	0.0	KY 628	0.3	Mine
*	Kensee Hollow Road				
	CR 5326	0.0	US 25W	0.8	Mine

WOLFE COUNTY

	ROAD	FROM		TO	
*	Mountain PKWY	36.0	Powell CO LN	53.3	KY 1010
	Weight Limit - Bridge over Swiftcamp Creek @ milepoint 43.77				
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 47 tons				
	Weight Limit - Bridge over KY 191 @ milepoint 46.22				
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 59 tons				
	Weight Limit - Bridge over KY 1512 @ milepoint 49.67				
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 53 tons				
		57.2	KY 205	57.7	Morgan CO LN
	Weight Limit - Bridge over Helechawa-Lee City Road @ milepoint 57.19				
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons				
*	KY 15	0.0	Breathitt CO LN	14.0	KY 715
	Weight Limit - Bridge over Holly Creek @ milepoint 1.79				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Mountain Parkway @ milepoint 12.87				
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 52 tons				
*	KY 15S	0.0	KY 15	1.1	Mountain PKWY
	Weight Limit - Bridge over Mountain Parkway @ milepoint 1.05				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 58 tons				
*	KY 191	14.3	KY 205	15.9	KY 205
*	KY 205	4.3	KY 1094	6.4	KY 191
	Weight Limit - Bridge over State Road Fork @ milepoint 6.32				
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 53 tons				
		6.4	KY 191	6.9	Morgan CO LN
*	KY 651	0.0	Sandy Ridge RD	2.1	KY 15
*	KY 715	2.6	KY 2016	5.8	KY 15
*	KY 1010	1.6	Mine	3.7	Mountain PKWY
	Weight Limit - Bridge over Mountain Parkway @ milepoint 3.65				
	TY I = 20 tons, TY II = 22 tons, TY III = 23 tons, TY IV = 31 tons				
*	KY 1094	2.7	Mine	7.5	KY 205
*	KY 2016	0.2	Mine	4.5	KY 715
*	KY 3040	0.0	KY 15	0.4	J & A Tipple
*	Sandy Ridge Road				
	CR 5220	0.0	KY 651	2.7	Mine

Section 5. No person shall operate, or knowingly cause to be operated, on any bridge listed in Section 4 of this administrative regulation any vehicle whose gross vehicle weight exceeds the weight limits specified for that bridge.

Section 6. In accordance with KRS 189.230(3) the Department of Highways shall post the gross vehicle weight limits for each bridge listed in Section 4 of this administrative regulation.

Section 7. No person shall operate, or knowingly cause to be operated, on any bridge on the extended weight coal haul road system any vehicle whose gross vehicle weight exceeds the limits specified by a notice posted pursuant to KRS 189.230(3).

Section 8. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions is hereby incorporated by reference as part of this administrative regulation. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be viewed at the Transportation Cabinet, Department of Highways, Division of Maintenance, Frankfort, Kentucky. Copies of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

[Section 9. The effective date of this administrative regulation is April 1, 1987.]

C. LESLIE DAWSON, Secretary/Commissioner

APPROVED BY AGENCY: July 14, 1987
FILED WITH LRC: July 14, 1987 at 4 p.m.

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

806 KAR 5:050. Motor vehicle warranties.

RELATES TO: KRS 304.5-070
PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.5-070
NECESSITY AND FUNCTION: KRS 304.2-110 authorizes the Commissioner of Insurance to adopt regulations necessary for or as an aid of the effectuation of any provision of the Kentucky Insurance Code. KRS 304.5-070(1)(p) authorizes the Commissioner of Insurance to adopt regulations to interpret the provisions of KRS 304.5-070(1)(p). This regulation interprets the 1986 amendment to KRS 304.5-070(1)(p) (1986 Ky. Acts c. 146).

Section 1. Definitions. As used in this regulation:
(1) "Authorized insurer" means an insurer holding a certificate of authority from the Commonwealth of Kentucky to transact motor vehicle insurance or insurance to indemnify motor vehicle dealers for the cost of repairs under motor vehicle warranties.
(2) "Motor vehicle dealer" means a motor vehicle dealer licensed pursuant to KRS Chapter 190.
(3) "Motor vehicle warranty" means automobile guaranty insurance as defined in KRS 304.5-070(1)(p).
(4) "Person" has the meaning set forth in KRS 304.1-020.

Section 2. Only the following may issue motor vehicle warranties covering Kentucky risks:
(1) Authorized insurers; or
(2) Motor vehicle dealers who meet the conditions of KRS 304.5-070(1)(p) and this regulation.

Section 3. Motor vehicle dealers are permitted to sell motor vehicle warranties only if the sale of the motor vehicle warranty is merely incidental to the sale or lease of motor vehicles.
(1) A motor vehicle dealer shall not solicit or sell motor vehicle warranties as to motor vehicles not sold or leased by the motor vehicle dealer.
(2) No person (other than an authorized insurer) may solicit the general public for the sale of motor vehicles warranties.

Section 4. Motor vehicle dealers are permitted to sell motor vehicle warranties if they obtain from an authorized insurer an insurance policy which meets the requirements of KRS 304.5-070(1)(p) for such period of time as such coverage is maintained in full force and effect.
(1) Motor vehicle dealers which have obtained and maintained an [the] appropriate insurance policy from an authorized insurer and have complied with all other requirements of KRS 304.5-070(1)(p) and this regulation are deemed to have received a permit to sell motor vehicle warranties.
(2) Motor vehicle dealers which have not obtained and continously maintained an [the] appropriate insurance policy from an authorized insurer and are not in compliance with the other provisions of KRS 304.5-070(1)(p) and this regulation are deemed to have been denied a permit to sell motor vehicle warranties.

Section 5. Nothing in this regulation shall affect warranties provided by motor vehicle manufacturers.

Section 6. Incidental Benefits arising from Defects in Material or Workmanship. Motor vehicle warranties may provide incidental benefits arising from defects in material or workmanship, such as reimbursement for the cost of towing and substitute transportation.

Section 7. [6.] Effective Date. [(1)] This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.
[(2) As a courtesy to the Legislative Research Commission, the Department of Insurance states that this regulation is intended to be permanent.]

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 7, 1987 at 11 a.m.

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

806 KAR 9:200. Volume of insurance agent exchange of business.

RELATES TO: KRS 304.9-030, 304.9-080, 304.9-410
PURSUANT TO: KRS 304.2-110, 304.9-410
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.9-410 requires the Commissioner of Insurance to adopt a regulation establishing the amount or volume of business that constitutes the occasional placement of business with insurers the agent is not appointed to represent, as permitted by KRS 304.9-080(5) and 304.9-410(1)(a) and (2). This regulation defines what constitutes occasional placement of business with insurers an agent is not appointed to represent.

Section 1. Definitions. As used in this regulation:
(1) "General lines insurance agent" has the meaning set forth in KRS 304.9-030 and includes any persons holding limited insurance agent licenses pursuant to KRS 304.9-230 and acting as agent as to any kind of insurance described in KRS 304.9-030(1).
(2) "Life and health insurance agent" has the meaning set forth in KRS 304.9-030(2), (3), and (4) and any person holding a limited insurance agent license pursuant to KRS 304.9-230 and acting as agent in relation to any kind of insurance described in KRS 304.9-030(2), (3), and (4).
(3) "Total premium" means all payments received from insureds or prospective insureds as consideration for insurance, including, but

not limited to, all taxes and surcharges imposed by Kentucky law.

Section 2. Volume of Insurance Agent Exchange of Business. (1) A general lines insurance agent shall not place insurance with a premium of more than twenty (20) [ten (10)] percent of the agent's total premium for the preceding calendar year with insurers for which the agent holds no appointment. Insurance placed by a general lines insurance agent through a residual market mechanism as defined in KRS 304.13-011(8), with a surplus lines insurer pursuant to KRS Chapter 304.10, through a managing general agent as defined in KRS 304.9-085, or through a voluntary risk sharing or market assistance plan pursuant to KRS Chapter 304.46 shall not be considered in determining whether such agent has violated this subsection.

(2) A life and health insurance agent shall not place insurance with a premium of more than twenty (20) [ten (10)] percent of the agent's total premium for the preceding calendar year with insurers for which the agent holds no appointment.

Section 3. Corporate or Partnership Licensees and Sole Proprietors. For agents designated to act under a corporate or partnership insurance agent license or agents who are employees of a sole proprietor who is licensed as insurance agent, the percentage limitations of Section 2 of this regulation shall be measured by the total premium received by the corporate or partnership agent or the sole proprietor. Thus, persons designated to act under a corporate or partnership insurance agent license or employed by a sole proprietor licensed as insurance agent are subject to a single overall limit and may not use their separate licenses to increase the volume of permissible exchange of business.

Section 4. Responsibilities of Insurer; Validity or Insurance Issued in Violation of this Regulation. (1) Insurers may assume that agents not appointed by the insurer and submitting applications to the insurer have not exceeded the limitations of Section 2 of this regulation. However, insurers which know or have reason to know that an agent is in violation of Section 2 of this regulation shall not issue an insurance policy based on an application submitted by such agent.

(2) An insurance policy issued in violation of this regulation is valid and enforceable.

Section 5. [4.] Effective Date. [(1)] This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

[(2) As a courtesy to the Legislative Research Commission, the Department of Insurance states that this regulation is intended to be permanent.]

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 7, 1987 at 11 a.m.

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

806 KAR 9:210. Time limit for replacement of evidence of licensee financial responsibility.

RELATES TO: KRS 304.9-105, 304.9-330, 304.9-430
PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.9-105
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.9-105(5)(d) requires the Commissioner of Insurance to establish a time limit for licensees to replace evidence of financial responsibility which has been terminated. This regulation establishes a time limit for licensees to replace evidence of financial responsibility which has been terminated.

Section 1. Definitions. As used in this regulation:
(1) "Commissioner" means the Commissioner of the Kentucky Department of Insurance.
(2) "Evidence of financial responsibility" means the documents described in KRS 304.9-105(5), 304.9-330, 304.10-140, and 806 KAR 9:030, Section 1.
(3) "Licensee" means agents, solicitors, consultants, surplus lines brokers, and adjusters required by the Kentucky Insurance Code or regulations of the commissioner to maintain evidence of financial responsibility on file with the Department of Insurance.

Section 2. Time Limit for Replacement of Evidence of Licensee Financial Responsibility. (1) A licensee shall replace evidence of financial responsibility on or before thirty (30) days from the date notice is mailed by the commissioner to the licensee's address of record filed with the commissioner.

Section 3. Effective Date. [(1)] This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

[(2) As a courtesy to the Legislative Research Commission, the Department of Insurance states that this regulation is intended to be permanent.]

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 7, 1987 at 11 a.m.

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

CABINET FOR HUMAN RESOURCES
Department for Health Services
(Amended After Hearing)

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

RELATES TO: KRS 211.180, 211.990(2)
PURSUANT TO: KRS 194.050, 211.090(3), Executive Order 86-978
NECESSITY AND FUNCTION: Executive Order 86-978 directs the Cabinet for Human Resources to regulate the design and construction of water distribution and treatment systems for swimming pools. KRS 211.180 directs the Cabinet for Human Resources to adopt regulations relating to public facilities, and their operation and maintenance in a safe, sanitary manner to protect public health and prevent health hazards. This regulation establishes uniform standards for public swimming pools and other swimming or bathing facilities. The function of this regulation is to assure the proper design and construction of new facilities as related to water distribution and treatment systems, and the proper operation and maintenance of all such facilities in a manner which will protect the public health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(22) "Effective filter area" means:

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

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

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

(23) "Factor of safety" means the ultimate load divided by the safe load or the ultimate

strength divided by the allowable stress.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(33) "Handicap pool" means a swimming pool which is designed specifically for the use of persons who are physically or mentally disabled and/or impaired, and is equipped with devices, appliances, ramps and other means of assisted access to the pool.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Beaches;

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

(c) Competition swimming pools and diving pools;

(d) Water slides and spray pools; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Submission of Plans and Specifications for Approval. (1) No person shall begin construction, or construct, or substantially change, alter or reconstruct any public swimming and bathing facility until plans and specifications, with such supporting design data as may be required for the proposed review of the plans, have first been submitted in quintuplicate (five (5) sets) to the cabinet through the Department of Housing, Buildings and Construction and have been approved in writing by all state or local agencies having jurisdiction. All construction shall be in accordance with approved plans. The front page of the plans shall contain the name of the swimming and bathing facility, location by city and county, name of its owner and name of the

engineer, architect, or person preparing the plans. Plans submitted by an engineer or architect shall bear his seal. Plans and specifications on public swimming and bathing facilities constructed by the state or political subdivision thereof, or on facilities designed for a bather load of 100 or more, shall be prepared by an engineer or architect registered in the State of Kentucky and comply with the provisions of KRS 322.010 and 323.010. Plans and specifications, reports and other information shall be submitted in such form and contents as may be specified by the cabinet.

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

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

(b) A piping diagram showing all appurtenances including treatment facilities in sufficient detail, as well as pertinent elevation data, to permit a hydraulic analysis of the system;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Depth markings and lane lines.

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

1. At the points of maximum and minimum depths;

2. At the point of change of slope between deep and shallow portions (transition point);

3. At intermediate two (2) feet increments of water depth; and

4. If the facility is designed for diving, at appropriate points to denote the water depths in the diving area.

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

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

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

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

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

(2) Pumping equipment.

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

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

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

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

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

1. Fifty (50) feet for all vacuum filters;

2. Seventy (70) feet for pressure sand or cartridge filters; or

3. Eighty (80) feet for pressure diatomaceous earth filters[, unless lower or higher heads are shown by the designer to be hydraulically

appropriate].

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

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

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

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

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

(3) Water heaters shall be installed at all indoor swimming and bathing facilities. Where a water heater is installed, the following shall apply:

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

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

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

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

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

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

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

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

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

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

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

(5) Vacuum cleaning system.

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

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

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

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

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

(6) Piping, skimmer and overflow system.

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

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

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

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

(7) Inlets.

(a) Each inlet shall be flow adjustable.

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

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

eight (8) inches or more below the lip of the gutter.

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

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

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

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

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

(g) A continuous flume, tubing, or other arrangement near the pool water surface which serves as inlet supply piping and employs multiple "jet" inlets is approved provided the individual components of the system meet the requirements of paragraphs (a), (b) and (c) of this subsection and subsections (9)(a), (b) and (10) of this section.

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

(8) Outlets.

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

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

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

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

(9) Perimeter overflow systems.

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

(b) A perimeter overflow system shall:

1. Extend completely around the facility;

2. Permit inspection, cleaning, and repair;

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

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

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

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

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

8. Discharge to the recirculation system;

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

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

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

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

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

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

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

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

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

(f) A basket which can be removed without the use of tools and through which all overflow

water must pass, shall be provided; and

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

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

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

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

(13) Filtration.

(a) Filters shall comply with the following:

1. Pressure filters shall have pressure gauges;

2. Pressure filters shall have an observable free-fall, or a sight glass shall be installed on the backwash discharge line;

3. Pressure filters shall have a manual air-relief valve at the the high point;

4. The filter backwash disposal facility shall have sufficient capacity to prevent flooding during the backwash cycle;

5. All filters shall be designed so that they can be completely drained. Filters shall be drained through a six (6) inch air gap to a pump or sanitary sewer;

6. Filter media shall meet NSF specifications;

7. Each facility shall have separate filtration and treatment systems;

8. Filter equipment and treatment systems shall operate continuously twenty-four (24) hours per day except when the facility is closed for repairs or at the end of the swimming season; and

9. Individual filters shall be designed with necessary valves and piping to permit isolation of individual filters for repairs while other units are in service.

(b) Rapid sand or gravity sand filters:

1. Rapid sand filters shall be designed for a filter rate not to exceed three (3) gallons per minute per square foot of bed area at time of maximum head loss with sufficient area to meet the design rate of flow required by the prescribed turnover. Open gravity type filters shall be designed for a filter rate not exceeding two (2) gallons per square foot per minute.

2. Filtering media shall consist of at least twenty (20) inches of graded, sharp filter sand with an effective size between four-tenths (0.4) and fifty-five/hundredths (0.55) mm and a uniformity coefficient not exceeding one and seventy-five/hundredths (1.75), supported by at least ten (10) inches of graded filter gravel. Anthracite with effective size of six-tenths (0.6) to eight-tenths (0.8) mm with a uniformity coefficient of not greater than one and eight-tenths (1.8) may be used in lieu of the sand. A reduction in gravel depth or an elimination of gravel may be permitted where equivalent performance and service are demonstrated.

3. At least twelve (12) inches of freeboard shall be provided between the upper surface of the filter media and the lowest portion of the pipes or drains which serve as overflows during backwashing.

4. The filter system shall be designed with necessary valves and piping to permit:

(i) Filtering to pool; and

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

5. Each filter shall be provided with an access opening of not less than a standard eleven (11) inch by fifteen (15) inch manhole and cover.

6. The filter tank and its integral parts shall be constructed of substantial material capable of withstanding continuous anticipated usage and shall be designed for a pressure safety factor of four (4) based on the maximum shutoff head of the pump. This shutoff head for design purposes shall in no case be considered less than fifty (50) pounds per square inch.

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

(d) Diatomaceous earth filters.

1. The design filtration rate shall not exceed one and one-half (1 1/2) gallons per minute per square foot of filter area on diatomaceous earth filters, except that the rate of filtration may be increased to two (2) gallons per minute per square foot of filter area when continuous feeding of diatomaceous earth is employed;

2. A precoat pot shall be provided on the pump suction line for pressure diatomaceous earth systems. All diatomaceous earth filter systems shall have piping arranged to allow recycling of the filter effluent during precoating;

3. Where equipment is provided for the continuous feeding of diatomaceous earth to the filter influent, such equipment shall have a capacity to feed at least one and one-half (1 1/2) ounces of this material per square foot of filter area per day;

4. Overflow piping on vacuum diatomaceous earth filters shall be provided on the filter tank to discharge overflow water; and

5. All filters shall be equipped for cleaning by one (1) or more of the following methods: backwashing; air-pump assist backwashing; spray wash; water pressure to wash vacuum filter; or agitation.

(e) Vacuum sand filters.

1. The design filtration rate shall be seventy-five (75) percent of that listed by NSF or fifteen (15) gallons per minute whichever is lesser. The backwash rate shall be at fifteen (15) gallons per minute per square foot of filter area; and

2. Overflow piping shall be provided in order to drain overflow water.

(f) Cartridge Filters.

1. Cartridge filters shall not be used on facilities with a capacity larger than 80,000

gallons;

2. Cartridge filters shall only be used on indoor pools;

3. The design filtration rate shall not exceed fifteen-hundredths (0.15) gallons per minute per square foot of filter surface area; and

4. Duplicate cartridges. A clean duplicate set of cartridges shall be maintained at the facility.

(14) Disinfectant and chemical feeders.

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

(b) Equipment capacity.

1. Equipment for supplying chlorine or compounds of chlorine shall be of sufficient capacity so that it is possible to feed the chlorine at a rate of eight (8) p.p.m. (two and seven-tenths (2.7) lbs/day chlorine gas or its equivalent for each 10,000 gallons of pool volume) for outdoor facilities and a three (3) p.p.m. (one (1) lbs/day for chlorine gas or its equivalent for each 10,000 gallons of pool volume) for indoor facilities based on the flow rates specified in subsection (2)(a) of this section;

2. The equipment for supplying chlorine shall not be controlled by a day-date clock;

3. The injection point for chlorine shall be placed on the discharge side of the pump and downstream of the flowmeter;

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

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

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

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

(d) Gas chlorinators.

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

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

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

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

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

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

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

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

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

gallons capacity shall be provided.

(f) Erosion type chlorine feeders shall be prohibited.

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

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

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

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

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

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

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

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

1. Be an outdoor facility;

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

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

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

(2) Disinfectant residuals for spas:

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

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

(c) When the **level** [presence] of chloramines **exceeds two-tenths (0.2) p.p.m.** [is determined], superchlorination is required**. During the superchlorination process and until such time as free chlorine levels return to three (3) p.p.m. or less, the facility shall be closed.** [, with closing of spa until a free disinfectant residual of two (2.0) - three (3.0) p.p.m. is attained.]

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

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

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

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

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

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

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

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

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

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

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

(d) Temperature:

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

2. All other indoor facilities - daily.

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

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

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

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

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

surrounding areas.

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

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

(4) Bather preparation facilities.

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

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

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

(6) Security. Doors or gates in the facility enclosure shall be kept closed and locked when the facility is closed.

[(7) Bather loads.]

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

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

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

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

(9) [(10)] Operation of mechanical equipment.

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

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

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

(10) [(11)] Filtration.

(a) Sand Filters.

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

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

(b) Diatomaceous earth filters.

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

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

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

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

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

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

(14) [(15)] Gas chlorinators.

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

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

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

(15) [(16)] Self-contained breathing apparatus (SCBA).

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

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

(16) [(17)] Positive displacement feeders.

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

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

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

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

(18) [(19)] pH adjustment.

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

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

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

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

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

(19) [(20)] Algae control.

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

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

(20) [(21)] Miscellaneous chemicals.

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

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

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

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

(21) [(22)] Equipment rooms.

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

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

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

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

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

(22) [(23)] Maintenance of bathing beaches.

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

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

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

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

(a) Disinfectant residuals;

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

(c) Malfunctioning of equipment.

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

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

(2) Lifeguards.

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

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

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

1. Lifeguards shall have a current life-saving certificate. Current training as a lifesaver or

water safety instructor by the American Red Cross, YMCA, or equivalent will satisfy this requirement. The certificate of such competency shall be prominently posted;

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

3. Lifeguards shall be dressed in swimming attire; and

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

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

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

(3) The following lifesaving equipment shall be provided:

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

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

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

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

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

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

(a) Paddle board or surfboard;

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

(c) A torpedo shaped buoy.

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

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

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

(10) All facilities shall have a non-pay telephone on the premises which is readily accessible and conspicuously located; for isolated facilities two (2) way radio communication systems to a manned telephone system may be substituted. The telephone number of a police, fire department, emergency medical service, or a hospital shall be posted in a conspicuous place near the telephone.

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

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

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

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

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

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

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

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

(g) All apparel worn in the facility shall be clean;
(h) Diving in shallow water is not permitted;
(i) Caution shall be exercised in the use of diving boards; and
(j) Animals shall be excluded from the facility area.
(2) Due to the nature of bathing beaches, subsection (1)(c), (d), and (g) of this section shall not apply. Subsection (1)(a) and (b) of this section shall be enforced at the discretion of the facility operator, except for parts dealing with those persons with excessive sunburn or those under the influence of alcohol or exhibiting erratic behavior, which shall be enforced at all facilities.
(3) In addition to the requirements of subsection (1) of this section, a caution sign shall be mounted adjacent to all spas which contain the following warnings:

CAUTION

Pregnant women, elderly persons, and persons suffering from any heart condition or disease, diabetes, or high/low blood pressure should not enter the spa without prior medical consultation and permission from their doctor.
Do not use the spa while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness, or that raise or lower blood pressure.
Do not use at water temperatures greater than 104 degrees Fahrenheit.
Do not use alone.
Unsupervised use by children is prohibited.
Enter and exit slowly.
Observe reasonable time limits (that is, ten (10) to fifteen (15) minutes), then leave the water and cool down before returning for another brief stay.
Long exposure may result in nausea, dizziness, fainting, or death.
Keep all breakable objects out of the area.
Shower before entering the spa.

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

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

Section 17. Facility Inspection. (1) Seasonal facilities.
(a) All owners and/or operators of seasonal facilities, prior to opening to the public, shall certify to the cabinet, in writing, that the facility is in compliance with the requirements of this regulation except in instances where the cabinet has made an inspection prior to its opening. For seasonal facilities, the cabinet shall make at least two (2) full facility inspections during the operating season. The cabinet, at its discretion, may require one (1) of the full facility inspections to be performed prior to a facility's opening; and
(b) The facility owner and/or operator shall be responsible for notifying the cabinet of the proposed opening date.
(2) Continuous operation (indoor) facilities shall receive a full facility inspection by the cabinet at least once each six (6) months.
(3) New facilities shall receive final construction approval inspections by the cabinet, and other affected state and local regulatory agencies, prior to placing the facility in operation. It shall be the owner and/or operator's responsibility to notify the cabinet and other involved agencies of construction completion and call for inspection.
(4) Facilities other than beaches shall be inspected at a minimum of once each thirty (30) day period by the cabinet on a monitoring basis. The monitoring inspection shall consist of the following:
(a) Disinfectant residual testing (free available residual) and combined disinfectant in p.p.m.;
(b) pH testing;
(c) Total alkalinity testing;
(d) Cyanuric acid testing (if cyanuric acid stabilizers are used);
(e) Turbidity assessment;
(f) Temperature testing (if heated water facility);
(g) Review of operator's daily log;
(h) Visual scanning for algae or debris; and
(i) Other checks as necessary.
(5) Beaches shall receive monitoring inspections once each month or anytime immediately after periods of heavy rainfall. Such monitoring inspections for beaches shall include general sanitation and safety checks as necessary.
(6) The cabinet **may** [shall] make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.
(7) Whenever an agent of the cabinet makes an inspection of a public swimming and bathing facility, he shall record his findings on an official cabinet inspection report form and provide the facility owner or the operator with a copy. The inspection report shall:
(a) Set forth any violation(s) found;
(b) Establish a specific and reasonable period of time for the correction of the violation(s) found; and
(c) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in closure of the facility.

Section 18. Water Sampling and Testing. (1) A water sample may be collected from facilities when inspections or monitoring indicates water quality standards are not being maintained, or there is a suspected water borne disease outbreak, and shall be submitted to the Health Services Laboratory or other approved laboratory for analysis. Samples shall be collected in approved containers and by approved sampling procedures.
(2) Samples shall be collected and analyzed according to the procedures outlined in "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association (APHA) for any of the following or other contaminants:
(a) Total coliform;
(b) Fecal coliform; and
(c) Pseudomonas organisms.
(3) Multiple samples may be collected at bathing beaches to assure adequate

representation of the entire facility water area.

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

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

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

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

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

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

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

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

(a) If conditions at a facility and appurtenances, including bathhouse facilities, upon inspection and investigation by a representative of the cabinet, create an immediate danger to health or safety;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 21. Existing Facilities and Equipment. (1) Notwithstanding the other provisions of this regulation, existing facilities and equipment being used prior to the effective date of this regulation, which do not fully meet the design,

construction, and materials requirements of this regulation, may be continued in use, if in good repair, capable of being maintained in a sanitary condition, meet facility water quality standards, and create no health or safety hazard.

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

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

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

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

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

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 7, 1987
FILED WITH LRC: July 8, 1987 at 11 a.m.

CABINET FOR HUMAN RESOURCES
Department for Health Services
(Amended After Hearing)

902 KAR 13:110. EMT-first responder training, examination, and certification.

RELATES TO: KRS 211.960 to 211.968, 211.990(5)
PURSUANT TO: KRS 211.964
NECESSITY AND FUNCTION: KRS 211.964 directs the Cabinet for Human Resources to adopt rules and regulations relating to emergency medical technicians. The function of this regulation is to establish a new classification of emergency medical technician, the EMT-first responder, and to establish requirements for training, examinations, and certifications.

Section 1. Training Course Requirements. The EMT-first responder training course shall:

(1) Include the curriculum of the "Emergency Medical Services: First Responder Training Course" published March 1979 by the U.S. Department of Transportation, National Highway Traffic Safety Administration, Washington, D.C. 20590, the accompanying text entitled "First Responder," Second Edition, published by The Brady Company, Prentice-Hall, Inc., Englewood Cliffs, N.J. 07632, and such additions to the curriculum as specified by the cabinet. A copy of these publications, included by reference as if fully incorporated herein, shall be on file in the office of the Emergency Medical Services Branch, Department for Health Services, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40601, and shall be available for public inspection;

(2) Be at least forty (40) hours in duration;

(3) Utilize equipment, texts, and other materials approved by the cabinet;

(4) Not be started until all equipment, texts, and other materials specified are available, in proper quantities, in proper working condition, and placed in secure storage;

(5) Not share equipment between courses unless such equipment is available equally to all EMT-first responder classes;

(6) Be taught by an <u>instructor</u> [EMT instructor] approved by the Cabinet for Human Resources <u>pursuant to Section 2 of this regulation</u>;

(7) Have an appropriate number of assistant instructors available for practice sessions so that there are no more than ten (10) students per assistant. A certified emergency medical technician or paramedic may be used as an assistant for practice sessions;

(8) Have a class certification number assigned by the cabinet;

(9) Be limited to a maximum of thirty (30) students;

(10) Not permit more than one (1) lesson absence per student, unless made up at the discretion of the instructor, or made up in a subsequent EMT-first responder course;

(11) Require each student to sign in for each lesson on attendance sheets provided by the cabinet; and

(12) Require the instructor at the end of each course to provide the cabinet the following: master grade sheet, answer sheet for the written exam, final practical exams, application for certification with prescribed fee, master attendance form and attendance sheets for each lesson.

<u>Section 2. EMT-First Responder Instructors. No person shall hold himself out as an EMT-first responder instructor unless he is an EMT-instructor certified by the cabinet, or has been approved by the cabinet to teach the EMT-first responder course. The following shall be eligible for such approval upon submission of appropriate documentation to the cabinet:

(1) An individual certified by the Kentucky Law Enforcement council to teach the first responder course who is also certified by the Cabinet for Human Resources as an EMT or EMT-first responder.

(2) An individual certified by the Commission on Fire Protection Personnel Standards and Education as a fire protection instructor and who is also certified by the Cabinet for Human Resources as an EMT or EMT-first responder.

(3) A physician, registered nurse, paramedic, or emergency medical technician who has completed a basic instructional methodology course approved by the cabinet and has experience or is active in teaching or providing emergency medical services.</u>

Section <u>3.</u> [2.] Requirements for Applicants. Each applicant shall:

(1) Be eighteen (18) years of age or older;

(2) Be of good moral character;
(3) Not be habitually addicted to or an abuser of alcoholic beverages, drugs, or controlled substances;
(4) Understand and be able to read, speak, and write the English language; and
(5) Submit a signed application on a form prescribed by the cabinet.

Section 4. [3.] EMT-First Responder Certification Examination. The cabinet shall prescribe the format and content of the EMT's certification examination, which shall consist of two (2) parts:
(1) Written. A passing grade of seventy-five (75) percent shall be required. In the event that an applicant's grade average is less than seventy-five (75) percent, but is seventy (70) percent or more, the applicant may, upon proper application, retake the written examination. However, should the applicant again fail, he shall be required to retake the entire EMT-first responder course before being eligible for re-examination.
(2) Practical. The applicant shall successfully pass all parts of the final practical examination. In the event he fails to successfully pass all portions of the final practical examination, he shall be permitted one (1) opportunity to retake the part which he failed to pass. However, should the applicant again fail to pass the particular part of the examination, he shall be required to retake the entire EMT-first responder training course before being eligible for re-examination.
(3) Examiners. EMT-instructors certified by the cabinet or EMT-first responder instructors approved by the cabinet pursuant to Section 2 of this regulation [Certified EMT-instructors] shall be used as examiners for EMT-first responder course practical examinations. An instructor who is employed by the organization for whom the EMT-first responder course is conducted shall not be used as an examiner in the practical examination of that course.

Section 5. [4.] Expiration of Certification. All EMT-first responder certificates shall expire three (3) years from the date of issuance.

Section 6. [5.] Renewal of Certification: Inservice Training or Continuing Education Requirements. In order to renew a certificate, the EMT-first responder shall, during his period of certification, attain at least twelve (12) hours of inservice training or continuing education, or a combination thereof, and show evidence of certification in cardiopulmonary resuscitation as required by the American Heart Association or the American National Red Cross.
(1) Subject matter requirements for EMT-first responder inservice training or continuing education.
(a) To receive credit for inservice training or continuing education, the applicant for recertification may take inservice training or continuing education on any subject covered by the U.S. Department of Transportation EMT-First Responder curriculum, or any subject for which instruction is authorized by the Cabinet for Human Resources.
(B) The following are not eligible for credit as inservice training or continuing education:
1. Ambulance runs, rescues, firefighting, emergency responses, or similar actual emergency activities.
2. Instruction in material, techniques or procedures not authorized to be performed by EMT-first responders.
(c) Evidence of training and CPR certification shall be submitted to the cabinet not less than thirty (30) days before the expiration of the EMT's certification on forms supplied by the cabinet.
(d) The form provided by the cabinet shall contain a certification as to the truth of the information supplied and a statement that all training claimed conforms to the requirements of this regulation and a warning that submission of false information constitutes a violation of law.
(e) Each subject or training course claimed shall be countersigned by the instructor of the subject or course.
(f) Training received as a requirement for continuing education in medicine, nursing, paramedic, or as an EMT in a coal mining situation required by KRS 351.127 is eligible for inservice training or continuing education credit if it meets the criteria of paragraph (a) of this subsection.
(2) Instructors for EMT-first responder inservice training and continuing education. The following persons are considered as qualified to conduct inservice training and continuing education courses for emergency medical technicians:
(a) A physician licensed pursuant to KRS Chapter 311.
(b) A registered nurse licensed pursuant to KRS Chapter 314.
(c) A paramedic certified by the State Board of Medical Licensure.
(d) An emergency medical technician instructor or instructor trainer certified by the Cabinet for Human Resources.
(e) An instructor certified by a state or federal agency who is teaching within the area authorized by his certification a course which will qualify for emergency medical technician inservice training or continuing education.
(f) Physicians, registered nurses, paramedics or emergency medical technician instructors currently licensed or certified by another state of the United States of America shall be considered as meeting the requirements of paragraphs (a) through (e) of this subsection, as applicable.
(3) Cardiopulmonary resuscitation requirement. During the second year of the certification period the EMT-first responder shall obtain or renew certification in cardiopulmonary resuscitation and related techniques as follows:
(a) The course shall be conducted by the American Heart Association or the American National Red Cross or under its authority by an instructor certified by the American Heart Association or the American National Red Cross.
(b) The course shall be taught for record and shall be certified by the instructor to the American Heart Association or the American National Red Cross as meeting all applicable standards of the organization.
(c) The course shall provide instruction and testing in:
1. One (1) rescuer cardiopulmonary resuscitation;
2. Two (2) rescuer cardiopulmonary resuscitation;
3. Techniques of changing from one (1) rescuer

to two (2) rescuers during the performance of cardiopulmonary resuscitation;
4. Techniques of changing rescuers during the performance of two (2) rescuer cardiopulmonary resuscitation;
5. Techniques for relief of obstruction of the airway;
6. Cardiopulmonary resuscitation of infants and small children;
7. Mouth to mouth/mouth to nose resuscitation for adults, small children, and infants.
(d) The course shall provide for individual skill testing of all adult and infant related skills in subsection (3) of this section.
(e) The applicant for renewal of certification shall forward to the Cabinet for Human Resources a copy of both sides of their certificate issued to him indicating successful completion of the CPR course.

Section 7. [6.] Certification on the Basis of Prior Training. Upon proper application and documentation, and upon payment of the prescribed fee, persons who can document that they have successfully completed a formal course of instruction approved by the cabinet which utilized the U.S. Department of Transportation First Responder Course prior to the effective date of this regulation may be issued an EMT-first responder certificate valid for up to three (3) years from the date of course completion. Organizations which conducted or sponsored such courses shall provide documentation to the cabinet that the courses meet or exceed the U.S. Department of Transportation guidelines.

Section 8. [7.] Authorized Procedures. Certified EMT-first responders may perform any of the procedures as set forth in the U.S. Department of Transportation curriculum entitled "Emergency Medical Services: First Responder Training Course" and the accompanying text entitled "First Responder," Second Edition, published by The Brady Company, Prentice-Hall, Inc., referenced in Section 1 of this regulation.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 6, 1987
FILED WITH LRC: July 8, 1987 at 11 a.m.

PROPOSED AMENDMENTS

GENERAL GOVERNMENT CABINET
Board of Examiners of Psychology
(Proposed Amendment)

201 KAR 26:200. Definitions of terms used by the Board of Examiners of Psychologists for meeting educational requirements for licensure as a licensed psychologist.

RELATES TO: KRS 319.050
PURSUANT TO: KRS 319.032
NECESSITY AND FUNCTION: Certain terms are used in the statute regulating educational requirements for psychologists. This regulation defines those terms.

Section 1. A regionally accredited educational institution means accreditation by any one (1) of the following: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Colleges and Schools, North Central Association of Colleges and Schools, North Western Association of Schools and Colleges, and Western Association of Schools and Colleges.

Section 2. Accreditation means accreditation by one (1) of the aforementioned associations at Level 4 (doctoral degree granting accreditation) or at Level 5 (graduate or professional degree granting accreditation).

Section 3. A doctoral degree in psychology means:
(1) A doctoral degree from a recognized institution of higher learning as defined above; and
(2) The program, wherever it may be administratively housed, is clearly identified by the granting institution as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists; and
(3) Any dissertation required for the degree is psychological in method and content and an expected product of doctoral training in psychology; and
(4) The program stands as a recognizable, coherent, organized entity within the institution; and
(5) Within the psychology faculty there is clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines; and
(6) The program is an integrated, organized sequence of study; and
(7) There is an identifiable psychology faculty and a psychologist responsible for the program; and
(8) The program has an identifiable body of students who are matriculated in that program for a degree; and
(9) In areas of clinical, counseling, and school psychology the program includes educational experiences with titles such as practicum, internship or field training.
(10) In determining the acceptability of curricular experiences and course work, the following factors shall be considered:
(a) The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study.
(b) In addition to instruction in scientific and professional ethics and standards, research design and [,] methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following content areas. This typically will be met by including a minimum of three (3) or more graduate semester hours (five (5) or more graduate quarter hours) in each of these

four (4) areas:
1. Biological bases of behavior, such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.
2. Cognitive-affective bases of behavior, such as learning, thinking, motivation, emotion.
3. Social bases of behavior, such as social psychology, group process, organizational psychology and systems.
4. Individual differences, such as personality theory, human development, abnormal psychology.
(c) In addition to the core program, the curriculum shall include appropriate coursework as determined by the board in the specialty area of training including specific training and diagnosis and assessment of individual/ organizational differences and the design and implementation of appropriate intervention techniques, e.g., psychotherapy, counseling, consultation, etc.
(11) The applicant shall provide any documentation required by the board in the manner and form prescribed by the board to confirm compliance with or satisfaction of the requirements of this law.
(12) At the discretion of the board, any deficiency in course work or requirements may be corrected by appropriate remedial work.

DAVID NICHOLAS, Director
APPROVED BY AGENCY: July 10, 1987
FILED WITH LRC: July 15, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 24, 1987 at 9:30 a.m., Eastern time, at the Board of Examiners of Psychology, Berry Hill Annex, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by August 19, 1987 of their desire to appear and testify at the hearing: Mr. David L. Nicholas, Director, Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Board of Examiners of Psychology.
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Occupational Therapy
(Proposed Amendment)

201 KAR 28:080. Licenses.

RELATES TO: KRS 319A.110, 319A.130, 319A.140, 319A.150
PURSUANT TO: KRS 319A.070(3)
NECESSITY AND FUNCTION: KRS Chapter 319A, in pertinent part, provides for the issuance of licenses to qualified occupational therapists registered and occupational therapy assistants upon approval of the application by the board and payment of the requisite fees. This regulation provides for the manner in which such licenses shall be issued.

Section 1. Requirements for Issuance. Upon filing of a properly completed application on a form approved by the board, and after review of the application, the examination results, and the requirements of Chapter 319A, the board may notify the applicant that the applicant is qualified to receive a license upon payment of the appropriate fee as set forth in 201 KAR 28:110. Once the requisite fee is submitted, the board shall within ten (10) working days issue the appropriate license which shall be signed by both the chairman and secretary of the board.

Section 2. Effect of Issuance. Issuance of a license shall allow the applicant to use the initials L.O.T.R. if the license is for an occupational therapist registered, or L.O.T.A. if the license is for an occupational therapy assistant.

Section 3. Prohibitions. The board shall not issue a license to a partnership, unincorporated association, corporation or similar business organization.

Section 4. Validity. Any license issued by the board shall be valid until June 30 following the date of issuance. Licenses may be renewed annually in accordance with the provisions of 201 KAR 28:090 [for only one (1) full year from date of issuance unless renewed in accordance with the provisions of 201 KAR 28:090].

Section 5. Expiration Date. Each license, shall state the name of the license-holder, the date of issuance, and other appropriate information as determined by the board.

Section 6. Proration of Initial Licensure Fee. If the application for licensure is received by the board after January 1 but before July 1, then the applicant shall only be required to pay one-half (1/2) of the initial licensure fee.

THOMAS FISHER, Chairman
APPROVED BY AGENCY: June 17, 1987
FILED WITH LRC: June 24, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on August 21, 1987 at 10 a.m. in Room 141 of the State Capitol in Frankfort, Kentucky. Those interested in

attending this hearing must contact the following in writing: Nathan Goldman, Office of the Attorney General, Room 120, State Capitol, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nathan Goldman
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Occupational Therapy
(Proposed Amendment)

201 KAR 28:090. Renewals.

RELATES TO: KRS 319A.160
PURSUANT TO: KRS 319A.070(3), 319A.160(1)
NECESSITY AND FUNCTION: KRS Chapter 319A provides, in pertinent part, that the board shall establish regulations for the annual renewal of licenses. This regulation provides for a procedure by which such licenses shall be renewed.

Section 1. General Provisions. In order to continue the practice of occupational therapy as a L.O.T.R. or a L.O.T.A., each license as issued by the board must be annually renewed by the board [no later than one (1) full year from date of issuance].

Section 2. Requisites for Renewal. To qualify for a renewal of licenses previously issued by the board, the license holder, sixty (60) calendar days prior to the expiration of the license, shall comply with all of the following requirements:
(1) File with the board a properly completed application for renewal on a form approved by the board and mail the application to the office of the board whose address is P.O. Box 23562, Lexington, Kentucky 40523.
(a) An application for renewal shall be deemed timely received if the envelope contains a properly completed application for renewal and bears a postmark indicating the application was mailed at least sixty (60) calendar days prior to the expiration of the license.
(b) Failure to timely file an application or to properly complete the application shall result in the rejection of the application and may submit the license holder to the provisions of 201 KAR 28:100.
(2) File with the application a check payable to the board in the amount of fifty (50) dollars for renewal of the license.

Section 3. Issuance of Renewal License. Upon receipt of a timely filed, properly completed application and upon presentment and honoring of the tendered check, the board, after a review of the application for renewal and the requirements of KRS 319A.190, shall notify the applicant within sixty (60) calendar days of the receipt of the application whether the license will be renewed.

Section 4. Denial of Renewals. (1) In the event the board, for whatever reason, denies a timely application for renewal, the board shall notify the licensee, in writing, and shall send such notice, certified mail, return receipt requested, to the address given by the applicant in the application for renewal. The notice of denial shall state the reasons for the denial of the application of renewal, the right of the license holder to request a hearing within thirty (30) calendar days from receipt of the notice, and a warning that if a hearing is not requested, the license is subject to being revoked.
(2) If after thirty (30) calendar days from the return of the certified receipt notifying the applicant that the application for renewal has been denied, a request for a hearing is not timely filed, the board shall issue an order, signed by the chairman, revoking the license. A copy of the order shall be mailed to the license holder and to his employer, if any.
(3) If a hearing is requested, the license holder may continue to practice as a L.O.T.R. or a L.O.T.A. until a final order of the board is entered disposing the matter.
(4) The provisions of this regulation shall not apply to the denial of an application for late renewal as provided in 201 KAR 28:100.

Section 5. Suspended Licenses. Suspended licenses or licenses on probation shall be subject to the provisions of this regulation, but the issuance of a renewal license during the period of suspension shall not permit the license holder to practice occupational therapy as a L.O.T.R. or a L.O.T.A. until such time as the terms of the suspension have been satisfied or the period of probation has expired or the license has been reinstated.

THOMAS FISHER, Chairman
APPROVED BY AGENCY: June 17, 1987
FILED WITH LRC: June 24, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on August 21, 1987 at 10 a.m. in Room 141 of the State Capitol in Frankfort, Kentucky. Those interested in attending this hearing must contact the following in writing: Nathan Goldman, Office of the Attorney General, Room 120, State Capitol, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nathan Goldman
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. N/A

DEPARTMENT OF AGRICULTURE
(Proposed Amendment)

302 KAR 16:040. Correction of safety violations and right to re-inspection.

RELATES TO: KRS 247.232, 247.234, 247.236
PURSUANT TO: KRS 246.040, 247.232, 247.234, 247.236, 247.990
NECESSITY AND FUNCTION: To further clarify the procedure for determining the nature and severity of safety violations.

Section 1. If an inspector finds a condition on a ride or attraction which does not comply with KRS 247.232 through 247.236 and regulations of the department, the inspector shall determine whether said violation is one that cannot be corrected immediately within the meaning of KRS 247.234. If the inspector determines that said violation cannot be corrected immediately the inspector shall issue a stop operation order prohibiting the operation of such ride, attraction or part thereof found to be in violation. The safety inspector and the owner or operator may by agreement establish a time limit when such violation is to be corrected. After the expiration of such time period the owner or operator of said ride or attraction must either correct such violation and certify in writing to the commissioner that such violation has been corrected or request a further determination by the commissioner of the nature and severity of the safety violation in question. The stop operation order issued pursuant to this section shall remain in effect until the safety violation is repaired and verification of the repair is certified in writing to the commissioner or until a further determination requested by the owner reveals that the safety violation can be corrected immediately pursuant to Section 2 of this regulation.

Section 2. If upon a subsequent inspection requested pursuant to Section 1 of this regulation it is determined that the safety violation that is the subject of the stop operation order is one that can be corrected immediately the commissioner shall not charge the owner or operator the fee required pursuant to KRS 247.234.

Section 3. If in the opinion of the department's inspector, an amusement device or a temporary structure presents an imminent danger, he shall issue and attach a stop operation order against the use of the device or structure. Such order may not be removed until the device is made safe, and then only by the department or its designee; and in the meantime the device may not be used.

DAVID E. BOSWELL, Commissioner
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 2, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on August 28, 1987 at 1:30 p.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Thomas M. Troth, General Counsel, Department of Agriculture, Room 705 Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Charles Prebble
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: This method is the most feasible method.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. Will apply evenly to all amusement ride owners and operators.

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 July 15 [June 12], 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 (Amended 7/15/87)
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 (Deleted 7/15/87)]
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 (Deleted 7/15/87)]
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 (Amended 7/15/87)
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
27.20 Intensive Supervision
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: July 15, 1987
FILED WITH LRC: July 15, 1987 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 24, 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: 2110 employees of the Corrections Cabinet, 6633 inmates, 11,123 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 July 15 [June 12], 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 (Amended 7/15/87)
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
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08	Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery
KSR 08-00-09	Emergency Preparedness Training
KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure
KSR 09-00-05	Gate I Entrance and Exit Procedure

KSR 09-00-14 Use of Force
KSR 09-00-21 Crime Scene Camera
KSR 09-00-22 Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23 Drug Abuse Testing
KSR 09-00-25 Inmate Motor Vehicle Operator's License
KSR 09-00-26 Contraband Outside Institutional Perimeter
KSR 10-00-02 Special Management Inmates Operations, Rules and Regulations for Unit D
KSR 10-00-03 Special Needs Unit
KRS 10-00-04 Unit D Admission/Release Ticket
KSR 11-00-01 Meal Planning for the General Population
KSR 11-00-02 Special Diets
KSR 11-00-03 Food Service Inspections
KSR 11-00-04 Dining Room Dress Code for Inmates
KSR 11-00-06 Health Standards/Regulations for Food Service Employees
KSR 11-00-07 Early Chow Line Passes for Medically Designated Inmates
KSR 12-00-01 Inmate Summer Dress Regulations
KSR 12-00-02 Sanitation and General Living Conditions
KSR 12-00-03 State Items Issued to Inmates
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 7/15/87) [(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/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 14-00-05 Inmate Marriages [(Added 6/12/87)]
KSR 14-00-06 Inmate Legal Aides
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 Immate Control or Authority Over Other Inmate(s)
KSR 15-00-03 Governor's Meritorious Good Time Award
KSR 15-00-04 Restoration of Forfeited Good Time
KSR 15-00-05 Differential Status for SU (QUIT) Inmates
KSR 15-00-06 Inmate I.D. Cards [(Amended 6/12/87)]
KSR 15-00-07 Inmate Rules and Discipline - Adjustment Committee Procedures (Amended 7/15/87)
KSR 15-00-08 Firehouse Living Area
KSR 16-00-01 Visiting Regulations
KSR 16-00-02 Inmate Correspondence and Mailroom Operations
KSR 16-00-03 Inmate Access to Telephones
KSR 17-00-01 Housing Unit Assignment
KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 17-00-04 Assessment/Classification Center Operations, Rules and Regulations
KSR 17-00-05 Dormitory 10 Operations
KSR 17-00-06 Identification Department Admission and Discharge Procedures
KSR 17-00-07 Inmate Personal Property
KSR 18-00-01 Special Management Inmates - Unit D Classification
KSR 18-00-04 Returns from Other Institutions
KSR 18-00-05 Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 18-00-06 Classification
KSR 18-00-07 Special Notice Form
KSR 19-00-01 Inmate Work Incentives
KSR 19-00-02 On-the-Job Training Program [(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
KSR 21-00-02 Inmate Library Services
KSR 21-00-03 Library Services for Unit D
KSR 22-00-03 Inmate Organizations
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: July 15, 1987
FILED WITH LRC: July 15, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 24, 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: 533 employees of the Kentucky State Reformatory, 1439 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 July 15 [June 12], 1987 and hereinafter should be referred to as Kentucky State Penitentiary Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

KSP 000000-06	Administrative Regulations
KSP 010000-04	Public Information and Media Communication
KSP 020000-01	General Guidelines for KSP Employees
KSP 020000-02	Service Regulations, Attendance, Hours of Work, Accumulation and Use of Leave
KSP 020000-03	Work Planning and Performance Review (WPPR)
KSP 020000-04	Employee Disciplinary Procedure
KSP 020000-05	Proper Dress for Uniformed and Non-Uniformed Personnel
KSP 020000-06	Employee Grievance Procedure
KSP 020000-07	Personnel Registers and Advertisements
KSP 020000-09	Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files
KSP 020000-10	Overtime Policy
KSP 020000-15	Legal Assistance
KSP 020000-20	Equal Employment Opportunity Complaints
KSP 020000-23	Recruitment and Employment of Ex-Offenders
KSP 020000-24	Educational Assistance Program
KSP 020000-29	Promotional Opportunity Announcement Program
KSP 030000-01	Inventory Records and Control [(Amended 6/12/87)]
KSP 030000-04	Requisition and Purchase of Supplies and Equipment
KSP 030000-05	Inmate Personal Funds
KSP 030000-06	Inmate Commissary Program
KSP 040000-01	Management Information System [(Added 6/12/87)]
KSP 040000-02	Inmate Records [(Amended 6/12/87)]
KSP 040000-08	Inmate Equal Opportunity Policy
KSP 050000-14	Searches and Preservation of Evidence
KSP 060000-01	Special Security Unit [(Amended 6/12/87)]
KSP 060000-02	Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units
KSP 060000-04	Protective Custody Unit
KSP 060000-11	Criteria for Disciplinary Segregation and Incentive Time Reduction Program
[KSP 060000-12	Maximum Protective Custody (Deleted 7/15/87)]
KSP 070000-01	Hospital Services
KSP 070000-02	Sick Call
KSP 070000-03	Health Evaluations (Amended 7/15/87)
KSP 070000-04	Consultations
KSP 070000-05	Emergency Medical Procedure
KSP 070000-13	Pharmacy Procedures
KSP 070000-14	Medical Records
KSP 070000-16	Psychiatric and Psychological Services
KSP 070000-17	Dental Services for Special Management Units
KSP 070000-19	Optometric Services
KSP 070000-20	Menu Preparation and Planning
KSP 070000-24	Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 070000-25	Food Service Inspections
KSP 070000-30	Therapeutic Diets
KSP 090000-01	Inmate Work Programs [(Amended 6/12/87)]
KSP 090000-03	Correctional Industries
KSP 100000-02	Visiting Program
KSP 100000-03	Disposition of Unauthorized Property
KSP 100000-04	Inmate Grooming and Dress Code
KSP 100000-05	Procedures for Providing Clothing, Linens and Other Personal Items
KSP 100000-06	Inmate Mail and Packages
KSP 100000-07	Inmate Telephone Access
KSP 100000-08	Behavioral Counseling Record
KSP 100000-09	Due Process/Disciplinary Procedures
KSP 100000-11	Authorized and Unauthorized Inmate Property
KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 100000-15	Uniform Cell Standards for Fire Safety, Sanitation and Security [(Amended 6/12/87)]

KSP 100000-18	Inmate Grievance Committee Hearings
KSP 100000-20	Legal Services Program
KSP 100000-21	Photocopies for Non-Indigent Inmates with Special Court Deadlines
KSP 110000-03	Governor's Meritorious Good Time Award Committee
KSP 110000-04	Pre-Parole Progress Report
KSP 110000-06	General Guidelines of the Classification Committee
KSP 110000-07	Statutory Good Time Restoration
KSP 110000-08	Award of Meritorious Good Time
KSP 110000-10	Special Needs Inmates
KSP 110000-11	Classification Committee - Transfer Requests
KSP 110000-12	Classification Committee - Inmate Work Assignments [(Amended 6/12/87)]
KSP 110000-13	Classification Document
KSP 110000-14	Vocational School Placement
KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center (KCPC)
KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release
KSP 110000-19	Custody/Security Guidelines
KSP 120000-04	Academic Education
KSP 120000-07	Community Center Program [(Amended 6/12/87)]
KSP 120000-08	Inmate Furloughs [(Amended 6/12/87)]
KSP 120000-11	Religious Services - Staffing
KSP 120000-18	Religious Services - Religious Programming
KSP 120000-20	Marriage of Inmates
KSP 120000-24	Muslim Services
KSP 120000-31	Extended Furloughs
KSP 120000-32	Discharge of Inmates by Shock Probation
KSP 130000-10	Execution Plan

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: July 15, 1987
FILED WITH LRC: July 15, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 24, 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: 306 employees of the Kentucky State Penitentiary, 770 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 July 15 [June 12], 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 (Amended 7/15/87)
NTC 01-15-01	Establishment of the Warden as Chief Executive Officer
NTC 01-17-01	Relationships with Public, Media and Other Agencies
NTC 02-02-02	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 (Amended 7/15/87)
NTC 03-04-01	Shift Assignments and Transfers (Amended 7/15/87)

NTC 03-06-01 Worker's Compensation (Amended 7/15/87)
[NTC 03-07-01 Merit System Registers and Placement of Advertisements (Deleted 7/15/87)]
NTC 03-08-01 Procedures for New Employees Reporting for Employment (Amended 7/15/87)
NTC 03-09-01 Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File (Amended 7/15/87)
NTC 03-10-01 Employment of Ex-Offenders
NTC 03-11-02 Employee Suggestion System (Added 7/15/87)
NTC 03-13-01 Travel Reimbursement for Official Business and Professional Meetings (Amended 7/15/87)
NTC 03-14-01 Procedures for Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees (Amended 7/15/87)
NTC 03-14-02 Procedures for Promotional Opportunities (Amended 7/15/87)
NTC 03-15-01 Time and Attendance; Accumulation and Use of Accrued Time (Amended 7/15/87)
NTC 03-15-02 Procedures for Control of Excessive Leave Use [Sick Leave Abuse] (Amended 7/15/87)
NTC 03-15-03 Inclement Weather and Emergency Conditions (Amended 7/15/87)
NTC 03-16-01 Affirmative Action [Program] and [the Promotion of] EEO (Amended 7/15/87)
NTC 03-17-01 Employee Grievance Procedure (Added 7/15/87)
NTC 03-18-01 Educational Assistance Program (Amended 7/15/87)
NTC 03-18-02 Educational Achievement Award (Amended 7/15/87)
NTC 03-19-01 Holding of Second Jobs by Employees
NTC 03-21-01 Procedures for Employee Evaluation System (Amended 7/15/87)
NTC 04-01-01 Training and Staff Development
NTC 04-04-01 Firearms and Chemical Agents Training
NTC 06-01-01 Offender Records
NTC 06-01-02 Records - Release of Information
NTC 06-01-03 Taking Offender Record Folders onto the Yard
NTC 08-05-01 Duties of Fire 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)]
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
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
NTC 13-03-01 Sick Call and Pill Call
NTC 13-04-01 Utilization of Pharmaceutical Products [(Amended 6/12/87)]
NTC 13-05-01 Dental Services
NTC 13-06-01 Licensure and Training Standards
NTC 13-07-01 Provisions for Health Care Delivery
NTC 13-08-01 Medical and Dental Records
NTC 13-09-01 Special Diets
NTC 13-11-01 Inmate Health Screening and Evaluation
NTC 13-12-01 Special Health Care Programs [(Amended 6/12/87)]
NTC 13-17-01 Inmates Assigned to Health Services
NTC 13-19-01 Mental Health Care Program [(Amended 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
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

NTC 23-03-01	Marriage of Inmates
NTC 24-04-01	Honor Status
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: July 15, 1987
FILED WITH LRC: July 15, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 24, 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: 237 employees of the Northpoint Training Center, 718 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 July 15 [June 12], 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 09-09-01	Transportation of Inmate(s) (Added 7/15/87)
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 13-02-01	Health Care Services (Added 7/15/87)
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 (Amended 7/15/87)
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 22-00-02	Inmate Clubs & Organizations (Added 7/15/87)
WKFC 23-00-01	Religious Services (Added 7/15/87)
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: July 15, 1987
FILED WITH LRC: July 15, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 24, 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: 72 employees of the Western Kentucky Farm Center, 275 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.

JUSTICE CABINET
Department of Criminal Justice Training
(Proposed Amendment)

503 KAR 1:100. Certification of instructors.

RELATES TO: KRS 15.330(1)(a), (b), (d)
PURSUANT TO: KRS 15A.160
NECESSITY AND FUNCTION: KRS 15.330(1)(a), (b) and (d) authorize the Kentucky Law Enforcement Council to certify instructors at certified schools. This regulation prescribes standards and procedures for such certification.

Section 1. Council Authority. The council shall have the authority to certify all persons instructing in law enforcement training courses at certified schools. [However, since KRS 15.330(1)(b) provides that institutions of higher education shall be exempt from council requirements, representatives of such institutions may instruct at a certified school without council certification.]

Section 2. Application for Certification. Applications for certification and for certification renewal shall be made to the council. (The instructor certification form - KLEC Form 1 - is available from, and should be submitted to, the Kentucky Law Enforcement Council, Third Floor, Commonwealth Credit Union Building, High Street, Frankfort, Kentucky 40601.) To become certified, an applicant must meet the following requirements:
(1) Have three (3) years of law enforcement experience or experience in the specific field, subject matter or academic discipline to be taught; and
(2) Have earned a high school diploma or its equivalent as determined by the council.
(3) Have successfully completed an instructors' course approved by the council.

Section 3. The council may waive any training requirements for instructors who are licensed as professionals, including but not limited to: attorneys, physicians, nurses, etc. The council may also waive any training requirements for other experts provided; however, the reasons for waiver and the individual's qualifications shall be stated in the council's minutes. [Waiver of Requirements. The director of a certified school or his designee, if he deems it justified by exigent circumstances such as the last-minute unavailability of a scheduled instructor, may waive any or all certification requirements for a person whose qualifications in the area of instruction are deemed sufficient for such waiver.]
[(1) The certified school shall keep a written record of all such waiver situations. This record shall note:]
[(a) The terms of the waiver;]
[(b) The name and specific qualifications of the instructor;]
[(c) The subjects to be taught;]
[(d) The reasons for the waiver; and]
[(e) The dates on which the individual has had requirements waived in the past.]
[(2) The council shall have the authority to inspect the waiver records of all certified schools.]
[(3) A pattern of questionable waivers by a certified school shall be justification for council revocation of the school's certification under 503 KAR 1:080.]

Section 4. Application Process. Applications for instructor certification and renewal of certification shall be reviewed by the council. The council, at its first regular meeting after the review has been completed, shall vote whether to approve the applicant.

Section 5. Granting of Certification. If the council grants certification to an applicant, the council shall notify the applicant in writing within fifteen (15) days of the council's action.

Section 6. Instructor Certificate. The council shall issue a certificate stating that the person has been approved to instruct.

Section 7. Denial of Certification. The council shall deny certification to an applicant who fails to meet the requirements and shall revoke certification for demonstrated incompetence, immoral conduct, or other good cause. Any instructor who fails to instruct during the one (1) year period of certification shall be required to apply for reinstatement of certification and to meet such requirements as are deemed necessary by the council. When the council denies certification to an applicant or revokes certification or denies recertification or reinstatement of certification to an instructor, the council shall notify the person of the council's action in writing within fifteen (15) days.

Section 8. Length of Certification. Certification shall be for a period of one (1) year. At the end of the one (1) year period, certification may be renewed by the council if the instructor has instructed in an approved course provided by a certified school during that year and if the instructor, if he instructed at a certified school, has been recommended by the director of the certified school. After five (5) years of continuous certification, the council may certify an instructor for a five (5) year period.

Section 9. Monitoring of Instructors. The council shall, when practical, monitor each instructor during the one (1) year period of certification to determine if the instructor is teaching to the stated goals and objectives of the course and is meeting generally accepted standards of the teaching profession.

Section 10. Instructor Directory. Each certified instructor shall be listed in an official directory of the council which shall identify each subject that the instructor has been certified to instruct. The directory shall be published in the form of a notebook, allowing for changes through the use of supplements. The council shall publish annual supplements to the directory by December 31 of each year and the supplements shall include all certification changes, including additions, deletions and renewals, for the year. The council shall provide each certified school and the fund administrator with a copy of the directory.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 23, 1987
FILED WITH LRC: July 2, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 25, 1987, at 10 a.m. in the Stratton Building, Eastern Kentucky University, Richmond, Kentucky. Anyone interested in attending this hearing shall notify, in writing at least five days before the hearing, the following individual: A. Jack May, Department of Criminal Justice Training, 107 Stratton, Eastern Kentucky University, Richmond, Kentucky 40475.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: A. Jack May
(1) Type and number of entities affected: Uncertified law enforcement instructors.
(a) Direct and indirect costs or savings to those affected: N/A. The waiver provision will be decided by the Kentucky Law Enforcement Council instead of the school as provided by statute.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Minimal change. K.L.E.C. must approve any waiver in its minutes.
(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: Minimal. K.L.E.C. must approve any waiver in its minutes.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. It is not applicable.

TRANSPORTATION CABINET
(Proposed Amendment)

600 KAR 2:010. Toll assessment on turnpikes.

RELATES TO: KRS 175.450, 175.470, 175.520
PURSUANT TO: KRS 174.080, 175.470, 175.520
NECESSITY AND FUNCTION: KRS 175.450 authorizes the Turnpike Authority to fix, revise, charge, and collect tolls for transit over each turnpike project except to the extent that this authority is surrendered to the Department of Highways pursuant to a lease. This authority has been surrendered to the Department of Highways. This administrative regulation has been promulgated to establish the tolls to be collected at each toll collection station for each vehicle classification.

Section 1. The toll schedules set forth in TC34-12, "Transportation Cabinet, Division of Toll Facilities, Toll Schedule" revised August 1984 and the Vehicle Classification Chart, Form TC34-15, revised <u>March, 1987</u> [February 1, 1985] are hereby adopted and incorporated by reference as a part of this administrative regulation. All vehicles except those exempted by 600 KAR 2:020 [and vehicles owned by the Commonwealth and operated by the Kentucky National Guard and the Kentucky Transportation Cabinet] must pay the toll shown on the toll schedule for each vehicle classification.

B. D. HENSON, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner

APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 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 August 16, 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 vehicle operators in the Commonwealth who use the toll roads.
(a) Direct and indirect costs or savings to those affected:
1. First year: $7 million savings.
2. Continuing costs or savings: $7 million per year.
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: $7 million loss.
2. Continuing costs or savings: $7 million per year.
3. Additional factors increasing or decreasing costs: The loss is mitigated by reduction in workforce on the Mountain and Western Kentucky Parkways.
(b) Reporting and paperwork requirements: Bookkeeping no longer required on those two parkways.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None. The two toll roads were freed, therefore, the toll fee schedule had to be amended.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes

TRANSPORTATION CABINET
(Proposed Amendment)

600 KAR 2:020. Emergency vehicles and vehicles in processions on the toll roads.

RELATES TO: KRS 175.450, 175.470, 175.520
PURSUANT TO: KRS 174.080, 175.470, 175.520
NECESSITY AND FUNCTION: The Department of Highways is authorized to charge and collect toll for transit over each turnpike project. The department has determined that emergency vehicles operating on the turnpikes toll roads should be exempt from paying tolls during the time of an emergency. Further, Transportation Cabinet and Kentucky National Guard vehicles should not pay the toll and are exempted by the provisions of this regulation. The administrative regulation also sets forth the manner in which emergency vehicles and vehicles in processions may be processed through a toll collection station.

Section 1. Ambulance Transportation Services. (1) The Transportation Cabinet shall establish a nonpaying toll road identification card account for each ambulance transportation service licensed by the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board in accordance with 902 KAR 20:115.
(2) During emergency trips on a toll road when the emergency lights of an ambulance are flashing, the toll collector shall pass the ambulance through the least congested lane of a toll collection station without attempting to stop or process the vehicle.
(3) Each ambulance owned by a licensed ambulance transportation service may be issued a nonpaying identification card for use on the toll road during trips not involving an emergency. The identification card may be presented in lieu of a toll payment by the driver of the ambulance at a toll collection station. The identification card shall not be used except for official business.

Section 2. State Police Vehicles. (1) The Transportation Cabinet shall establish a nonpaying toll road identification card account for the Kentucky State Police.
(2) During emergency trips on the toll roads when the emergency lights of a Kentucky State Police vehicle are flashing, the toll collector shall pass the state police vehicle through the least congested lane of traffic without attempting to stop or process the vehicle.
(3) The Kentucky State Police shall [will] be issued nonpaying identification cards for use by their employees on the toll roads during trips not involving an emergency. The identification card may be presented in lieu of toll payment at a toll collection station. The identification card shall not be used except for official business.

Section 3. Emergency Fire Department Vehicles, Local Police Vehicles, and Other Emergency Vehicles. (1)(a) During emergency trips of fire department, local police or other emergency vehicles on a toll road when the emergency lights of the vehicle are flashing, the toll collector shall pass the emergency vehicle through the least congested lane of traffic without attempting to stop or process the vehicle.
(b) When the fire department, local police, or other agency has been called out by the Division of Toll Facilities under emergency conditions, the return passage, although it may [will] not be under emergency conditions, shall also be toll free.
(2) During trips on the toll roads not involving an emergency, the operator of the vehicles set forth in this section must stop at each toll collection station and pay the toll as required by 600 KAR 2:010, Toll assessment on turnpikes.

Section 4. Funeral Processions, United States Military Convoys, and Other Processions. Each vehicle in a funeral, United States military, or other type convoy or procession is required to pay the toll at each toll collection station. Arrangements may be made to allow all vehicles in

the convoy to pass through the toll collection station using one (1) or more credit cards by contacting the Transportation Cabinet, Division of Toll Facilities, State Office Building, Frankfort, Kentucky 40622, in advance of the convoy date(s). The convoy or procession may request a special procession credit card from the Division of Toll Facilities.

Section 5. The Transportation Cabinet shall establish a nonpaying toll road identification card account for the Kentucky Transportation Cabinet. A Transportation Cabinet employee while in the discharge of his official duties on the toll roads may be issued a nonpaying identification card to be used on the toll road during trips not involving an emergency. The identification card may be presented in lieu of toll payment at a toll collection station. The identification card shall not be used except for official business.

Section 6. The Transportation Cabinet shall establish a nonpaying toll road identification card account(s) for the Kentucky National Guard. The Kentucky National Guard may be issued nonpaying identification cards for use by their employees on the toll roads during trips not involving an emergency. The identification card may be presented in lieu of toll payment at a toll collection station. The identification card shall not be used except for official business.

B. D. HENSON, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 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 August 16, 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: Emergency vehicles, vehicles in processions, national guard vehicles and Transportation Cabinet vehicles.
(a) Direct and indirect costs or savings to those affected: None due to the amendment of 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: None due to amendment of this regulation.
(2) Effects on the promulgating administrative body: None due to amendment of this regulation.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Combined with the changes in 600 KAR 2:010 there is no effective change in procedure or policy. Changes are cleanup only. Accomplished prior to codification of all regulations.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes

TRANSPORTATION CABINET
Department of Fiscal Management
(Proposed Amendment)

600 KAR 2:030. Toll road credit cards.

RELATES TO: KRS 175.450, 175.470, 175.520
PURSUANT TO: KRS 174.080, 175.470, 175.520
NECESSITY AND FUNCTION: Tolls are charged on Kentucky's turnpike or toll road system in accordance with 600 KAR 2:010. Some companies and individuals make extensive use of the toll roads. To simplify payment for such companies or individuals, the Transportation Cabinet [department] has promulgated this administrative regulation to establish eligibility criteria for a credit card account, the application, the billing procedures, and the account termination.

Section 1. Application for a Toll Road Credit Card. Applicants for a commercial toll road credit card account must submit a completed form TC34-39, "Application for Credit Card Account" to the Transportation Cabinet. Forms are available from and must be submitted to the Transportation Cabinet, Division of Toll Facilities, 9th Floor, State Office Building, Frankfort, Kentucky 40622. (Phone No. 502/564-4644)

Section 2. Credit References. (1) On the "Application for Credit Card Account" the applicant must list at least three (3) companies as credit references including at least one (1) bank. Upon receipt of the completed application, the Transportation Cabinet shall request a credit status from each company. A positive credit status must be received from three (3) companies including at least one (1) bank or the credit card account shall be denied.
(2) If in addition to the three (3) positive credit status reports a negative report is received, the Transportation Cabinet may deny the company or individual a credit card account.

Section 3. Minimum Use. (1) Because of the cost of administering this program, all credit card accounts shall maintain a minimum monthly usage average of twenty-five (25) dollars for any six (6) month period.
(2) A company or individual whose business is seasonal may make special arrangements with the Transportation Cabinet [to maintain a minimum monthly usage average of twenty-five (25) dollars for a time period other than six (6) months].
(3) Failure of a company or individual to

maintain the [above] required minimum credit card usage may result in cancellation of the credit card account.

Section 4. Bill and Payment. (1) Each active credit card account shall be sent an itemized bill by the Transportation Cabinet on a monthly basis.

(2) The payment due date shall [must] be included on each billing. The payment due date shall [must] be at least twenty-five (25) days from the date the bill is mailed to the credit card customer.

(3) The credit card customer shall [must] pay his bill by the due date.

(4) If the credit card customer is delinquent in paying his bill, the credit card account may be cancelled. Any credit card account which has been delinquent more than five (5) times during the life of the account may be permanently cancelled.

(5) If a credit card customer's payment check is returned to the Transportation Cabinet for insufficient funds, the account shall be cancelled immediately.

(6) After cancellation of a credit card account, the credit card customer may apply in writing for reinstatement of his account. Reinstatement is at the sole discretion of the Transportation Cabinet.

Section 5. No Charge for Credit Card Service. (1) The Transportation Cabinet shall impose no charge for maintaining the credit card accounts which includes issuance of cards, replacement of cards, billing and payment processing.

(2) Each credit card customer must pay all toll charges made by any person using any credit card assigned to the associated credit card account unless and until the Transportation Cabinet, Division of Toll Facilities, has received notice that the credit card has been lost, stolen or cancelled.

Section 6. Cancellation. The Transportation Cabinet may cancel a credit card account for any reason stated in this administrative regulation and also for any reason which the cabinet, in its sole discretion, determines to be good cause for such cancellation.

Section 7. Return of Cards. If for any reason a credit card is cancelled, the credit card customer shall immediately return it to the Transportation Cabinet, Division of Toll Facilities.

B. D. HENSON, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 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 August 16, 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 toll road credit card customers in the Commonwealth.
(a) Direct and indirect costs or savings to those affected: Change in policy will permit seasonal businesses more flexibility in use of credit cards.
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: Should allow more businesses to make use of the credit card system.
(a) Direct and indirect costs or savings: Cabinet will incur slight increase in administrative cost in operating the credit card system.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Artificial constraints on seasonal businesses were lifted. The only alternative, make no changes, was therefore rejected.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 1:115. Taxicabs.

RELATES TO: KRS Chapter 281
PURSUANT TO: KRS 281.600
NECESSITY AND FUNCTION: This regulation provides general procedures for operation of taxicab business as it pertains to information that must be filed with the cabinet.

Section 1. Procedure; Sale or Transfer of Taxi Certificate. Upon the filing of an application for approval of a sale or transfer of a taxicab certificate or portion thereof, the cabinet shall issue notice in accordance with 601 KAR 1:070. In the event no protest is filed in accordance with 601 KAR 1:030, the commissioner may approve the sale and transfer without a hearing. This shall be construed to include the sale or transfer of the right to operate one (1) or more taxicabs [where such sale or transfer is of a number of cabs less than the total amount authorized to be operated by the original certificate, and where an additional certificate may be created thereby]. Should the applicant receive no notification from the cabinet prior

to the date set for hearing, an appearance shall be made at the time and place set forth in the notice thereof prepared to proceed with the case.

Section 2. Taxicab Operations. All taxicab certificates shall [will] be issued to allow operations [operate] at a designated town or city, and all operations shall [must] be in [at] or originate from such designated town or city. An operator who has secured a certificate to operate at a designated town or city shall [will] not be permitted to change the place of operations. Operations from any city or town other than designated in the certificate shall constitute a cause for suspension or cancellation of the certificate.

Section 3. List of Drivers. All taxicab operators shall maintain a complete list of the taxi drivers employed by such operator. This list shall be on file at the office or cab stand of such operator, and shall [will] be available for inspection at any time. This list shall contain the name, address, age and driver or chauffeur's badge number of each driver and all changes of drivers shall be promptly noted on said list.

Section 4. Decrease in Number of Cabs Operated. Whenever any taxicab operator desires to decrease the number of cabs which he has in operation, he may do so by notifying the cabinet and surrendering the tag or tags issued to such cab or cabs by the cabinet. Should any taxicab operator, at any time during the same year, desire to replace in operation any cab so dropped, he shall [must] do so by notifying the cabinet and procuring the proper tag or tags. If the cabs which are dropped are not properly replaced in operation within three (3) years of the next renewal date of the taxicab certificate, such cabs so dropped and not replaced shall [will] constitute a forfeiture of such cabs, and an application shall [will] be necessary before the replacement of such cabs will be authorized.

Section 5. Trip Records. All taxicab operators certificated to operate one (1) or more taxicabs from a city of the first or second class within the Commonwealth or operating into such a city in intrastate commerce with a point of origin or destination outside this state, shall maintain an accurate record of the origin, destination and date of all trips made by each of its licensed taxicabs. These records may be the daily log reports kept by the drivers. These origin and destination reports shall be kept by the operator for at least one (1) year and shall be available for inspection by the Transportation Cabinet.

Section 6. Taxicab Identification Cards. An application or renewal application for a Kentucky taxicab identification card and plate shall be made on forms prescribed and furnished by the Department of Vehicle Regulation for each vehicle to be operated as a taxicab. The applicant must provide at a minimum the complete vehicle identification number, year, make and seating capacity for the vehicle. In addition, the Kentucky license plate number and name of the lessor, if the vehicle is leased, shall also be provided.

Section 7. Taxicab Identification Card Renewal. Each Kentucky taxicab identification card and plate shall be renewed annually on or before December 31.

JOHN PENROD, Commissioner
C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: June 23, 1987
FILED WITH LRC: July 14, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on the administrative regulation on August 24, 1987, at 2 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 August 19, 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 taxicab motor carriers operating in Kentucky.
(a) Direct and indirect costs or savings to those affected: None, the primary change in the regulation just sets forth the procedure the carrier must follow to obtain the required taxicab identification card and the card's expiration date.
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: Carriers are annually required to apply for a taxicab identification card for each taxi operated.
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The taxicab identification card has long been required but the Transportation Cabinet had never set forth the application procedures. The do-nothing alternative was rejected in order for the cabinet to comply with KRS Chapter 13A.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All taxicab motor carriers should be treated the same.

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 2:010. General procedures.

RELATES TO: KRS Chapters 186 and 281
PURSUANT TO: KRS [13.082,] 186.050, 281.600, 365.015
NECESSITY AND FUNCTION: This regulation sets forth general procedures of the Department of Vehicle Regulation that are not specifically covered by topics in other regulations. This regulation is to provide for a more orderly operation of the department.

Section 1. No Sale Or Transfer Until Operation Begins. An application for sale, lease or transfer of a certificate will not be considered by the department unless the holder of the certificate has actually started operation under the certificate except that the commissioner may consider such an application if, in his opinion, it would be to the best interest of the traveling or shipping public.

Section 2. Method of Payment; Exception. The department will accept personal checks, corporate checks, certified checks, cashier's checks, money orders or cash for payment of fees and/or taxes owed to the Commonwealth that are the responsibility of the department to collect; except, however, the payment of apportioned registration licensing fees and payment to replace a check for which there was insufficient funds shall be made only by certified checks, cashier's checks, money orders, or cash.

Section 3. Citations. All citations issued by the Department of Vehicle Regulation shall be governed by 601 KAR 1:095 [the rules and regulations] pertaining to the procedure on complaints, except that the citation shall constitute the thirty (30) day notice required in 601 KAR 1:030 to be given by the department.

Section 4. Trade Name. Where any person operating a motor carrier is the sole owner of such business and is doing business under a trade name, a declaration of ownership must be filed with the county court clerk of the county in which the main office of such business is located, and a copy of the declaration of ownership must be also filed with the department.

Section 5. Declaration of Partnership. Where two (2) or more persons are operating a motor carrier as a partnership, a declaration of partnership must be filed with the county court clerk of the county in which the main office of the said business is located, and a copy of the declaration of partnership must also be filed with the department.

Section 6. Custodian of Records. The Commissioner of the Department of Vehicle Regulation is the [official] custodian of the records of the department. However, the commissioner may designate the deputy commissioner, appropriate division director or other qualified and legally appropriate person to certify as to the authenticity of a particular record or to act on behalf of the commissioner in any other matter pertaining to records maintained by the department. Any person who desires to obtain a copy of any record of the cabinet shall make a request therefor to the proper custodian, and a fee of ten (10) [fifty (50)] cents per page shall be charged for each copy furnished unless a fee for the record has been established by another administrative regulation.

Section 7. Financial Statements. Financial statements required to be filed with applications shall be completed on the form prescribed and furnished by the department and shall be prepared so as to reflect the financial condition as of the end of the last calendar quarter preceding the date of the filing of the application. Such financial statements shall make no provision for, nor assign any value to, certificates or permits whether interstate, or intrastate held by the applicant. All financial statements filed with the applications shall be notarized or attested by the applicant, or, if the applicant is a corporation, a responsible official of same. Financial statements filed with applications for the sale, transfer or assignment of the controlling stock of a corporation or such a portion of the stock of a corporation as will vest the controlling stock of the corporation in another shall be the financial statements of the corporation the stock of which is being transferred.

Section 8. Change of Name. Any authorized carrier may effect a change in the trade, assumed or corporate name under which it conducts its business by making written application therefor to the department and by furnishing evidence to the department of compliance with the applicable Kentucky laws regarding the use of trade or assumed names.

Section 9. Papers To Be Carried On Common Carrier Vehicles and Available For Inspection. Every vehicle being operated as a common carrier of property in intrastate or interstate commerce shall carry in the possession of the driver thereof, a manifest, bills of lading, freight bills, or other such similar papers, covering the intrastate or interstate freight carried by that vehicle. The manifest, bills of lading, freight bills, or other such shipping documents may be of any form within the carrier's discretion, but must clearly show the name of the carrier, the name of the shipper, the name of the consignee, and the address of each. Such manifest, bills of lading, freight bills or other such shipping documents shall be made available for inspection to any authorized officer upon demand.

Section 10. Report of List of Stockholders. Every corporation which is a holder of a certificate or permit, except a U-Drive-It permit, authorizing the transportation of persons or property in intrastate commerce in Kentucky shall have on file with the department a report setting forth the names and addresses of every stockholder in the corporation owning ten (10) percent or more of the voting stock of the corporation and the percentage of stock owned by each. Quarterly thereafter, every such corporation shall file a similar report in the event there has been any change in the list of stockholders owning ten (10) percent or more of the voting stock since the last report filed.

Section 11. Prohibited Operations. It shall be illegal for any carrier to transport either persons or property, for hire, to or from a location in Kentucky which is:
(1) known to the carrier or its employees engaged in the pick up or delivery as a place where unlawful gambling or other illegal activity is conducted; or
(2) notoriously known as a place where unlawful gambling or other illegal activity is conducted or carried on.

Section 12. Violation of this regulation by the carriers or its employees shall be grounds for denial of reciprocal privileges, revocation of authority or denial of an application for renewal of operating authority.

JOHN K. PENROD, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 18, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 24, 1987 at 8:30 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 19, 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 persons doing business with the Department of Vehicle Regulation.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Changes are cleanup and clarification only. Accomplished prior to codification of all regulations.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. General Procedures only - tiering not applicable.

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 9:010. Motor carrier registration.

RELATES TO: KRS 186.276, 186.281, 281.720
PURSUANT TO: KRS 281.600
NECESSITY AND FUNCTION: This regulation establishes guidelines for purchase or transfer of a motor vehicle license plate for certain motor carriers [tag].

Section 1. Evidence of Ownership of Buses. Any person desiring to obtain any license plate [or tag] for a bus operated pursuant to a certificate of public convenience and necessity issued by the Department of Vehicle Regulation must submit to the department a [bill of sale,] certificate of title or other satisfactory evidence of ownership of the bus to be licensed. No such bus shall be licensed unless the [bill of sale,] certificate of title or other satisfactory evidence of ownership indicates that the person applying for the license plate [or tag] is the [licensed] owner of the bus or lessee thereof.

Section 2. Disposition of License Plate [Tag] upon Sale or Transfer of Vehicle. When any motor vehicle licensed by the department is sold or transferred to a person who is the present holder of a valid certificate or permit, and who intends to operate the motor vehicle as a for-hire passenger carrier [for purposes authorized by such license] and consistent with his certificate or permit, a license plate [tag] may, upon approval by the department, be transferred to the purchaser or lessee. The transferee of such a vehicle and license plate shall not commence operation of the motor vehicle bearing the license plate before notifying the department of the transfer and obtaining approval of the department.

Section 3. Transfer of License Plate [Tags]. No person shall transfer a license plate issued by the department from one motor vehicle to another without prior approval of the department.

JOHN PENROD, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 25, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 24, 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 intends to attend this hearing must in writing by August 19, 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: Applicants for motor carrier registration - emphasis on buses.
(a) Direct and indirect costs or savings to those affected: None as a result of the changes to this administrative 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: A bill of sale is no longer considered satisfactory proof of vehicle ownership and will no longer be accepted as such.
(2) Effects on the promulgating administrative body: None as a result of the changes to this administrative regulation.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected since Kentucky now has a title law and a bill of sale is no longer considered proof of ownership.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 9:012. Personalized license plates.

RELATES TO: KRS 186.174
PURSUANT TO: KRS 186.174
NECESSITY AND FUNCTION: KRS 186.174[, as enacted by the 1976 General Assembly,] empowers the Transportation Cabinet to adopt [rules and] regulations to implement the provisions as set forth therein for the issuance of a personalized license plate. This regulation is intended to implement the provisions of KRS 186.174.

Section 1. In the event more than one (1) application is received by the cabinet requesting the same combination of letters of the alphabet and/or Arabic numerals, the application received first is the one which the cabinet shall accept and issue a personalized license plate based thereon. In order to establish the time of receipt each application shall immediately be time-stamped. This time-stamp shall also be used by the cabinet to determine whether the application was timely received.

Section 2. The application period for the obtaining of a personalized plate shall be from April 1 through September 1 of the year preceding that in which the plate is to be issued. [Applications received before April 1 or after September 1 during the year preceding that in which the plate is to be issued shall be rejected.]

Section 3. No personalized plate shall be placed on a motor vehicle other than the one for which it was issued.

Section 4. A personalized plate shall be obtained from the county clerk of the county in which the applicant would be required to register his vehicle. If an applicant moves to another county prior to the time he would be required to obtain his personalized plate, he shall notify the cabinet of the new county of residence and the cabinet shall forward his personalized plate to the clerk of such county. If an applicant moves to another county after the time he would be required to obtain his personalized plate, he shall notify the cabinet, the county clerk of his new county of residence, and the county clerk of his old county of residence. The county clerk of the applicant's former county of residence shall, upon notification, forward the plate to the applicant's new county of residence.

Section 5. If a personalized plate is issued through oversight or any other reason which carries letter or number combinations offensive to good taste and decency, it shall be recalled by the cabinet and the regular tag issued under KRS 186.050(1) shall be obtained by the owner of the motor vehicle and placed on the vehicle. <u>If the personalized plate is recalled, the twenty-five (25) dollar fee shall be refunded</u>.

Section 6. If a personalized plate is not renewed before September 1 of the year preceding that in which it was to be issued, the cabinet shall not issue a plate bearing the same letter or number combinations for one (1) year and then only upon proper application.

JOHN K. PENROD, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 10, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 24, 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 August 19, 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: Applicants for personalized license plates.
(a) Direct and indirect costs or savings to those affected: The cabinet will now refund money for recalled license plates. Each applicant so effected will receive $25.
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: Removed restrictions on when applications could be submitted.
(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: Can now receive applications at any time.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected because the application submission dates were confusing to the public and because if the cabinet made the mistake in issuing aplate, the applicant should not have to pay the cost.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All applicants should be treated the same.

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 9:013. National Guard license plates.

RELATES TO: KRS 186.173
PURSUANT TO: KRS 186.173
NECESSITY AND FUNCTION: KRS 186.173 [as enacted by the 1976 General Assembly and amended by the 1984 General Assembly,] empowers the Transportation Cabinet to adopt [rules and] regulations to implement the provisions as set forth therein for the issuance of a National Guard license plate. This regulation is intended to implement the provisions of KRS 186.173.

Section 1. A license plate issued under the provisions of KRS 186.173 may be validated for future years registration by the placing of a decal thereon.

Section 2. Before a vehicle bearing a National Guard plate may be sold or transferred, the member of the National Guard owning such a vehicle shall apply to the county clerk and for a clerk's fee of one (1) dollar be issued a regular registration plate and certificate of registration. Such sale or transfer shall occur simultaneously with such registration.

Section 3. A member of the National Guard may have the special plate transferred from one (1) vehicle to another, if both vehicles are owned by him. To accomplish this transfer, he must purchase a regular registration plate for the vehicle from which the National Guard plate is removed and pay the appropriate fees for having the National Guard plate changed from one (1) vehicle to another.

[Section 4. The only vehicle which may bear and use a National Guard plate, under the provisions of KRS 186.173, is a vehicle of a kind required to be licensed under the provisions of KRS 186.050(1) excluding taxicabs, airport limousines and U-Drive-Its.]

Section 4. [5.] When a person, under the provisions of KRS 186.173, takes the National Guard license plate to the county clerk for reissuance or cancellation, such plate shall be accompanied by the registration receipt and any and all other required documents.

Section 5. [6.] In the event a National Guard license plate is lost or stolen, the owner thereof may secure another National Guard license plate by the making of an affidavit and the payment of the fees as set forth in KRS 186.180.

Section 6. [7.] No National Guard license plate shall be used on a motor vehicle other than the one for which it was issued.

Section 7. [8.] If the applicant for a National Guard license plate is a National Guard retiree, such application must be signed by the custodian of military records, Department of Military Affairs. The custodian's signature shall certify that the applicant is a retiree of the Kentucky National Guard with twenty-five (25) years of service.

JOHN K. PENROD, Commissioner
C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: June 10, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 24, 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 August 19, 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: Applicants for National Guard license plate.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The amendment was required to bring the regulation into conformance with the authorizing statute.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None now
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to

harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All applicants should be treated alike.

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 9:015. Registration of motor vehicle dealers; use of dealer plates.

RELATES TO: KRS 186.070
PURSUANT TO: KRS 174.080, 186.070
NECESSITY AND FUNCTION: This regulation requires the county [court] clerk to place the dealer's license number on the face of the dealer registration certificate. This provides a method of checking to whom dealer's plates have been issued and to assure that the dealer is properly licensed.

Section 1. The county [court] clerk, before issuing a dealer or manufacturer a certificate of registration and plate as provided by KRS 186.070, shall require each applicant to present a license issued by the Motor Vehicle Commission showing that he has qualified as a motor vehicle dealer or manufacturer as provided by KRS Chapter 190. The clerk shall insert on the face of the dealer registration certificate the license number issued by the Motor Vehicle Commission.

Section 2. Each manufacturer and dealer shall file the verified statement required by KRS 186.070(2)(a) on forms prescribed and furnished by the Transportation Cabinet. [A motor vehicle bearing a dealer's license plate may be used only by a person holding a valid license as a manufacturer, dealer, wholesale distributor or salesman issued by the Motor Vehicle Commission, pursuant to KRS Chapter 190 or by an employee of a manufacturer or dealer. A dealer's license plate may be used on the highways by the licensed dealer or by a bona fide salesman or employee of the dealer at all times or by any manufacturer or dealer licensed as provided above in transporting any motor vehicle over the highways of this state to his place of retail business from a manufacturer or wholesale dealer in motor vehicles. The name of each employee and salesman of a manufacturer or dealer entitled to use a dealer's license plate shall be recorded with the county court clerk and, in addition, a salesman shall have upon his person a salesman's license issued by the Motor Vehicle Commission. Any dealer in motor vehicles may allow any bona fide customer or the customer's employees to use the dealer's license plate on the motor vehicle that is being demonstrated. This provision shall be limited to one (1) trip or demonstration to the same prospective customer.]

JOHN PENROD, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 10, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 24, 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 August 19, 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 applicants for a dealer license plate.
(a) Direct and indirect costs or savings to those affected: None as a result of the changes in this administrative 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: A new form for application is required. The authorizing statute mandates that the verified statement be filed.
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Additional information on dealer plates will now be retained in the AVIS computer system..
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The amendments were necessary to comply with the changes enacted in the authorizing statutes.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All applicants should be treated alike.

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 9:040. Reciprocity.

RELATES TO: KRS Chapters 138, 186, 281
PURSUANT TO: KRS 281.600, 281.610, 281.750, 281.752
NECESSITY AND FUNCTION: KRS Chapters 138, 186 and 281 require the Transportation Cabinet to administer and enforce motor vehicle laws and the highway use tax laws and to regulate the transportation of persons and property for hire. This administrative regulation establishes the identifying documents required, and the fees therefor, necessary to enforce and administer the requirements of these laws.

Section 1. In General. Before a motor carrier is entitled to reciprocity whereby the operation of its motor vehicles engaged exclusively in interstate commerce is exempted from payment of

registration fees as required by KRS [Chapter] 186.050, or seat [and mileage] taxes as required by KRS [Chapter] 186.276-186.286, there shall be a reciprocity agreement between the Commonwealth of Kentucky and the state in which the motor carrier's equipment should be and is properly licensed. In determining whether a motor vehicle is entitled to reciprocity, the law of Kentucky dealing with reciprocity, administrative regulations of the cabinet, and the reciprocity agreements between the states involved shall be the determining factors.

Section 2. Identification Cards for Vehicles Operating Under Reciprocity Agreements. Before any motor vehicle operated under a reciprocity agreement and [as described in KRS 281.011(3), (4) and (5) and any other motor vehicle] operated by a motor carrier as described in KRS 138.655(5) and (7) and KRS 281.011(3), (4) and (5) shall be entitled to reciprocal privileges when operating in interstate commerce in Kentucky and entitled to use the highways of this state, the owners and operators shall apply to the Transportation Cabinet for a motor vehicle identification card. Such application shall be made on forms prescribed and furnished by the cabinet and shall be accompanied by a fee of ten (10) dollars for each motor vehicle identification card applied for. Such card shall be carried in the cab of the motor vehicle at all times. Failure to display this card shall constitute a violation of KRS 281.750 or 281.752 [the cabinet's administrative regulations].

Section 3. Identification Cards for Vehicles Licensed in Kentucky. Before any motor vehicle registered and licensed in Kentucky and [as described in KRS 281.011(3), (4) and (5) and any other motor vehicle] operated by a motor carrier as described in KRS 138.655(5) and (7) and KRS 281.011(3), (4) and (5) can be operated in intrastate commerce or interstate commerce, such vehicle must have a vehicle identification card, which card must be carried in the cab of the vehicle at all times. The owner or operator of such vehicle shall apply to the Transportation Cabinet for the motor vehicle identification card. The application shall be on forms prescribed and furnished by the cabinet. No fee shall be charged by the cabinet for the issuance of this card. [The identification card will be completed by the motor carrier and returned to the cabinet for validation.] Failure to display this card shall constitute a violation of KRS 281.750 or 281.752 [the cabinet's administrative regulations].

Section 4. Information to be Set Out on the Identification Cards. Identification cards shall be issued annually upon payment of the prescribed fee and upon compliance with all statutory requirements and appropriate administrative regulations. The card shall contain a designation of "private carrier" or "for hire carrier"; the name and address of the holder; the identification of the vehicle; such other information as may be required; and in addition, shall have thereon the KYU license number issued to the owner or operator by the Transportation Cabinet under KRS 138.655 for the use of gasoline and special fuels on the public highways of this state.

Section 5. Temporary Identification Documents. (1) Notwithstanding the provisions of Sections 2 and 3 of this administrative regulation, any operator of a motor vehicle qualified to operate intrastate or interstate in Kentucky and using either a leased or owned vehicle may elect to obtain a thirty (30) day emergency permit issued by the cabinet for a fee of ten (10) dollars each, which must be displayed in the cab of the vehicle, as identification for such vehicle. The motor carrier to whom a thirty (30) day emergency permit is issued is responsible for the proper use of such permit by the lessor. The motor carrier shall write in ink on each thirty (30) day emergency permit issued to it the date of execution. The thirty (30) day emergency permit shall be removed from the vehicle and destroyed at the expiration of the lease or thirty (30) days, whichever is shorter. Any vehicle operating with a thirty (30) day emergency permit which has not been dated as required herein shall be deemed to be operating without identification and the motor carrier shall be subject to the penalties provided by law.

(2) Effective February 1, 1987, notwithstanding the provisions of Sections 2 and 3 of this administrative regulation, any operator of a vehicle qualified to operate intrastate or interstate in Kentucky may elect to obtain a temporary authority permit in lieu of an annual vehicle identification card. The temporary permit shall be issued for a period not to exceed ten (10) days. Temporary permits may be issued in person, by mail or transmitted collect on delivery via designated wire or transmittal company. The fee for this permit is ten (10) dollars plus any applicable transmittal charges when transmitted collect on delivery via designated wire or transmittal company to a requested location. The permit shall contain the same information as set forth on the annual vehicle identification card and must be displayed in the cab of the vehicle while it is operating in Kentucky.

(3) Any operator of a motor vehicle subject to the supplemental highway use tax imposed by KRS 138.660(4) may elect to purchase a ten (10) day supplemental highway use (SHU) tax permit in lieu of obtaining an annual supplemental highway use tax decal. The charge for the SHU tax permit is fifty (50) dollars. Such permit may be transmitted collect on delivery via designated wire or transmittal company to a requested location. This temporary tax permit may be purchased in person or by mail, provided all other pertinent requirements have been met. The tax permit must be displayed in the cab of the vehicle at all times while operating in Kentucky.

(4) For the purpose of convenience for permit applicants and of the cabinet, any and all permits requested by an applicant may be combined and transmitted in one (1) document.

Section 6. Itinerant Truckers. Motor vehicles used by itinerant truckers, salesmen, solicitors and peddlers to transport merchandise to be sold and disposed of in Kentucky, while upon or from a public highway or street, shall not be entitled to reciprocal privileges while in Kentucky except where contrary provisions are made by the reciprocity agreements in effect between Kentucky and the state where the vehicle is licensed.

Section 7. Violations of Kentucky Law. Any

motor vehicle operating into or through Kentucky in excess of the maximum weight or size limit allowed by the provisions of KRS [Chapter] 189.221 and 189.222, or in excess of the maximum weight or size limits allowed by overweight or oversize permits issued pursuant to the provisions of KRS [Chapter] 189.221 through 189.274; any motor vehicle operating into or through Kentucky and failing to display the motor vehicle identification card to display the motor vehicle identification card required by Sections 2, 3, 4 and 5 of this administrative regulation, or any vechile operating in Kentucky in intrastate commerce without a non-reciprocal trip permit unless apportioned registered in Kentucky under the provisions of the Interstate Registration Plan, may, within the discretion of the cabinet, be denied reciprocal privileges in Kentucky in addition to the other penalties provided by the Kentucky Revised Statutes.

Section 8. Non-Reciprocal Trip Permits. A non-reciprocal trip permit issued in accordance to KRS 281.838 must be obtained in advance of operations in this state. The application for such permit must at a minimum briefly describe the vehicle and include the name of the operator.

[Section 9. This regulation shall be effective no earlier than January 1, 1987.]

JOHN PENROD, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 17, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 24, 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 August 19, 1987 so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, Tenth Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: All motor carriers wishing to operate vehicles in Kentucky under a reciprocity agreement.
(a) Direct and indirect costs or savings to those affected: None as a result of changes to 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: None as a result of changes to this regulation.
(2) Effects on the promulgating administrative body: None as a result of changes to this regulation.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Prior to codification of all regulations it was determined that a clearer distinction needed to be made between motor carriers (the company) and motor vehicles.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 9:047. Rebuilt or reconstructed [Salvaged] vehicle registration.

RELATES TO: KRS 186.115, 186A.115
PURSUANT TO: KRS 186.020, 186A.020
NECESSITY AND FUNCTION: This regulation sets forth procedures to be followed when the owner of a motor vehicle which has been assembled from parts from wrecked or salvaged motor vehicles presents such a vehicle for registration and/or title.

Section 1. After a motor vehicle which has been assembled from parts of wrecked or salvaged vehicles and complies with all equipment and safety requirements of KRS Chapter 189, the owner may apply for registration and/or title of the motor vehicle. All applications for registration and/or title of a motor vehicle which has been assembled from parts from wrecked or salvaged motor vehicles shall be accompanied by a copy of an inspection made by a certified inspector in accordance with the provisions of KRS 186A.115.

Section 2. All applications for registration and/or title of a motor vehicle assembled from parts from wrecked or salvaged motor vehicles shall be accompanied, if available, by an invoice or invoices showing the purchase of parts. Such invoices shall contain the following information: buyer, seller, telephone number of the seller, date of transaction, [and] a description and value of the goods or parts purchased and the vehicle identification number of the vehicle from which the parts were removed or obtained.

Section 3. In the event an invoice or invoices, as described in Section 2, are not available, the owner of the motor vehicle shall submit an affidavit with his application for registration and/or title of such motor vehicle. The affidavit shall contain the following information: name, telephone number and address of the affiant; where the affiant obtained the parts; serial number, identification number or motor number of the vehicle; make [of the vehicle], model number [of the vehicle], body style [of the vehicle], and year model of the vehicle from which the parts were removed or obtained; and a statement [,] that he is the owner of the vehicle, and that the vehicle is clear of all liens.

Section 4. In its discretion, the Transportation Cabinet may require additional [both an] affidavits, additional documentation and appropriate invoices.

Section 5. The owner shall submit with the application an address where the vehicle is located so that the vehicle may be examined prior to titling or registration.

JOHN PENROD, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 25, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 1987 at 2:30 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 16, 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 persons who rebuild or reconstruct motor vehicles.
(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: The amount of information required from the applicant is increased. However, it is information which should be readily available to the applicant.
(2) Effects on the promulgating administrative body: The additional information will allow easier checking on the application.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected because experience has shown that more information is needed in order to quickly and thoroughly process the application.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All applicants should supply the requested information.

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 9:060. Commercial vehicles [and trailers].

RELATES TO: KRS Chapters 186 and 281
PURSUANT TO: KRS 186.020, 186.240, 186.281 [186.665], 281.600
NECESSITY AND FUNCTION: This regulation sets out procedures for registration of commercial vehicles [and trailers] and payment of certain seat [and mileage] taxes.

Section 1. Information to be on Truck Tags. The registration plate for commercial vehicles issued under KRS 186.050(3) shall have in lieu of the county designation thereon, a weight designation. These plate and registration certificates shall be furnished the county clerks by the Department of Vehicle Regulation. The county clerk shall issue the plate evidencing the weight category of the truck. The clerk shall remit to the Transportation Cabinet the fees collected for the plates, in accordance with KRS 186.230.

[Section 2. Transfer Receipts. The transfer receipts must be filled in by the clerk in the same manner as the original receipt, and the owner or agent must sign the affidavit or certification, if applicable.]

Section 2. [3.] Seat Taxes on Taxicabs, City Buses, Industrial Buses, Suburban Buses and U-Drive-It Passenger Cars. The seat taxes imposed by KRS 186.281 upon taxicabs, city buses, industrial buses, suburban buses and each U-Drive-It vehicle [passenger car] shall be paid to the department and the appropriate tag and/or fee receipt card evidencing said payment shall be issued by the department.

Section 3. [4. Mileage and] Seat Taxes on Motor Buses; Seat Taxes on Airport Limousines. The [mileage and] seat taxes imposed by KRS 186.281 upon airport limousines shall be paid to the department and the department shall issue the appropriate tag evidencing payment of the seat tax.

JOHN PENROD, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 9, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 24, 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 August 19, 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: Commercial vehicles licensed in Kentucky.
(a) Direct and indirect costs or savings to those affected: None as a result of the changes

to this administrative 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: None as a result of the changes to this administrative regulation.
(2) Effects on the promulgating administrative body: None as a result of the changes to this administrative regulation.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None as a result of the changes to this administrative regulation.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected because the majority of the changes were made to align the regulation with current state law. For example, there is no longer a mileage tax on airport limousines.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(Proposed Amendment)

601 KAR 9:074. Kentucky highway use license, records and taxes.

RELATES TO: KRS 138.655 to 138.725
PURSUANT TO: KRS 138.725
NECESSITY AND FUNCTION: KRS 138.725 makes the Department of Vehicle Regulation responsible for the application of the Kentucky motor carrier fuel use tax and weight distance tax to motor carriers covered by KRS 138.655 to 138.725. This regulation provides procedures for licensees to follow in order to comply with the statutes.

Section 1. Application for Kentucky Highway Use License. Every motor carrier as defined in KRS 138.655(5) shall apply for and obtain on a department approved form a license before using or continuing to use the public highways in the state. The department shall issue a KYU license number to each qualified motor carrier, and the department shall cause said license number to be displayed on each motor vehicle identification card issued by it.

Section 2. Bonds-Cash Deposit. [(1)] Every motor carrier and heavy equipment motor carrier, pursuant to the provisions of KRS 138.655 to 138.725 shall file with the department at the time of application for a license a corporate bond, cash bond, or security approved by the department. The applicant for the license shall be the principal obligor and the Commonwealth of Kentucky shall be the obligee. The bond will be conditioned as required in KRS 138.670, and the department shall administer the bond as provided in KRS 138.670.

[(2) In addition to the bond imposed in subsection (1) of this section, if it appears that a person, firm, or corporation, which has been issued a transportaion plan involving the reporting and payment of tonnage taxes, has no assets in Kentucky, or has been involved in bankruptcy proceedings within seven (7) years past, or, is of doubtful financial stability, the department may require such person, firm, or corporation, to post a corporate surety bond, with a surety authorized to transact business in Kentucky, or a cash bond, equal to one (1) quarter's anticipated tonnage tax liability, as a condition precedent to the implementation and conduct of operations under the transportation plan issued to such person, firm, or corporation. The bond shall be in such form and amount as the cabinet shall prescribe and the cabinet shall administer the bond as provided in KRS 138.670.]

Section 3. Registration for Highway Use Tax. (1) For the purpose of this section registration shall mean the registration of the licensee for the purpose of a tax imposed by KRS 138.660. Such registration [and] shall be required of all motor carriers as defined in KRS 138.655(5). The current registration period shall be deemed that quarterly period for which the tax under KRS 138.660 is due or required to be reported on the quarterly return. The applicant for the license shall apply to the department for a motor vehicle identification card on forms prescribed and furnished by the department. A motor carrier identification card shall be issued which contains the name and address of the person or company under whose authority the vehicle is being operated [owner or operator], the identification of the vehicle, and such other information as may be requested, including, but without limitation, the KYU license number issued to the applicant for the use of the public highways of Kentucky. The identification card shall show the vehicle combined license weight or the actual combined gross weight of the vehicle and any towed unit when operated on the public highways of the state during the current registration period as defined hereinabove.
(2) Definitions.
(a) "Combined license weight" shall mean the declared combined maximum gross weight of the vehicle and any towed unit for the registration purposes for the current registration period as defined hereinabove; or the highest actual combined gross weight of the vehicle and any towed unit when operated on the public highways of the state during the current registration period as defined herein.
(b) "Declared gross weight" shall mean the same as paragraph (a) of this subsection.
(c) "Gross weight" shall mean the unloaded weight of the vehicle plus the maximum load to be carried by it on the highways of the Commonwealth of Kentucky.
(3) The identification card shall be displayed in the cab of the vehicle at all times. Failure to display the identification card shall constitute a violation of KRS 138.665.

Section 4. Communications, Business Names and License Address. All licensees must immediately report any change in principal business address, legal status or business name to the department. All motor carrier operations must be conducted in the name in which the license and the identification card is issued or the duly assumed business name of the licensee, as it appears on the license. All licensees are required to use the name utilized in the application for the license in all documents relating to their operations and in all correspondence with the department. All correspondence with the department shall be addressed as follows: Kentucky Department of Vehicle Regulation, Division of Motor Carriers, Post Office Box 2007, Frankfort, Kentucky 40602.

Section 5. Instruments Filed Become Permanent Records. All bonds filed with the department as required by statute are permanent records and cannot be returned to licensee or removed from the custody of the department as long as the licensee is subject to the Kentucky Statutes.

Section 6. Kentucky Highway Use License for Leased Vehicles. (1) Any person leasing or renting a commercial motor vehicle to a lessee who is engaged in private carriage, where the operator of such vehicle is required to have a Kentucky Highway Use License may obtain the license by making application to the department and complying with the appropriate administrative regulations. Any lessor with a Kentucky Highway Use License may [The licensee shall] entitle the lessee to operate the leased or rented vehicle under the lessor's license.

[(2)] If the lessor allows the lessee to operate under the lessor's license the lease shall be carried in the vehicle and the required motor vehicle identification card shall be in the lessor's name and the lessor shall make the required quarterly reports and pay all taxes which may become due by virtue of the operation of the motor vehicle.

[(3)] A carrier or motor carrier as defined in KRS 281.011 [certificated carrier] leasing a motor vehicle shall [will] be required to have the Kentucky Highway Use License and the lessee shall be responsible for the payment of any tax which may become due.

[(4)] A lessor of motor vehicle equipment who makes an application for a license under this section shall furnish the department a copy of the standard lease or rental agreement as well as the address of the place of business where the lessor's records are maintained. A current list of all lessees who lease equipment from the lessor and who will use the lessor's Kentucky Highway Use License shall be filed with the department. This list shall contain the name of the lessee, the lessee's address, the number of vehicles leased to each lessee and other pertinent information which the department may require. The list required herein shall be updated and kept current on a semi-annual basis by the lessor.

(2) A carrier or motor carrier as defined in KRS 281.011 leasing a motor vehicle shall be required to obtain the Kentucky Highway Use License and the lessee shall be responsible to make the required quarterly reports and to pay any tax which may become due.

Section 7. Authorized Deductions on Quarterly Returns. Every person licensed as a motor carrier may deduct on his quarterly tax return the amount of tax paid on fuel at the time of purchase, provided the purchase is made in Kentucky and the Kentucky motor fuel tax has been paid and provided the fuel is used to propel a vehicle using the public streets or highways. The tax credits, and tax refunds, authorized by KRS 138.695 to be granted to a taxpayer eligible therefor shall not exceed in amount the actual amount of the subject taxes paid by said taxpayer, exclusive of any applicable interest thereon due the taxpayer by operation of law. A valid receipt must be obtained as evidence of purchase from the person making the sale or delivery.

(1) [To be] A valid receipt shall [one (1) must] meet the following criteria:

(a) The purchase receipt shall be the original prepared by a station or vendor located in the state of Kentucky and shall have an imprinted Kentucky address. Receipts that have an imprinted Kentucky address, but include other station locations outside of Kentucky are invalid.

(b) The following shall be [is] included on the receipt:

1. Name and station location of the vendor;
2. Date of purchase;
3. Number of gallons purchased;
4. Type of fuel purchased;
5. Company unit number of vehicle or registration number of unit; and
6. Licensee's name.

(c) The name and address of the vendor shall be preprinted or imprinted, which includes, but is not restricted to, credit card machines. Station receipts that are identified only by impressed rubber stamp markers or handwritten are not valid.

(2) Other documents such as computer records, ledgers, and journals may be accepted as evidence of valid fuel purchase receipts, if such records contain the same information as required in subsection (1) of this section, provided such records meet acceptable auditing tests.

(3) Bulk or storage purchasers of fuel shall maintain a withdrawal or disbursement record when such fuel is used in taxable highway or road units. This record shall be kept on all units fueling from this tank showing the unit fueled, gallons withdrawn, and the date of withdrawal. Tax on bulk purchases shall be paid at the time of purchase in accordance with KRS 138.220 and 234.320. If a motor carrier uses tax free bulk storage fuel to fuel taxable units (highway units), tax will be levied on total fuel purchased for bulk storage.

(a) Any use of fuel from a tax free storage tank without adequate records to prove on-highway use shall be taxable. Approved location of tax free storage shall be issued by the Revenue Cabinet before tax free fuel is purchased.

(b) Credit for fuel purchase receipts other than for the taxable units shall not be allowed.

(4) In instances where fuel is purchased by trip-leased units and the lessee is responsible for the Kentucky highway tax, all receipts shall be made in the name of the lessee. Receipts made out in the name other than the person or company responsible for the fuel tax shall be invalid.

(5) Certain motor vehicles including, but not limited to, mixers, pumps, load lifts,

refrigeration equipment, utilize power takeoff equipment and similar devices which involve consumption of fuel from the same tanks that serve to power the operation of the vehicles upon the highways. Operators of those types of vehicles utilizing such equipment, may adjust the miles per gallon entry on their Kentucky highway use tax returns to reflect fuel actually consumed by such power takeoff equipment in operations over the highway, provided, however, that any adjustment claimed therefor must be substantiated by adequate records, and is subject to audit by the Transportation Cabinet. Nothing herein contained shall be construed as authorizing a taxpayer to claim tax credit in respect to taxes paid on fuels which are actually consumed on off-highway operations.

Section 8. Cancellation of License. If a motor carrier fails to comply with the terms of KRS 138.655 to 138.725, or these regulations, its Kentucky Highway Use Tax License may be cancelled. Reasons for cancellation include, but are not limited to, the following:

(1) Failure to file tax return thirty (30) days after the due date. The licensee will be mailed a second notice or reminder and be given fifteen (15) days to file the return if he has not filed his tax return within thirty (30) days after the due date. If the licensee fails to comply with the second notice, the license will be subject to cancellation.

(2) Failure to pay additional taxes assessed by the department.

(3) Failure by a licensee to produce [such] records after written demand <u>for such</u> may result in cancellation of the license and any other penalties applicable by law. Each succeeding day shall constitute a separate violation until the records are produced at the place stated in the demand.

Section 9. Procedure upon Cancellation of License. (1) Upon cancellation of Kentucky Highway Use License in accordance with the provisions of KRS 138.675 and after notice to the carrier by mailing the same to the address on file in the department, the carrier shall immediately return to the department the license and all motor vehicle identification cards issued to such carrier.

(2) Failure to return the license and cards or the operation of a motor vehicle displaying a motor vehicle identification card after notice of revocation of the highway use license shown thereon, shall be a violation of <u>KRS 138.675</u> [this regulation].

[Section 10. Coal Shippers License and Tax Status Changes of All Motor Carriers. (1) All persons liable or responsible for payment of ton tax or payments due to cooperative agreements and transporting coal over the state maintained highways system by motor vehicles exceeding the gross weights or gross axle weights prescribed by the Secretary of Transportation pursuant to KRS 189.222 shall obtain an approved tax reporting license from the Department of Vehicle Regulation. Prior to the issuance of the tax reporting license, the licensee must obtain a certified transportation plan from the Department of Vehicle Regulation in accordance with 601 KAR 35:020. The Department shall assign each taxpayer a license number.]

[(2) Licensees referenced in subsection (1) of this section that have an approved cooperative agreement shall pay their tax in accordance with the terms of the cooperative agreement.]

[(3) Licensees referenced in subsection (1) of this section that do not have a cooperative agreement shall report and pay their coal ton tax as follows:]

[(a) The coal ton tax shall be reported on the requisite forms as prescribed by the Transportation Cabinet.]

[(b) The coal ton tax shall be reported and paid monthly.]

[(c) The coal ton tax returns are due within twenty (20) days following the close of each monthly period.]

[(4) The exempt and/or non-exempt status of each vehicle in regard to Kentucky motor fuel surtax or weight distance tax may be changed only once during each quarter, (January 1 through March 31; April 1 through June 30; July 1 through September 30; October 1 through December 31). A tax liability shall not change because of a status change, until the first day of the next succeeding quarter after the status is changed. The change from non-exempt status to exempt status requires that an application be filed with the Transportation Cabinet.]

Section <u>10.</u> [11.] Tax Liability and Protest Procedures. (1) The licensee will be mailed a supplemental tax statement, if additional tax is found to be owed as the result of an audit or found as the result of an examination of licensee's tax return. The licensee has thirty (30) days to pay or protest to the department per KRS 131.110 in writing any assessment or tax liability imposed by the department. A protest must be accompanied by a supporting statement identifying specific adjustments being protested and setting forth the reasons upon which the protest is being made.

(2) If the licensee so desires, he may, within thirty (30) days, protest directly to the Kentucky Board of Tax Appeals.

(3) The department <u>shall</u> [will] acknowledge receipt of the protest and if protest is acceptable, a tax conference <u>shall</u> [will] be set between the department and licensee within sixty (60) days of the protest. The department <u>shall</u> [will] notify the licensee within thirty (30) days its decision to deny or accept the reasons of the protest. If denied, the licensee may protest to the Kentucky Board of Tax Appeals.

(4) If the licensee <u>fails to pay</u> [does not acknowledge] the tax statement <u>or file a protest with the Kentucky Board of Tax Appeals</u> within thirty (30) days, a reminder <u>shall</u> [will] be sent to licensee demanding payment within fifteen (15) days. If within fifteen (15) days, the taxes have not been remitted to the department, a demand will be made against the licensee's surety bond. Any balance of unpaid taxes <u>shall</u> [will] be submitted to the Transportation Cabinet's legal section for collection.

Section <u>11.</u> [12.] Penalties. In addition to any other penalties which may be imposed under KRS 138.990 and any other applicable laws, the licensee shall be subject to the civil penalties provided for in KRS <u>138.715</u> [138.775].

Section <u>12.</u> [13.] Inspection. Any highway enforcement officer or state police officer may inspect the vehicle identification card, license

registration, driver's log, lease, trip sheet or shipping document to determine if the vehicle is qualified to operate on the highways of the state of Kentucky. The law enforcement officer may also weigh vehicles to determine if the gross weight conforms to the licensed weight on the vehicle identification card.

Section 13. [14.] Records Disposition. The department shall [will] retain the active file of KYU tax returns for at least five (5) years. An inactive KYU license shall [will] be retained two (2) years after cancellation.

Section 14. [15.] Reinstatement of License. (1) If the carrier desires to be reinstated after cancellation, the carrier shall [must]:

(a) Prove to the department that sufficient records are being and will be maintained to file accurate Kentucky Highway Use Tax returns.

(b) Submit quarterly returns for all missed periods.

(c) Pay all taxes for missed returns plus penalties and interest.

(d) Provide a replacement bond if its previous bond has been cancelled.

(e) Provide evidence of insurance, operating authority, and other items required by KRS Chapter 281, if applicable to the carrier.

[Section 16. Licensee taxpayers, for purposes of ease in tax reporting compliance, and department administration and audit convenience, may, upon written request to the department and receipt of written permission from the department, report miles operated upon Kentucky highways on the basis of the current Household Goods Bureau mileage guide, and supplements thereto, in lieu of reporting on the basis of actual miles operated, provided, however, that such mileages are reported in respect to movements between the points and over the routes actually operated, and provided that such mileages would not result in a consistent understatement of actual miles operated on Kentucky highways.]

Section 15. [17.] Maintenance of Records. (1) Licensees reporting and paying taxes under a [the] cooperative agreement, entered into pursuant to KRS 177.979 [, certified transportation plan, or ton tax provision] shall keep and maintain records of all coal shipments over the state maintained public highways.

(2) Each licensee shall also maintain weight tickets, bona fide third party documents or other documents to accurately verify tonnage that will reflect the true tonnage transported over said highways and the distance that such tonnage was transported over such highway.

(3) The weight ticket or third party document shall include but not be limited to the following:

(a) Name and identification number of the mine owner, severer, processor, broker or shipper.

(b) Name and KYU number of person transporting coal.

(c) Transporter's assigned unit vehicle number.

(d) Points of origin and destination.

(4) All records shall be maintained for five (5) years for audit and tax purposes.

(5) Other documents such as computer records, ledgers, and journals may be accepted as evidence of valid fuel purchase receipts, if such records contain the same information as required in subsection (1) of this section, provided such records meet acceptable auditing tests.

JOHN PENROD, Commissioner
C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: June 30, 1987
FILED WITH LRC: July 14, 1987 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed amended administrative regulation at 3:30 p.m. local prevailing time on August 24, 1987. The hearing will be held in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 19, 1987 so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, Tenth Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All motor carriers operating in Kentucky.

(a) Direct and indirect costs or savings to those affected: None, the changes in the regulation just clarify existing policy of the Transportation Cabinet and amend coal transporters recordkeeping requirements to comply with the provisions of HB 978 passed by the 1986 General Assembly.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: 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: There existed some confusion about the meaning of Section 6. It was amended to eliminate the confusion. The changes relating to coal transportation needed to be amended since the authorizing statutes had been amended.

(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.

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 9:080. Assigned or replacement vehicle identification number.

RELATES TO: KRS 186A.090
PURSUANT TO: KRS 186A.090, KRS 186.1911
NECESSITY AND FUNCTION: This regulation prescribes how to apply for a new or replacement vehicle identification number plate through the Department of Vehicle Regulation when the previous number is missing or when the vehicle or trailer has never had a vehicle identification number; and how a vehicle identification number plate shall be placed on the vehicle after approval and production by the Department of Vehicle Regulation as required by KRS 186A.090.

Section 1. When applying for a new or replacement vehicle identification number as permitted by KRS 186A.090, the owner of the motor vehicle, trailer or semitrailer but excluding mobile homes shall do the following:

(1) Complete, in full, the form for [TC 96-169,] application for motor number or vehicle identification number prescribed and furnished by the Transportation Cabinet. This application must be signed and notarized.

(2) Submit the [All] completed application[s must be submitted] to the county [court] clerk or deliver[ed] in person to the Department of Vehicle Regulation, Division of Motor Vehicle Licensing, Frankfort, Kentucky. Attached to the completed application shall be

[(3) Submit, together with a completed application,] proof of vehicle ownership, such as title, registration, affidavit, or court order[.

(4) Submit, together with a completed application], a notarized statement explaining why there is no serial or identification number on the vehicle and [.

(5) Submit, together with a completed application,] the address where the vehicle may be examined.

Section 2. The county clerk shall submit all documentation received to a certified motor vehicle inspector. The certified inspector shall examine the vehicle and assure that it is lawfully owned by the applicant. The certified inspector, after determining that the applicant is the lawful owner and completing any applicable portions of the application form, shall submit his findings and the completed application and supporting documentation to the Department of Vehicle Regulation.

Section 3. [2.] When the Department of Vehicle Regulation approves the application, a vehicle identification number shall [will] be assigned. [and the application will be returned to the county court clerk, and the owner shall do the following:]

[(1)] After the vehicle identification number is assigned, the Department of [Kentucky] State Police Vehicle Investigation Section shall [(Auto Theft Section) will] designate how and where the assigned number shall be affixed on the vehicle. The vehicle identification number plate, certified copy of the application and diagram showing the location on the vehicle where the Department of State Police require the vehicle identification number plate be affixed shall be provided the certified inspector.

[(2) After the assigned number has been affixed to the vehicle,] The certified inspector from the county where the registration and/or title is to be obtained shall inspect the vehicle [identification number] and verify that the number plate is [has been] affixed to the vehicle in the [prescribed] location designated by the Kentucky State Police.

Section 4. [(3)] The [A] fully completed inspection form [TC 96-182, Application for Title,] shall be forwarded to the county clerk by the certified inspector. The county clerk shall register the vehicle and then forward the application to the Department of Vehicle Regulation.

JOHN PENROD, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 25, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 1987 at 2:30 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 16, 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 applicants for a new VIN number.
(a) Direct and indirect costs or savings to those affected: None due to changes in the administrative 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: Mobile home owners seeking a new VIN number are excused from the paperwork.
(2) Effects on the promulgating administrative body: Clarifies which state agent performs which task in processing the application.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected to insure that the processing procedure is clearly understood by all parties.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation

with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All applicants should be treated alike.

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

601 KAR 9:085. Procedures for becoming a certified motor vehicle inspector.

RELATES TO: KRS 186A.115
PURSUANT TO: KRS 186A.115
NECESSITY AND FUNCTION: This regulation sets forth requirements by which a person shall become a certified motor vehicle inspector.

Section 1. The requirements for an individual to become a certified motor vehicle inspector are:
(1) The county sheriff of the county for which the individual is to be certified shall designate, on a form provided by the Department of Vehicle Regulation, the name of each applicant to be certified.
(a) A certified motor vehicle inspector shall [must] have reached his or her eighteenth birthday.
(b) A certified motor vehicle inspector shall [must] be a resident of the county for which he or she is certified.
(c) A designee shall not have a felony criminal record nor any pending felony charge at the time of his or her designation. In addition a designee shall not have a misdemeanor conviction or pending charge relating to KRS Chapter 516, forgery and related offenses nor to KRS Chapter 523, perjury and related offenses.
(d) Neither a licensed motor vehicle dealer nor any employee in his dealership is [in]eligible to become a certified motor vehicle inspector.
(2) The designee must satisfactorily complete a training program conducted by the Department of Vehicle Regulation in conjunction with the Kentucky State Police.

Section 2. [(3) Upon satisfactory completion of] After the designee has satisfactorily completed the program and notification of same by the instructor, the Commissioner of the Department of Vehicle Regulation shall issue a certificate certifying the designee to serve as a certified motor vehicle inspector.

Section 3. [(4)] The county sheriff may withdraw a designation at any time by notifying, in writing, the Commissioner of the Department of Vehicle Regulation.
[(5)] When notification of withdrawal of designation is received by the Department of Vehicle Regulation, the commissioner shall revoke the individual's certification.

Section 4. [(6)] No certified motor vehicle inspector shall be allowed to inspect a motor vehicle after his or her certification has been suspended or revoked.

Section 5. [(7)] Upon written notice to the county sheriff, the Commissioner of the Department of Vehicle Regulation or the Kentucky State Police acting through the department may require additional in-service training or recertification of any certified motor vehicle inspector [to meet statutory requirements].

Section 6. The Commissioner of the Department of Vehicle Regulation with sufficient cause may revoke or suspend the certification of any certified inspector. Sufficient cause includes but is not limited to a conviction or pending charge of a felony or a misdemeanor relating to perjury or forgery or failure to satisfactorily complete the training required in this section. At least thirty (30) days prior to revoking or suspending a certificate the department shall notify the certified inspector in writing of the action the department proposes to take and the reasons therefore. Any certified inspector so notified may appeal such action within forty-five (45) days. Such appeal shall be in writing to the commissioner and shall set forth the basis for the appeal. The commissioner shall designate an appropriate time and place to conduct the hearing. Such hearing shall be held within sixty (60) days after receipt of the appeal. The appellant shall be notified at least ten (10) working days in advance of the time and place designated for the hearing. The commissioner shall within ninety (90) days after an appeal is filed, issue a final order for the disposition thereof. At the hearing the appellant shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts. At the hearing of such appeals, technical rules of evidence shall not apply.

Section 7. In the event a sheriff is vacated from office in any county, the Commissioner of the Department of Vehicle Regulation may designate a temporary certified inspector until such time a sheriff takes office.

JOHN PENROD, Commissioner
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 25, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 1987 at 2:30 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 16, 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 certified motor vehicle inspectors and applicants for the position.
(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: Allows closer supervision of motor vehicle inspectors and a method of removing those who

fail to meet certain minimum criteria.
(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: A hearing is required prior to removing anyone from the position.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected because even if a certified inspector was convicted of falsifying the documents he processed, he could not be removed from office except by the sheriff.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All inspectors should be treated the same.

TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)

602 KAR 15:010. Airport development loans.

RELATES TO: KRS 183.200 to 183.213
PURSUANT TO: KRS 183.213
NECESSITY AND FUNCTION: KRS 183.213 provides that the Transportation Cabinet [department] shall promulgate regulations governing airport loans made under KRS 183.200 to 183.213. [and] This regulation is promulgated to set forth specifications regarding applications for such loans.

Section 1. Definition. "Airport development loan" means a loan authorized by KRS 183.200 to 183.213 and regulations promulgated thereunder.

Section 2. An airport board that seeks an airport development loan shall file an original and two (2) copies of an application with the Transportation Cabinet, Executive Director, Office of Aeronautics, [State Office Building,] Frankfort, Kentucky 40622.

Section 3. Content of Application. The following information and exhibits shall be included in the application:
(1) Name and address of the airport board.
(2) The amount of airport development loan requested from the cabinet.
(3) The description of the proposed airport project including an attached [by attaching an] exhibit showing an engineer's plat of the site boundaries with the planned location or improvement of airstrips, facilities, servicing utilities, access roads and total acreage indicated thereon.
(4) An exhibit showing the ownership and encumbrances on the land described in subsection (3) of this section.
(5) An exhibit stating the itemized detailed cost or estimated cost of the land and all proposed improvements, the engineering and legal expenses, and any other expenses necessary to determine the cost of the airport project.
(6) An exhibit that states the method and amount of financing for the proposed project including federal, state and local participants with the percentage of the total project cost contributed by each. This exhibit shall show evidence of the availability of funds from each source; the proposed terms of an airport development loan and schedule of repayment; the percentage of the total project cost to be covered by an airport development loan; and evidence that funds are not available in the amount necessary to establish the project without an airport development loan.
(7) An exhibit with documentation of the financial standing of the airport board in the form of a current financial statement containing a full disclosure of all assets, liabilities, and income.
(8) A statement as to when the proceeds of the loan will be needed and a proposed schedule for site acquisition or development.
(9) An exhibit containing letter(s) from the appointing authority or authorities attesting that said authority or authorities accept full responsibility for repayment of the loan principal, interest, and any late payment penalties in the event of default on the loan by the airport board.

Section 4. The annual rate of interest to be charged throughout the life of an airport development loan shall be six (6) percent per annum on all loans made after April 1, 1985.

Section 5. Determination Standards. Standards for determining the soundness and feasibility of projects shall be as follows:
(1) Whether funds for the project can be obtained from federal, local or other sources, or
(2) Whether the proceeds for the loan are to be expended for initial construction of an airport facility or the improvement of the safety or adequacy of an existing airport facility, or
(3) Whether the airport development project will generate adequate revenue to repay the loan, or
(4) Whether the airport master plan demonstrates that such facilities are needed to enable the airport to give better service to the aircraft operators anticipated to use the airport facility.

Section 6. Terms of Loan. The airport development loan agreement entered into between the airport board and the cabinet shall have the following terms in addition to those stated in KRS 183.210:
(1) That the principal amount loaned shall be repaid to the cabinet in annual installments plus accrued interest or as otherwise provided in the agreement.
(2) That the first installment payment shall be due within one (1) year after the proceeds of the loan are paid to the airport board.
(3) That the airport board may repay any or all of the unpaid balance without penalty provided that the interest shall be computed to the date said advance repayment is made.
(4) That all payments on principal and interest shall be made to the Transportation Cabinet [Office of Aeronautics], or as otherwise

provided in the agreement.
(5) That the loan shall be used by the airport board for the purpose stated in the application and for no other purpose.
(6) That for value received and for the purpose of affording credit to the airport board, the appointing authority or authorities jointly and severally absolutely and unconditionally guarantee the payment at maturity of all obligations under the loan agreement.
(7) The agreement may contain any other terms agreed upon by the airport board and the cabinet.

C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: June 30, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 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 intends to attend this hearing must in writing by August 16, 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: 67 airport boards in the Commonwealth.
(a) Direct and indirect costs or savings to those affected: None due to changes in 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: None due to changes in this administrative regulation.
(2) Effects on the promulgating administrative body: None due to changes in this administrative regulation.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Changes were cleanup only. Accomplished prior to codification of all regulations.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All airport boards should be treated alike.

TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)

602 KAR 15:020. State aid for airport development projects.

RELATES TO: KRS 183.120, 183.505, 183.764
PURSUANT TO: KRS 183.024, 183.505
NECESSITY AND FUNCTION: This administrative regulation defines the procedure that must be followed in order to obtain financial aid from the Transportation Cabinet[, Office of Aeronautics] for an [utility] airport maintenance project or an airport development project (as defined in KRS 183.011(14)) for a public airport owned by another state agency, an airport board appointed pursuant to KRS 183.132 or a city and/or county government.

Section 1. (1) To be eligible for financial aid from the airport development fund under this administrative regulation for the airport must meet the following criteria:
(a) The airport shall [must] be publicly-owned;
(b) The airport shall [must] be available for public use;
(c) The proposed development project shall [must] be consistent with the airport type and degree of facility development contained in the state airport system plan;
(d) The proposed development project shall [must] either be in accordance with the airport's approved master plan or be to prepare or update the airport's master plan; and
(e) The airport shall [must] be in compliance with the minimum safety standards set forth in 602 KAR 20:010 to 602 KAR 20:110 or the proposed development project shall [must] bring the airport in compliance with those standards.
(2) To be eligible for financial aid from the [utility] airport maintenance program under this administrative regulation the airport owner shall [must] meet the following criteria:
(a) The airport shall [must] be publicly-owned;
(b) The airport shall [must] be available for public use;
(c) The airport shall not have scheduled air carrier service but may be served by an air commuter airline [must be classified as a utility airport];
(d) The proposed maintenance project shall [must] be limited to pavement seal coats or pavement preservations and remarking [and overlays, joint repair,]; obstruction removal or approach clearing; [and] drainage repair; lighting or navigation aid repairs or replacement; fence, building or structure repairs; and major maintenance equipment;
(e) The airport shall [must] be in compliance with the minimum safety standards set forth in 602 KAR 20:010 through 21:070 or the proposed maintenance project shall [must] bring the airport in compliance with those standards;
(f) The Transportation Cabinet's share of [the] maintenance projects cost shall not exceed $10,000 in any fiscal year;
(g) The airport owner shall pay at least fifty (50) percent of the maintenance project costs.

Section 2. (1) An airport owner may apply for state aid for airport maintenance or development projects. Airport development is defined in KRS 183.011(14).
(2) To apply for state airport maintenance or

development funds, the airport owner shall [must] submit a request for state funds for airport development on forms prescribed and furnished by the Transportation Cabinet. The forms shall be submitted [TC 56-15A,] to the Transportation Cabinet, Office of Aeronautics, [State Office Building,] Frankfort, Kentucky 40622[, referred to as Office of Aeronautics]. The application form shall [must] be completed and shall [must] contain the project description, the reason for the project, the estimated cost of the project, and the anticipated funding sources. This form is available from the Office of Aeronautics.

Section 3. If a project application is approved for funding by the Transportation Cabinet [Office of Aeronautics], a tentative allocation[," form TC 56-15B,] may [will] be issued to the airport owner. The tentative allocation shall [will] show the amount of state funds reserved for the project, the scope or the approved project and the time frame for which it is being considered. The Transportation Cabinet [Office of Aeronautics] reserves the right to limit the scope of a project and cost estimates as necessary to conform to available funds.

Section 4. (1) If not already prepared, the airport owner is responsible for the preparation of the engineer's report which explains the design criteria, design plans, and specifications, subsequent to the issuance of the tentative allocation. The design plans and specifications shall [must] be submitted for approval to [approved by] the Transportation Cabinet [Office of Aeronautics] and where appropriate, shall incorporate but not be limited to the following:

(a) "Standard Specifications for Road and Bridge Construction" published in 1985 [1983] by the Transportation Cabinet, Department of Highways;

(b) Federal Aviation Regulations Part 139; and

(c) Federal Aviation Administration Advisory Circulars in the 150 series.

Copies are available for viewing in the Office of Aeronautics.

(2) After the design plans and specifications have been approved, in order to establish reimbursable costs, the airport owner shall adhere to the applicable procedurement standards outlined in KRS Chapters 45, 45A and 56.

Section 5. After the reimbursable costs have been established for the project, the airport board may submit a project application request to the cabinet on forms prescribed and furnished by the cabinet [TC 56-15C, to the Office of Aeronautics]. This application form shall [must] be completed and shall [must] contain the revised scope of project, the elements of cost, the source of funds, and an assurance that the airport board shall [will] not discriminate against any person or class of persons by reason of race, color, creed or national origin in the operation of the airport. [The "Project Application" forms are available from the Office of Aeronautics.]

Section 6. (1) After the Transportation Cabinet [Office of Aeronautics] has approved [approves] the submitted project or a portion thereof, a state grant for airport development[," form TC 56-15D,] shall [will] be issued to the airport owner. The grant form shall [will] show the scope of the project as finally approved and the amount of state funds obligated to the project. If the airport owner agrees to the terms of the state grant, it may accept the grant form and must return an executed copy to the Transportation Cabinet [Office of Aeronautics].

(2) The execution of the grant form is the airport owner's authorization from the Transportation Cabinet [Office of Aeronautics] to have the contractor proceed. Unless otherwise agreed to, no construction costs incurred prior to the execution of the grant agreement are eligible for state participation. A copy of the notice to proceed to each [the] contractor shall [must] be furnished to the cabinet [Office of Aeronautics].

(3) Land acquisition, administrative, legal and engineering costs incurred prior to the execution of the grant form may be eligible for state participation at the discretion of the Transportation Cabinet [Office of Aeronautics].

Section 7. (1) To receive the state's share of the project costs the airport board shall [must] submit to the Transportation Cabinet [Office of Aeronautics] copies of the bills from the contractors, suppliers, engineers, attorneys, and others involved in the project and attach said copies to a completed standard invoice form which is prescribed and furnished by the cabinet [TC 31-519. Copies of this form are available from the Office of Aeronautics].

(2) Final payment from the Transportation Cabinet shall [Office of Aeronautics will] not be sent to the airport board until after audit of the project cost performed in accordance with the standards set forth in [Attachment P,] OMB Circular A 128 [102], dated April 12, 1984 [October 22, 1979]. Copies of the standards are available for viewing in the Transportation Cabinet, Office of Aeronautics.

Section 8. If the final project costs exceed the total amount agreed to in the ["State] grant Transportation Cabinet [for Airport Development," the Office of Aeronautics] shall incur no obligation to bear any portion of the increased project cost.

Section 9. By acceptance of such airport development grant funds, the airport owner shall agree to make the airport on which the funds were expended available for public use for a minimum period of twenty (20) years. Failure to comply with this requirement shall be just cause for the Transportation Cabinet [Office of Aeronautics] to seek refunding or returning of all funds furnished in the last twenty (20) years for all of the airport development projects associated with the subject airport.

C. LESLIE DAWSON, Secretary

APPROVED BY AGENCY: June 30, 1987

FILED WITH LRC: July 7, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 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 intends to attend this hearing must in writing by August 16, 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: 67 Airport Boards in the Commonwealth.
(a) Direct and indirect costs or savings to those affected: Amendment directly allows more airports to participate in the maintenance program. It will allow each airport now eligible to save up to $10,000 each year.
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: An application is required prior to participating in the maintenance program.
(2) Effects on the promulgating administrative body: Permits more airports to participate in the program. However, there is a maximum available for the program. So no additional cost will be incurred.
(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: Statewide there will be none.
(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected to allow the program funds to be spread across more of the state.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)

602 KAR 50:010. Definitions.

RELATES TO: KRS 183.861 to 183.990
PURSUANT TO: KRS 183.861
NECESSITY AND FUNCTION: To define certain terms used in the regulations of the Kentucky Airport Zoning Commission.

Section 1. Administrative Terms. (1) "Administrator" means the Administrator of the Kentucky Airport Zoning Commission or any individual to whom he has delegated his authority in the matter concerned.
(2) "Commission" means the Kentucky Airport Zoning Commission created pursuant to KRS 183.861 to 183.990.
(3) "Local zoning body" means an independent, joint or regional planning commission or any local government which is a member of a planning unit created pursuant to KRS Chapter 100.

Section 2. Zoning Terms. (1) "Airport" as used in these regulations, means any area of land or water used in maneuvering for landing and taking off of aircraft operated or constructed by any person, an airport board or other governmental agency located within the Commonwealth which is available for public use and is designed for the landing and taking off of aircraft, and any appurtenant areas used, or intended for use, for airport building facilities, or rights of way, and all airport buildings and facilities located thereon; including, but not limited to, runways, taxiways, aircraft ramps, terminal and cargo buildings, gates, hangars, shops, service buildings, automobile parking, motels, restaurants, retail and wholesale stores, banks, automobile service facilities and garages, and entrance and service roads used or useful in connection with or as a part of the airport.
(2) "Jurisdictional surface" means that surface extending from the periphery of the runway airport reference points as established on the zoning map and extending outward and upward therefrom at a slope and horizontal distance as defined in these regulations.
(3) "Public use airport" means an airport that is open to the general public without prior request to use the airport.
(4) "Runway" means the surface of an airport used for landing and taking off of aircraft as depicted on the airport zoning map, airport master plan, and Federal Aviation Administration (FAA) form 7480-1, Notice of Landing Area Proposal. There are four types of runways:
(a) "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document.
(b) "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan or any other FAA planning document.
(c) "Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
(d) "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, or by any planning document submitted to the FAA by competent authority.
(5) "Navigable airspace" means air space above the minimum safe altitudes of flight prescribed by the regulations of the Federal Aviation Administration FAR Part 91.79 consistent therewith, and includes the air space necessary for normal landing or taking off of aircraft.
(6) Public airport imaginary surfaces. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

(a) Horizontal surface - a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

1. 5,000 feet for all runways designated as utility or visual;

2. 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two (2) adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) Conical surface - a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) Primary surface - a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface shall be the width prescribed below for the most precise approach existing or planned for either end of that runway [is]:

1. 250 feet for a utility runway having only visual approaches.

2. 500 feet for a utility runway having nonprecision instrument approaches.

3. For other than a utility runway the width shall be [is]:

a. 500 feet for a visual runway having only visual approaches.

b. 500 feet for a nonprecision instrument runway having visibility minimums greater than three-fourths (3/4) statute mile.

c. 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths (3/4) of a statute mile, and for a precision instrument runway. [The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.]

(d) Approach surface - a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1. The inner edge of the approach surface is the same width as the primary surface and it extends uniformly to a width of:

a. 1,250 feet for that end of a utility runway with only visual approaches;

b. 1.500 feet for that end of a runway other than a utility runway with only visual approaches;

c. 2,000 feet for that end of a utility runway with a nonprecision instrument approach;

d. 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths (3/4) of a statute mile;

e. 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths (3/4) statute mile; and

f. 16,000 feet for precision instrument runways.

2. The approach surface extends for a horizontal distance of:

a. 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

b. 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and

c. 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

3. The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) Transitional surface - these surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

(7) "Aircraft" means a heavier than air fixed wing aircraft or rotocraft that depends principally on its engine(s) for flight through the air.

(8) "Airport reference point" means that point on an airport which is used to geographically locate the airport.

(9) "Terminal obstacle clearance area" means that airspace needed for the initial, intermediate, final and missed approach segments of an instrument approach procedure and the circling approach in instrument departure areas for an airport as described in the U.S. Standard Terminal Instrument Procedures.

(10) "Enroute obstacle clearance area" means that airspace needed for an airway, a feeder route, or a Federal Aviation Administration approved off-airway route as prescribed in the U.S. Standard Terminal Instrument Procedures.

Section 3. General Definitions. (1) "Person" means any individual, firm, partnership, corporation, company, association, or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

(2) "Structure" means any object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, and overhead transmission lines, and objects of natural growth whether temporary or permanent.

[(3) "Body politic" means the Commonwealth of Kentucky and its agencies, or any instrumentality of the state government, county or city government.]

(3) [(4)] "Alter a structure" means to increase or decrease the height of a structure or change the visibility of a structure by painting, marking or lighting the structure in a manner different from the painting, marking, and

lighting standards set forth in the regulations of the commission.

Section 4. Airport Master Plan. As used in the regulations of the commission, an approved "Airport Master Plan," "airport layout plan" or "airport map" means the basic plan for the layout of a public airport that shows as a minimum:

(1) The present boundaries of the airport and of the offsite area that the owner of a public airport owns or controls for airport purposes, and of the[ir] proposed additions to the airport boundaries;

(2) The location and nature of existing and proposed airport facilities (such as runways, taxiways, aprons, terminal buildings, hangars, and roads) and of their proposed modification and extensions; and,

(3) The location of existing and proposed non-aviation areas, and of their existing improvements.

[(4) An owner of an existing or proposed public airport may file a copy of its airport layout plan prepared under Part 151 of the Federal Aviation Regulations that has been approved by the FAA in lieu of an airport master plan or airport map.]

Section 5. Definitions Relating to Permits. (1) "Permit" means the written authorization to alter or construct a structure issued in accordance with the findings and directions of the commission [to alter or construct a structure issued by the administrator of the commission] pursuant to its [commission] regulations.

(2) "Airport land use permit" means the approval by order of the commission of a request by a public airport to change a use or activity within an airport to one which is otherwise prohibited by the regulations of the commission.

(3) "Variance permit" means a permit as defined above.

Section 6. "Aeronautical study" means a review or analysis of the effect of the proposed construction or alteration of a structure upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace.

C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 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 August 16, 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 persons in Commonwealth constructing or altering a tall structure.
(a) Direct and indirect costs or savings to those affected: None due to amendment to 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: None due to amendment to the regulation.
(2) Effects on the promulgating administrative body: None due to amendment to the regulation.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The changes in the regulation were cleanup only. Accomplished prior to proposed codification of all administrative regulations.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. Definition regulation. Tiering is not necessary.

TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)

602 KAR 50:030. Jurisdiction of commission.

RELATES TO: KRS 183.861, 183.865, 183.867, 183.870
PURSUANT TO: KRS 183.861
NECESSITY AND FUNCTION: To define the areas over which the Kentucky Airport Zoning Commission assumes jurisdiction for the purpose of zoning in accordance with the statutes.

Section 1. The commission assumes zoning jurisdiction over that airspace over and around the public use airports within the Commonwealth which lies above the imaginary surface that extends outward and upward at one (1) of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each public use airport [specified in Section 6 of this regulation] with at least one (1) runway [more than] 3,200 feet or more in length.

(2) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each public use airport [specified in Section 6 of this regulation] with its longest runway less [no more] than 3,200 feet in actual length.

Section 2. The commission assumes zoning jurisdiction over the use of land and structures within public use airports within the state.

Section 3. The commission assumes jurisdiction over the structures and use of land [and structures] around airports notwithstanding the

provisions of KRS Chapters 100 and 147.

Section 4. The commission assumes jurisdiction from the ground upward within the limits of the primary approach surface as depicted on Airport Zoning Maps approved by the Kentucky Airport Zoning Commission.

Section 5. The commission assumes jurisdiction over the airspace of the Commonwealth that exceeds 200 feet in height above ground level or fifty (50) feet in height above the surface of open water of the Ohio River, Mississippi River, Kentucky Lake, Lake Barkley, Lake Cumberland, Barren River Lake, Nolin Lake Reservoir, Rough River Lake, Dale Hollow Reservoir (Ky.), Green River Lake, and Taylorsville Lake.

Section 6. The administrator shall [is to] prepare a single map indicating airport zoning jurisdiction of all [public owned and] privately owned airports available for public use across the Commonwealth. Said map shall be revised and updated once a year. The map shall [Map will] list each privately owned public use airport with its primary runway classification established in accordance with 602 KAR 50:010, Section 2(4). [Public use zoned airports will also be listed with runway classification in 602 KAR 20:025, Airport safety bulletin.]

C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 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 August 16, 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 persons in Commonwealth constructing or altering a tall structure.
(a) Direct and indirect costs or savings to those affected: None due to regulation amendment.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None due to regulation amendment.
(2) Effects on the promulgating administrative body: None due to regulation amendment.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None due to regulation amendment.
(4) Assessment of alternative methods; reasons why alternatives were rejected: The changes in the regulation were cleanup only. Accomplished prior to codification of all regulations.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)

602 KAR 50:050. Airport Zoning Map.

RELATES TO: KRS 183.867
PURSUANT TO: KRS 183.861, 183.867(3)
NECESSITY AND FUNCTION: To outline the procedure for the adoption of the airport zoning regulations related to existing airports under the jurisdiction of the commission, and to provide for the procedures for revising airport zoning maps.

Section 1. Every owner of a public use airport in the state shall file with the administrator of the Kentucky Airport Zoning Commission a map showing the airport and the area surrounding the airport used for approach and landing purposes or the owner shall file an airport master plan.

Section 2. If an owner of a public use airport fails to file a map as provided under Section 1 of this regulation, then the administrator shall cause an appropriate map to be prepared showing the airport and the area surrounding the airport used for approach and landing purposes.

Section 3. The administrator shall thereafter designate the area of jurisdiction as set forth in 602 KAR 50:030 and the airport imaginary surfaces as set forth in 602 KAR 50:010(6), on such map or airport master plan, prepared or filed under Sections 1 and 2 of this regulation[, by reference to the regulations and advisory circulars of the Federal Aviation Administration concerning the area required for the safe maneuvering, approach and landing of aircraft].

Section 4. Thereafter the airport zoning map prepared pursuant to Section 3 of this regulation shall be submitted to the commission for its adoption by order of the commission. If the airport zoning map is adopted by order of the commission, the date of its adoption shall be noted on the airport zoning map, and the original shall be kept in the office of the administrator pursuant to KRS 183.867(3) and the regulations of the commission.

Section 5. (1) Every public use airport owner for which an airport zoning map has been adopted by the commission shall inform the administrator of any changes in the boundaries, runways, and taxiways either by filing a revised map or furnishing the administrator with information sufficient to cause a revised map to be prepared.
(2) The administrator shall thereafter designate the area of jurisdiction and airport imaginary surfaces on such revised map prepared or filed under subsection (1) of this section[,

by reference to the regulations and advisory circulars of the Federal Aviation Administration concerning the area required for the safe maneuvering, approach and landing of aircraft].

(3) The revised map prepared under this section shall constitute the airport zoning map for the public use airport upon its adoption by order of the commission and shall supersede any airport zoning map heretofore adopted by the commission.

Section 6. The administrator shall notify any local zoning body, whose jurisdiction is limited by the zoning jurisdiction of the commission, by sending to the local zoning bodies a copy of the airport zoning map adopted by order of the commission.

Section 7. The local zoning bodies may retain jurisdiction of zoning in such areas as to all other matters; however, the local zoning bodies shall not adopt any ordinances or regulations that conflict with the jurisdiction of the commission in such areas as it pertains to the safe and proper use of the airport involved.

Section 8. Every airport zoning map heretofore adopted by the commission shall remain in full force and effect until revised pursuant to the regulations of the commission.

C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 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 August 16, 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: The owners of the approximately 70 public use airports in the Commonwealth.
(a) Direct and indirect costs or savings to those affected: None due to amendment of the 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: None due to the amendment of the regulation.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The changes in the regulation were cleanup only. Accomplished prior to codification of all regulations.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All public use airports should have similar airport zoning maps.

TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)

602 KAR 50:120. Hearing procedures.

RELATES TO: KRS 183.871
PURSUANT TO: KRS 183.861
NECESSITY AND FUNCTION: To provide for general procedures for the conduct of all hearings on any petition to the commission.

Section 1. Request for a hearing shall be accomplished as follows:
(1) With the exception of those actions taken under 602 KAR 50:115, any person aggrieved by any action taken by the commission with respect to any application for a permit, request for adoption of airport zoning map[, any regulations adopted] or any [other] orders or rulings issued pursuant to the commission's regulations may petition the commission in writing for a hearing.
(2) The petition, which may be in the form of a letter, shall identify the action taken by the commission for which a hearing is sought and it shall state specifically the grounds for the request in addition to a statement of the relief desired.
(3) Any such petition shall be filed within thirty (30) days of the date [when] the commission [has] formalized its action by the signing [signature] of the appropriate document whether by its administrator or its chairman and the mailing of the document to appropriate parties.
(4) Once a petition for a hearing is received, the administrator shall notify all other interested parties of the receipt of the petition for a hearing which may include the applicant, local zoning body, local air board, airport owner and other identifiable person or persons who exhibit an interest in the commission's decision.
(5) The administrator shall within thirty (30) days of the receipt of the petition establish a time and place for the hearing to be conducted and shall notify all interested parties of the time and place of the hearing.
(6) Hearings shall be scheduled to be held within sixty (60) days of the receipt of the petition unless there are exceptional circumstances which would create an undue hardship upon one (1) or more of the parties. Notice of hearing shall be given by mailing a copy of the order establishing the hearing at least twenty (20) days prior to the date set for the hearing.
(7) If the commission deems it in the best interest of the public whether or not requested by the parties, it may require that the hearing specified herein be conducted prior to taking

any action on the [regulation,] application, permit, zoning map, etc. Any action rendered by the commission as a result of a hearing conducted under this subsection shall constitute a final agency action from which an appeal may be taken.

Section 2. The [rules and] procedures that follow shall be observed during the hearing process:

(1) The hearing shall be conducted in a formal matter.

(2) A transcript or stenographic record of the hearing shall be taken. The reporter shall furnish an original and one (1) copy of the transcript to the commission. Unless otherwise agreed, the cost of transcribing the evidence and of furnishing an original and one (1) copy to the commission shall be borne by the petitioner.

(3) Opportunity shall [will] be given to the petitioner, the applicant and all other interested persons to produce witnesses, present evidence or raise other points of issue.

(4) The burden of proof concerning any action to be taken by the commission as a result of the hearing shall be upon the petitioner.

(5) All parties may be represented by counsel.

(6) The chairman of the commission or his designated representative shall [will] preside at the hearing and shall rule on any objection or question that arises. A majority of the commission may overrule or modify any ruling of the chairman.

(7) The administrator or the commission shall [will] open the hearing by presenting the petition for the hearing, documents representing the action taken by the commission that prompted the petition for a hearing and conclusions resulting from any aeronautical study conducted.

(8) Unless there are exceptional conditions that would warrant otherwise, the petitioner may make an opening statement outlining its position and any other party who desires the same relief shall [will] next be given the opportunity to present an opening statement. Then the adverse party may make an opening statement outlining its position, followed by any other parties seeking the same relief.

(9) After all opening statements, the petitioner shall [will] present its evidence and witnesses in support of its claim followed by other parties seeking similar action by the commission. Following the conclusion of the evidence presented by the petitioner and all other parties similarly aligned, the adverse parties are to be afforded the opportunity to present their evidence and witnesses.

(10) Each party shall have the right to cross-examine any witness offered by any other party.

(11) Formal rules of evidence used by the courts shall apply.

(12) The parties may by stipulation enter into the record any agreed facts, and it is desirable that the facts agreed upon be entered by stipulation whenever practical.

(13) Witnesses shall not be permitted to give opinion evidence unless they have first been qualified to show their special familiarity and knowledge with the desired subject.

(14) At the conclusion of all evidence, the parties may offer closing statements to the commission. The order of presentation shall [will] be in reverse of the opening statements unless determined otherwise by the chairman of the commission.

(15) The commission may require the filing of briefs in which the time of filing, length of briefs and replies, shall [will] be stated at the conclusion of the hearing.

(16) Subsequent to the closing statements, the commission shall consider all relevant, competent, and material evidence and make the necessary findings of facts and conclusions which shall constitute a final decision of the commission. The findings and conclusions of the commission shall be signed by the chairman and a copy sent to each party that appeared at the hearing.

Section 3. Appeals from any final decision or order of the commission may thereafter be made to the Franklin County Circuit Court in accordance with the procedures set forth in KRS 183.620.

C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 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 August 16, 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 persons in the Commonwealth constructing or altering a tall structure.
(a) Direct and indirect costs or savings to those affected: None due to amendment to 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: None due to amendment of regulation.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The changes in the regulation were cleanup only. Accomplished prior to codification of all regulations.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. The hearing

process before the Kentucky Airport Zoning Commission should be the same for all applicants.

TRANSPORTATION CABINET
Department of Highways
(Proposed Amendment)

603 KAR 5:025. Fully controlled access highways.

RELATES TO: KRS 177.220, 177.230, 177.300, 189.190, 189.340, 433.750, 433.753
PURSUANT TO: KRS 174.080, 175.450(7), 177.230, 177.410(6), 189.231
NECESSITY AND FUNCTION: This regulation [re]promulgates [existing] prescriptions and proscriptions deemed necessary for the safe, orderly regulation of traffic for all Kentucky Toll Roads, Interstate Highways and other Fully Controlled Access Highways. [The new regulatory material (new section 9) is considered necessary to protect vehicular traffic and pedestrians, whose presence would be brought about by the existence of the prohibited activity, on Fully Controlled Limited Access facilities which are especially designed for through traffic.]

Section 1. Unidirectional Nature of Traffic Lanes and Ramps. (1) On multi-lane (four (4) or more lanes) divided toll roads, interstate highways, and other fully controlled access highways, no vehicle shall be operated or otherwise caused to move in a direction which is against the normal flow of traffic on any traffic lane, deceleration lane, acceleration lane, ramp, shoulder or other traveled way of such highway.

(2) On two (2) lane, two (2) way undivided toll roads, interstate highways, and other fully controlled access highways, no vehicle shall be operated or otherwise caused to move in a direction which is against the normal flow of traffic on any traffic lane where passing is prohibited by signs or markings or on any deceleration lane, acceleration lane, ramp, shoulder or other traveled way of such highway.

Section 2. Prohibition of U-Turns and Left Turns. The making of a U-turn at any point on toll roads, interstate highways, and other fully controlled access highways is prohibited. Excepted from this provision are maintenance, emergency, and police vehicles. The making of a left turn <u>on such roads</u>, except where permitted by official signs, is prohibited.

Section 3. Prohibition of Standing, Stopping, or Parking on Shoulders. No vehicle shall be parked, stopped, or allowed to stand on the shoulders of any toll road, interstate highway, or other fully controlled access highway, including ramps thereto, except that in the case of emergency, vehicles shall be permitted to stop on the shoulders to the right of the traveled way with all wheels and projecting parts of such vehicles, including the load, completely clear of the traveled way. Parking of any vehicle which is disabled on the shoulders of a toll road, interstate highway, or other fully controlled access highway, including ramps thereto, for more than six (6) hours continuously is prohibited and vehicles violating this provision may be towed away at the cost of the owner.

Section 4. Waste and Rubbish. Littering of the right-of-way of any toll road, interstate highway, or other fully controlled access highway with bottles, cans, paper, garbage, rubbish or other material of any kind or description is prohibited.

Section 5. Damaging of Shrubs or Plants. No <u>unauthorized</u> person shall cut, mutilate, or remove any trees, shrubs, or plants located within the right-of-way of any toll road, interstate highway, or other fully controlled access highway.

Section 6. Limitations on Use. Use of toll roads, interstate highways, and other fully controlled access highways by the following is prohibited at all times:
(1) Bicycles or motor scooters. Motor scooters are hereby defined as motor vehicles having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels with a motor which produces five (5) horsepower or less.
(2) Vehicles drawn by animals.
(3) Animals led, ridden, or driven on hoof.
(4) Vehicles with improperly secured loads or loaded with animals not properly confined.
(5) Vehicles with metal treads and vehicles with caterpillar treads.
(6) Farm implements and farm machinery, whether propelled or towed (does not include farm trucks).
(7) Construction equipment other than motor trucks, except by special permit.
(8) "Moped" as defined in KRS 186.010(5).

Section 7. Prohibition of Hitchhiking. The soliciting of rides in vehicles, commonly known as hitchhiking, on any portion of a toll road, interstate highway, or other fully controlled access highway is prohibited.

Section 8. Passing and Following Vehicles; Traffic Lanes (Applicable only to two (2) lane, two (2) way undivided toll roads, interstate highways, and other fully controlled access highways). (1) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left of them and shall not again drive to the right until reasonably clear of those vehicles. No vehicle shall be driven to the left side of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
(2) Drivers shall obey the <u>instructions</u> [directions] of all signs and markings placed to assign traffic lanes, to specify directions or to <u>designate</u> slow moving traffic <u>lanes</u> in all areas where climbing lanes have been added.
(3) The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having regard for the speed of the vehicle and the traffic upon and condition of the highway. The operator of any truck, bus, or heavy equipment unit shall not follow within 250 feet of another [such] vehicle [or equipment unit]; this <u>shall</u> [will] not prevent overtaking and passing, nor shall it apply to any lane

designated for use of slow moving traffic.

Section 9. Prohibition of Vending on Shoulders and Right-of-Way. No vehicle shall be parked, stopped, or allowed to stand on the shoulders or right-of-way of any toll road, interstate highway, or other fully controlled access highway, including ramps thereto for the purpose of displaying, selling or offering for sale any merchandise, wares, produce, services or other items. Nor shall any person be allowed to engage in the above activities on the above mentioned shoulders or right-of-ways.

Section 10. (1) "Fully controlled access highways" as used in this regulation shall mean highways which give preference to through traffic and which shall have access only at selected public roads or streets, and which shall have no highway grade crossing or intersection. Such term includes, but is not limited to, interstate highways and toll roads.

(2) "Toll roads" as used in this regulation shall mean any turnpike project constructed under the provisions of KRS Chapter 175 or KRS 177.390 to 177.570.

C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: July 10, 1987
FILED WITH LRC: July 14, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 24, 1987 at 2:30 p.m. local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 19, 1987 so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, Tenth Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: All motor vehicles operating on fully controlled access highways in Kentucky.
(a) Direct and indirect costs or savings to those affected: None, the changes in the regulation just clarify existing policy of the Transportation Cabinet.
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 changes are only cleanup and considered necessary prior to the proposed codification of the administrative 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: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments:
TIERING: Was tiering applied? No. For safety purposes all users of the fully controlled access highways should abide by the same requirements.

TRANSPORTATION CABINET
Department of Highways
(Proposed Amendment)

603 KAR 5:066. Weight limits for trucks.

RELATES TO: KRS 189.222
PURSUANT TO: KRS 174.080
NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable weight limits for trucks using the state maintained highway system. This regulation prescribes the maximum weight limits for each classification of roads in accordance with amended state and federal laws.

Section 1. General. The Secretary of Transportation, in respect to highways which are a part of the State Maintained System, by Official Order, has determined that an increase to the maximum gross weight prescribed in KRS 189.221, on designated highways or portions thereof, is justified by the strength, safety, and durability of the designated highways, and said highways do not appear susceptible to unreasonable and unusual damage by reason of such increases and said secretary is authorized to establish reasonable classification of such roads and to fix a different maximum for each classification. Provided, however, that any increase shall not, in any way, exceed the federal law or regulations thereunder or jeopardize the allotment or qualification for federal aid funds of the Commonwealth of Kentucky or exceed the weights as specified hereinafter.

Section 2. Definitions: (1) Trucking highways. All state maintained roads are assigned a maximum allowable gross weight as follows:
(a) Class "AAA" designates a maximum allowable gross weight of 80,000 pounds.
(b) Class "AA" designates a maximum allowable gross weight of 62,000 pounds.
(c) Class "A" designates a maximum allowable gross weight of 44,000 pounds.
(2) Truck types. For the purpose of posting bridges at the site and for listing bridge weight restrictions in these regulations, the following truck types have been established:
(a) Type 1: This is a single unit truck consisting of two (2) single axles.
(b) Type 2: This is a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement [single axle and one (1) tandem axle].
(c) Type 3: This is a truck consisting of one (1) steering axle and three (3) axles in tridem arrangement [single axle and one (1) tri-axle].
(d) Type 4: This is a tractor-semitrailer combination truck consisting of five (5) or more axles [one (1) single axle and two (2) tandem axles].

(3) There are numerous other axle combinations not covered in these basic truck types that are restricted by weight based on their axle spacing and weight distribution per axle.

Section 3. The maximum weight for trucks using Class "AAA" highways, except the Interstate System, shall be as follows:

(1) Gross weight, including load, not to exceed 80,000 pounds. Gross axle weight for a single axle not to exceed 20,000 pounds (with axles less than forty-two (42) inches apart to be considered as a single axle).

(2) Gross weight not to exceed 34,000 pounds on two (2) axles in tandem arrangement which are spaced forty-two (42) inches or more apart and less than ninety-six (96) inches apart; 50,000 pounds on three (3) axles in tandem arrangement which are spaced forty-two (42) inches or more apart but less than 120 inches apart. In no event shall any single axle in any arrangement exceed 20,000 pounds.

(3) Tire weight: The weight transmitted to the pavement shall not exceed 600 pounds per inch of aggregate width for all tires.

(4) On structures on Class "AAA" highways which have a posted load limit of less than 80,000 pounds, the posted limit shall not be exceeded.

Section 4. The maximum weight for trucks using Class "AAA" highways which are a part of the Interstate System shall be as follows:

(1) Gross weight, including load, not to exceed 80,000 pounds. Gross axle weight for a single axle not to exceed 20,000 pounds (with axles less than forty-two (42) inches apart to be considered as a single axle).

(2) Gross weight not to exceed 34,000 pounds on two (2) axles in tandem arrangement which are spaced forty-two (42) inches or more apart and less than ninety-six (96) inches apart; 50,400 pounds on three (3) axles in <u>tridem</u> [tandem] arrangement which are spaced forty-two (42) inches or more apart but less than 120 inches apart, or as determined by formula in subsection (3) below, whichever is greater. In no event shall any single axle in any arrangement exceed 20,000 pounds.

(3) The maximum gross weight for a truck consisting of two (2) single axles which exceeds 37,800 pounds gross weight, and for a truck consisting of one (1) single axle and <u>two (2) axles in tandem arrangement</u> [one (1) tandem axle] which exceeds 52,500 pounds gross weight, or for a truck which consists of three (3) single axles which exceeds 56,700 pounds gross weight, and for a truck consisting of one (1) single axle and <u>three (3) axles in tridem arrangement</u> [one (1) tri-axle] which exceeds 69,300 pounds gross weight, and for a truck consisting of two (2) single axles and <u>two (2) axles in tandem arrangement</u> [one (1) tandem axle] which exceeds 71,400 pounds gross weight, or for any truck with any combination of axles which exceed 73,280 pounds gross weight shall be determined by the following formula:

$$W = 500 (LN/N-1 + 12N + 36)$$

Where W equals gross weight, L equals distance between extreme axles of the group of consecutive axles under consideration and N equals the number of axles in the group, except that two (2) consecutive sets of tandem axles may carry 34,000 pounds each, providing that the distance between the first and last axles of such consecutive sets of axles is thirty-six (36) feet or more. In no event shall any axle in any arrangement exceed 20,000 pounds nor the gross weight exceed 80,000 pounds.

(4) Tire weight: The weight transmitted to the pavement shall not exceed 600 pounds per inch of aggregate width of all tires.

(5) On structures on Class "AAA" highways which have a posted load limit of less than 80,000 pounds, the posted limit shall not be exceeded.

(6) There shall be no tolerances allowed on gross weight, axle weight, or combinations of axle weights on vehicles operating over a Class "AAA" highway which is a part of the Interstate System.

Section 5. The maximum weight for trucks using Class "AA" highways shall be as follows:

(1) Gross weight, including load, not to exceed 62,000 pounds.

(2) Gross axle weight for a single axle not to exceed 20,000 pounds (with axles less than forty-two (42) inches apart to be considered as a single axle).

(3) Gross weight not to exceed 34,000 pounds on two (2) axles in tandem arrangement which are spaced forty-two (42) inches or more apart and less than ninety-six (96) inches apart; 50,000 pounds on three (3) axles in <u>tridem</u> [tandem] arrangement which are spaced forty-two (42) inches or more apart but less than 120 inches apart. In no event shall any single axle in any arrangement exceed 20,000 pounds.

(4) Tire weight: The weight transmitted to the pavement shall not exceed 600 pounds per inch of aggregate width of all tires.

(5) On structures on Class "AA" highways which have a posted load limit of less than 62,000 pounds, the posted limit shall not be exceeded.

Section 6. The maximum weight for trucks using Class "A" highways shall be as follows:

(1) Gross weight, including load, not to exceed 44,000 pounds.

(2) Gross axle weight for a single axle not to exceed 20,000 pounds (with axles less than forty-two (42) inches apart to be considered as a single axle).

(3) Gross weight not to exceed 34,000 pounds on two (2) axles in tandem arrangement which are spaced forty-two (42) inches or more apart and less than ninety-six (96) inches apart.

(4) Tire weight: The weight transmitted to the pavement shall not exceed 600 pounds per inch of aggregate width of all tires.

(5) On structures on Class "A" highways which have a posted load limit of less than 44,000 pounds, the posted limit shall not be exceeded.

Section 7. There shall be no tolerance allowed on gross weight, however, a tolerance of not more than five (5) percent shall be allowed on axle weight on highways which are not a part of the Interstate System.

Section 8. As long as any highway remains a part of the State Primary Road System, as defined by regulation 603 KAR 3:030, [it is intended that] the classification of <u>that</u> highway <u>in administrative regulation 603 KAR 5:096</u> constitutes a designation by the Secretary of Transportation as contemplated by KRS

189.280, and city ordinances which impose less stringent limits than this administrative regulation shall not apply to such state maintained highways, including bridges, unless specific relinquishment of this responsibility to a city is made by the Secretary of Transportation.

C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: July 10, 1987
FILED WITH LRC: July 14, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 24, 1987 at 3 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 August 19, 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 trucks 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: 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 existing Section 8 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: The language change in the early sections was made so that more precise truck descriptions could be codified.
TIERING: Was tiering applied? Yes

TRANSPORTATION CABINET
Department of Vehicle Regulation
(Proposed Amendment)

603 KAR 5:075. Overweight [Overload] and overdimension permits.

RELATES TO: KRS 189.222
PURSUANT TO: KRS 174.080, 189.270

NECESSITY AND FUNCTION: KRS 189.270 authorizes the Secretary of the Transportation Cabinet to issue permits for the movement of loads exceeding legal weights and dimensions. This regulation determines requirements necessary in the interest of highway safety.

Section 1. Special permits to permit the movement of gross weights and gross dimensions in excess of the weights and dimensions specified by statutes and regulations shall [will] be issued by the Department of Vehicle Regulation, Permit Section, Division of Motor Carriers, Frankfort, Kentucky, when, in the discretion of the department, such movement is necessary to provide transportation for specified cargo in the interest of the health, welfare and economy of the people. Each such permit shall be limited to designated portions of the state primary road system and stated periods of time. A separate permit shall [will] be required for each vehicle involved in such movement.

Section 2. Applications for overweight or [overload and] overdimension permits shall be made to the Department of Vehicle Regulation, Permit Section, Division of Motor Carriers, Frankfort, Kentucky 40622. The application shall state the purpose of the movements for which a permit is requested, the portion of the state primary road system to be used, the cargo to be hauled, the period of time needed to complete the movement, and the identity of the vehicle to be used.

Section 3. 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 the restricted period will extend from noon of the preceding Friday to daylight the following Tuesday. If satisfactory proof of an emergency is furnished the Department of Vehicle Regulation, [Permit Section, Division of Motor Carriers, Frankfort, Kentucky,] the department [Permit Section] may authorize moves 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 4. The Department of Vehicle Regulation reserves the right to deny a permit for any movement which may cause damage to public [departmental] property or may be detrimental to public safety.

C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 23, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 1987 at 3:30 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building

located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 16, 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 applicants for overdimensional or overweight permits.

(a) Direct and indirect costs or savings to those affected: None as a result of the amendment to the 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: None as a result of the amendment to the regulation.

(2) Effects on the promulgating administrative body: None as a result of the amendment to the regulation.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The regulation needed the minor change in Section 4 prior to the codification of the regulation to prevent any confusion about whose property was impacted.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. All applicants should be treated alike.

TRANSPORTATION CABINET
Department of Highways
(Proposed Amendment)

603 KAR 8:010. Transportation scholarship program.

RELATES TO: KRS Chapter 176 and 1986 Acts Chapter 401 [1984 Acts Chapter 418]

PURSUANT TO: KRS 174.080

NECESSITY AND FUNCTION: An adequate staff is essential to the efficient operation of the engineering functions within the Transportation Cabinet. The purpose of the Transportation Scholarship Program is to provide highly qualified individuals to fill the cabinet's needs and improve the overall engineering expertise available within the cabinet. This regulation provides policy and procedure for the Transportation Scholarship Program for civil engineers and civil engineering technologists, or other branches of engineering if approved by the Secretary of Transportation.

Section 1. Responsibilities. (1) The Secretary of Transportation shall be [is] responsible for approving scholarships in civil engineering or engineering technology, or other branches of [engineering branches other than civil] engineering when a need exists in the Transportation Cabinet.

(2) The State Highway Engineer, subject to the approval of the Secretary of Transportation, shall be responsible for the overall policies, guidance, administration, and proper utilization of the Transportation Scholarship Program.

(3) Universities participating in the program shall enter into a written agreement with the Transportation Cabinet in which the university agrees to accept the following responsibilities:

(a) Appoint a scholarship selection committee from the faculty of the university department affected. That committee will receive and review applications for scholarships to attend their university and make recommendations for awards to the State Highway Engineer.

(b) Notify all successful applicants of requirements for enrollment and attendance at the university.

(c) Provide academic guidance and counseling to each scholarship recipient.

(d) Provide to the Transportation Cabinet semester grades, semester grade point averages, and overall grade point averages for each scholarship student.

(e) Aid the cabinet in overall coordination of the program and provide space for meetings.

(f) Notify the cabinet immediately if any scholarship student fails to enroll or attend the university, or leaves the university.

Section 2. Eligibility. To be eligible for a scholarship, an applicant shall [must] be:

(1) A senior attending an accredited Kentucky high school, or a high school graduate who is a resident of Kentucky; or

(2) A university student enrolled in pre-engineering, engineering, or engineering technology who is a resident of Kentucky and who meets minimum academic standards established by the Transportation Cabinet.

Section 3. Application for Scholarship. An eligible applicant shall submit a scholarship application to the university the applicant desires to attend by the deadline listed on the application. Application forms are available at each of the participating universities, accredited Kentucky high schools or the Kentucky Transportation Cabinet, Office of the State Highway Engineer, State Office Building, Frankfort, Kentucky.

Section 4. Award of Scholarship. Scholarships shall [will] be awarded by the State Highway Engineer in accordance with recommendations by the university scholarship selection committees, except the numbers of scholarships may be reduced because of funding limitations, and except a scholarship may be denied to any student whose performance during work assignments with the cabinet has been unsatisfactory.

Section 5. Priority System. (1) If [Should] the cabinet's need for civil engineers or civil engineering technologists exceeds the supply of available funds, a priority system for awarding scholarships shall [will] be put into effect by

the State Highway Engineer.
(2) Priority shall [will] be given as follows:
(a) Priority 1 - University seniors already in the program.
(b) Priority 2 - University juniors already in the program.
(c) Priority 3 - University sophomores already in the program.
(d) Priority 4 - Upper-class university students not in the program.
(e) Priority 5 - High school graduates applying for university freshman scholarships.

Section 6. Benefits. (1) Subject to the availability of funds and changes in the cost of attending the universities, benefits for the scholarship students shall consist of a monthly stipend paid during the normal academic year.
(2) Stipend payments shall [will] not be made during summer school unless a student is attending a surveying camp which is required for graduation and for which university credit is awarded. Such students shall [will] continue on stipend during the camp.
(3) Benefits shall be payable to scholarship recipients enrolled in pre-engineering, civil engineering, or civil engineering technology at a state university which has a written agreement with the Transportation Cabinet. Scholarship recipients enrolled in other engineering programs will be paid benefits only if the Secretary of Transportation has declared there is a need in the Transportation Cabinet for engineers in branches other than civil.

Section 7. Scholarship Students. An applicant who is awarded a transportation scholarship shall comply with the following:
(1) Apply, be accepted, an enroll as a full-time student in pre-engineering, civil engineering, or civil engineering technology at a university with an agreement with the Transportation Cabinet.
(2) Pay all university tuition and fees, room, board, and book costs.
(3) Execute a contract with the Transportation Cabinet which requires at a minimum that:
(a) He shall provide the cabinet, on request, copies of all grade reports issued by the university.
(b) He shall pursue a degree in civil engineering or civil engineering technology on a full-time basis and maintain adequate grades as established by the Transportation Cabinet.
(c) He shall [will] work one (1) calendar year for the Transportation Cabinet after graduation for each academic year a scholarship was received. Employment by any other agency of state government shall [will] not satisfy this obligation.
(d) He shall [will] refund all scholarship monies received in the event he breaches the scholarship program contract.
(e) He shall [will] forfeit or refund the scholarship monies in the event he resigns from the Transportation Cabinet or scholarship program before completing the work obligation, fails to make adequate grades, fails to remain in school full-time pursuing a degree in engineering or engineering technology, or is dismissed after permanent employment due to his violation of any personnel statutes or administrative regulation before completing the work obligation.

Section 8. Work performed as a seasonal employee during periods a scholarship student is not in school shall not count toward the student's work obligation. However, if a student fails to complete a degree in civil or other branch of engineering or engineering technology but subsequently becomes a permanent, full-time employee of the Transportation Cabinet, work performed as a permanent, full-time employee shall satisfy the student's work obligation on a month-for-month basis.

C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: June 23, 1987
FILED WITH LRC: July 7, 1987 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this administrative regulation on August 21, 1987 at 1:30 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 16, 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: Scholarship students who fail to complete school.
(a) Direct and indirect costs or savings to those affected: Permitting such people to work for the Cabinet and allowing such work to satisfy their obligation to the Cabinet, will save them the cost of reimbursement.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None as a result of this amendment.
(2) Effects on the promulgating administrative body: The Cabinet is more likely to retain the services of people who are already partially trained which is preferable to those who have no training.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected because the Cabinet needs all of the trained employees it can find.
(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

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 10:022. Elementary, middle and secondary schools standards.

RELATES TO: KRS 156.160
PURSUANT TO: KRS 156.070, 156.160
NECESSITY AND FUNCTION: KRS 156.160 requires the State Board of Education to adopt rules and regulations relating to grading, classifying, and accrediting all common schools, and further allows private, parochial, and church schools to voluntarily comply with accreditation standards and to be so certified by the state board. This regulation implements this duty by prescribing general standards to be used in evaluation of public elementary, middle and secondary schools, and of those non-public schools voluntarily seeking an accreditation evaluation.

Section 1. (1) Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.070 and 156.160, the Kentucky Standards for Grading, Classifying and Accrediting Elementary, Middle and Secondary Schools, as amended on January 7, 1987, are presented herewith for filing with the Legislative Research Commission, and incorporated by reference.
(2) "Procedures for Kentucky Accreditation Program," April, 1985, as revised on September 10, 1985, is presented herewith for filing with the Legislative Research Commission and incorporated by reference.

Section 2. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.160(2), non-public schools which voluntarily request accreditation shall be in compliance with all standards and indicators included in the Kentucky Standards for Grading, Classifying and Accrediting Elementary, Middle and Secondary Schools limited to curriculum, textbooks, and staff certification. Schools will address all standards and indicators except those marked "N/A" (not applicable). These Voluntary Non-Public School Accreditation Standards, May, 1986, are presented herewith for filing with the Legislative Research Commission and incorporated herein by reference.

Section 3. The procedures for the voluntary accreditation of individual non-public schools or related groups of such schools under common management and control shall be as follows:
(1) All non-public schools or groups of schools which voluntarily request accreditation shall notify the Division of Accreditation by letter of their intentions.
(2) An Instructional Services Advisor (I.S.A.) shall be assigned to a school and shall be the liaison between the school and the Department of Education. The I.S.A. shall provide the school with the department's self-study guide and provide technical assistance as needed.
(3) An on-site team will visit each school to validate the school's self-study. This team shall be appointed by the Department of Education and shall consist of at least three (3) persons - an I.S.A., a local non-public school official and another Department of Education staff member.
(4) An additional team member shall be appointed for each additional five (5) faculty members beyond fifteen (15).
(5) A report shall be generated by the on-site team and a copy presented to the school or related group of schools. The school or related group of schools shall prepare a three (3) year plan of action to correct all non-compliance. The plan shall be monitored annually to assure that the plan of action is being implemented.
(6) The school or related group of schools shall then be placed on a five (5) year accreditation cycle. The first year shall be the self-study and the on-site visit followed by a three (3) year plan of action, and the last year shall be devoted to updating the self-study.
(7) State funds may not be used for the accreditation of non-public schools. Such schools shall reimburse the Department of Education the total costs of accreditation certification, including necessary follow-up, either from their own funds or from any appropriate federal grants.

Section 4. "The Merit Rating Procedural Information and General Criteria for Guidance Programs," March, 1985, and "Merit Rating Guidelines for Kentucky Schools," as <u>amended on July 1, 1987</u> [adopted on July 9, 1984], are presented herewith for filing with the Legislative Research Commission and incorporated by reference.

Section 5. Any school or institution whose primary mission is to serve a student clientele (k-12) with unique needs that are outside the generally accepted operational range of students who attend public schools shall be classified and accredited under the category of Special School Accreditation.

Section 6. A copy of all documents incorporated in this regulation may be obtained from the Office of Instruction, Department of Education.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, August 25, 1987, at 10 a.m., Eastern Daylight Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its July meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before August 20, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret McClain
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected: N/A
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings: N/A
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Vocational Education
(Proposed Amendment)

705 KAR 5:060. Live work projects, selection of.

RELATES TO: KRS 156.031 [156.112], 163.020, 163.030
PURSUANT TO: KRS 156.070 [156.112], 163.030
NECESSITY AND FUNCTION: KRS 156.031 [156.112] gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department of [for Occupational] Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating [occupational] education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes the procedures for accepting live work projects in state-operated area vocational education facilities.

Section 1. State-operated vocational-technical schools and area vocational education centers shall be permitted to accept live work projects when the administrative and instructional staffs deem these necessary and appropriate for the vocational education of the students.

Section 2. State-operated area vocational schools accepting live work shall adhere to the following standards:
(1) All services performed in a school shop shall be documented on standard shop order forms provided by the Office of Vocational Education.
(2) The principal or coordinator of the facility shall be responsible for all unused shop order forms and assigning and recording all services performed in a shop order log book that shall be maintained as a ready reference.
(3) Individuals or organizations committing live work to a school shop shall be provided a copy of the school policies for accepting and performing live work. Persons committing live work shall sign the policy form indicating that they understand the policies and agree with them.
(4) Live work shop orders shall be approved and initialed by the principal or coordinator of the school and by the instructor of the class.
(5) A shop fee shall be charged for [each] live work projects consistent with the tuition and fees established by the State Board of Education in 705 KAR 5:120 [accepted by the school for any person who is not officially enrolled as a student in the preparatory program in the school. To avoid handling money in schools located in correctional institutions, no shop fee shall be charged].
(6) No payments shall be handled by an instructor. Live work shop orders shall not be released until payment for parts, supplies, and other cost items has been made and documented by the authorized personnel in the school.
(7) School employees and members of the State Board of Education shall not guarantee or be liable for any live work performed in the vocational shops, nor shall they be responsible for the theft or loss of any article or articles that may be left in the vocational shops for any reasons.

Section 3. No state-operated vocational school shall be obligated to accept any live work projects. Neither shall any work be done which is of a production nature and in competition with business or industry, nor shall any live work be done for the purpose of making a profit.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, August 25, 1987, at 10 a.m., Eastern Daylight Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its July meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before August 20, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Ann S. Bardwell
(1) Type and number of entities affected: None
(a) Direct and indirect costs or savings to those affected: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body: Corrects conflict.
(a) Direct and indirect costs or savings: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: If not

changed, will conflict with 705 KAR 4:010.
(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

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Vocational Rehabilitation
(Proposed Amendment)

706 KAR 1:010. Three-year plan for vocational rehabilitation services.

RELATES TO: KRS 156.010, 156.031, 163.140, 163.160
PURSUANT TO: KRS 163.140
NECESSITY AND FUNCTION: Section 101, Title I, P.L. 93-112, as amended, requires the submission of a three (3) year state plan for Vocational Rehabilitation Services to the Secretary, United States Department of Education. The plan must be approved in order for a state to be eligible for grants from the allotments of funds under Title I, P.L. 93-112, as amended by P.L. 93-516, P.L. 95-602, P.L. 98-221, and P.L. 99-506 and this regulation adopts the pertinent state plan developed and approved by the Department of Education and sets forth rules governing the services, personnel, and administration of the Office of Vocational Rehabilitation.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 163.140, the revised Kentucky State Plan for Vocational Rehabilitation Services for the period October 1, 1985 through September 30, 1988, as amended on June 30 [March 4], 1987, is presented herewith for filing with the Legislative Research Commission, and incorporated by reference. A copy of said plan can be obtained from the Office of Vocational Rehabilitation, Department of Education.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: June 30, 1987
FILED WITH LRC: July 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, August 25, 1987, at 10 a.m., Eastern Daylight Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its July meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before August 20, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Stewart Gatewood
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No new requirements.
(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: No new requirements.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected:
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. Need for uniformity.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: In accordance with P.L. 93-112 as amended the Office of Vocational Rehabilitation is submitting the three-year state plan as amended to be in compliance with the minimum uniform standards suggested or obtained in the federal mandate.
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:

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Education for Exceptional Children
(Proposed Amendment)

707 KAR 1:003. Annual program plan for the administration of the education of the handicapped act.

RELATES TO: KRS 156.010, 156.035, 157.200 to 157.290
PURSUANT TO: KRS 156.035, 156.070, 157.220, 157.221, 157.224
NECESSITY AND FUNCTION: KRS 157.200 to 157.290 establish the statutory framework for special education programs in local school districts, and KRS 156.010, 156.035, and 157.224 set forth the responsibilities of the Department of Education and the State Board of Education relative to the development and approval of a state plan required for receipt of federal funds for special education programs. This regulation adopts the current State Plan for the Administration of Part B of the Education of the Handicapped Act, [Part B,] which is necessary in order for the Department of Education to be eligible to receive federal funds under P.L.

93-380, as amended by P.L. 94-142.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education, the Kentucky State Plan for the Administration of Part B of the Education of the Handicapped Act, for fiscal years 1988, 1989, and 1990, is hereby approved by the State Board of Education in accordance with the approved federal guidelines and submitted to the U.S. Secretary of Education for his approval. This plan is incorporated by reference and hereinafter should be referred to as the "Kentucky State Plan for the Administration of the Education of the Handicapped Act," [revised 1986 and] effective for the school years 1987-88, 1988-89, and 1989-90 [1986-87]. Copies of the plan may be obtained from the Office of Education for Exceptional Children, State Department of Education, Frankfort, Kentucky 40601.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: June 30, 1987
FILED WITH LRC: July 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, August 25, 1987, at 10 a.m., Eastern Daylight Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its July meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before August 20, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Vivian Link
(1) Type and number of entities affected: 178 local school districts.
(a) Direct and indirect costs or savings to those affected: Upon approval of the plan and receipt of funding, approximately 85% of the state's entitlement for the years covered by the plan will be distributed as "flow through" monies to the 178 local school districts of the state. Local school district entitlements are allocated an amount equal to 85% of the amount per pupil received by the state times the number of handicapped children, age 3 through 21, reported by the district on a December 1 certified child count. For the 1986-87 school year, districts received $236.73 per child.
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: In order to receive their allocation, each local school district must submit an application for funding which meets federal and state requirements, and must maintain accurate fiscal records.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: Fifteen percent of each fiscal year allocation will be set aside for use at the state level. Ten percent of these funds will be used to provide direct and support services to handicapped children through local Discretionary Grant activities. As provided in federal regulations, five percent will be used to fund state activities to administer the program in Kentucky.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: 707 KAR 1:003 refers to Kentucky's FY 1988-FY 1990 Annual Program Plan for the Administration of the Education of the Handicapped Act. The plan is a requirement under P.L. 94-142, and must be submitted to and approved by the U.S. Department of Education in order for Kentucky to receive its share of federal funding.
(3) Assessment of anticipated effect on state and local revenues: Kentucky's share for each fiscal year is expected to be approximately 19.5 million dollars.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Federal regulations require the submission of this type of plan in order to receive funding. No alternative methods are used.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The Plan is required to contain State Statutes and Regulations which are sources of policy regarding exceptional child programs.
(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. Since all local school districts are treated equally and must comply with all Federal and State requirements, tiering is not applied.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Kentucky's State Plan assures and documents the Kentucky Department of Education's compliance with federal law, policies, and procedures contained in the Education for the Handicapped Children Act under P.L. 94-142, as amended, Education Department General Administrative Regulations (EDGAR), and Federal regulations.
2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: State regulations impose no additional or stricter requirements than those required by federal law and/or regulations.
3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: N/A

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Building Codes Enforcement
(Proposed Amendment)

815 KAR 7:010. Administration and enforcement.

RELATES TO: KRS Chapter 198B
PURSUANT TO: KRS 198B.040(7), 198B.050
NECESSITY AND FUNCTION: The Kentucky Board of Housing, Buildings and Construction is required by KRS 198B.040(7) to adopt and promulgate a mandatory uniform state building code, and parts thereof, which shall establish standards for construction of all buildings in the state. This regulation establishes the administration and enforcement sections of the Kentucky Building Code.

Section 1. Definitions Used in Title 815, Chapter 7. (1) "Board of Housing" or "board" means the Kentucky Board of Housing, Buildings and Construction.

(2) "BOCA" means Building Officials and Code Administrators International, Inc.

(3) "Building" means any combination of materials, whether portable or fixed, which comprises a structure affording facilities or shelter for any human occupancy, whether infrequent or regular. The word "building" shall be construed wherever used herein as if followed by the words "or part or parts thereof and all equipment therein" unless the context clearly requires a different meaning. "Building" shall also mean swimming pools constructed below grade on site, but not swimming pools assembled above grade on site. "Building" shall not mean a mobile home, or a farm dwelling or other farm buildings and structures incident to the operation and maintenance of the farm if such farm structures are located outside the boundary of a municipality and are not used in the business of retail trade or used as a place of regular employment for ten (10) or more people or structures used in the storage or processing of timber products.

(4) "Commissioner" means the Commissioner of the Department of Housing, Buildings and Construction.

(5) "Department" means the Department of Housing, Buildings and Construction.

(6) "Fire official" means the chief of the fire department or of the fire prevention bureau, or if there is not a jurisdiction fire department or [of] fire prevention bureau, such officer as shall be designated by the appointing authority of the jurisdiction, or his duly appointed representative, to enforce the provisions of KRS 227.300 and 815 KAR 10:020.

(7) "Industrialized building system" or "building system" means a structure or component thereof which is wholly or in substantial part fabricated in an off-site manufacturing facility for installation or assembly on a permanent foundation at a building site in Kentucky. "Industrialized building system" includes: a building of any size or for any use all or any component part of which is of closed construction made from precast concrete panels, or precut wood sections fabricated to individual specifications in an off-site manufacturing facility and assembled in accordance with the manufacturer's instructions.

(8) "KAR" means Kentucky Administrative Regulations.

(9) "KBC" means the Kentucky Building Code as established in this chapter.

(10) "KRS" means Kentucky Revised Statutes.

(11) "Major structural change" means structural alterations and structural repairs made within any twelve (12) month period costing in excess of fifty (50) percent of the physical value of the structure, as determined by comparison of the extent/value of the alterations involved and the replacement value of the structure at the time the plans for the alterations are approved, using the BOCA Chart for Construction Cost.

(12) "Person" means a person, partnership, corporation or other legal entity.

(13) "Single family dwelling" means one (1) unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, and which is not connected to any other unit or building.

(14) "Trade or brand name house" means any single structure made of precut or prefabricated panels, sections or individual pieces that are sold or prefabricated under a name that identifies both the manufacturer and a particular type of structure he makes, and that are assembled on a permanent foundation by conventional homebuilding and electrical and plumbing installation techniques.

Section 2. Scope. This regulation shall supersede any and all other conflicting administration and enforcement provisions which may be incorporated by reference within the KBC.

(1) The KBC shall control all matters concerning the construction, alteration, addition, remodeling, use and occupancy classifications of all buildings in the state.

(2) Trade or brand name houses shall be constructed in accordance with the applicable provisions of the KBC.

(3) The provisions of the KBC relating to single family dwellings, that are not trade or brand name houses or industrialized building systems, shall be mandatory only after a local government, by ordinance, extends the application of the KBC to those units. However, the state plumbing code and the national electrical code shall be applicable to these units, whether or not the local government passes an ordinance. A local government may not enforce any building code other than the KBC on such units.

(4) Unless otherwise specifically provided within the KBC, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of the KBC.

(5) The provisions of this code relating to the construction, repair, alteration, enlargement, restoration and moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local government authority as historic buildings, subject to the approval of the board of appeals when such buildings are judged by the building official to be safe and in the interest of public health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration and relocation. The building official may require submission of architectural and engineering plans and specifications bearing

the professional seal of the designer prior to a determination.

(6) The KBC shall be construed to secure its expressed intent which is to secure public safety, health and welfare insofar as they are affected by building construction quality, electrical systems, plumbing, energy, boiler safety, handicapped accessibility, life safety from hazards of fire and explosion and other disasters. It is the further expressed intent of this code to avoid duplicative plan review and inspection of new construction and to gather together in one (1) set of regulations all the requirements relating to the construction of buildings in the state to enable builders, owners and building officials to be adequately informed.

Section 3. Applicability. (1) The provisions of the KBC shall cover all matters affecting or relating to buildings, and structures, as set forth in Section 2 of this regulation.

(2) No person shall construct a building or structure, extend, repair, remove or alter in violation of these provisions, except for ordinary repairs as defined in Section 4 of this regulation, and except further that the raising, lowering or moving of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted provided the building or structure is not otherwise altered or its use or occupancy changed.

(3) Any requirement essential for structural, fire or sanitary safety of a building essential for the safety of the occupants thereof, and which is not specifically covered by this code, shall be determined by other regulations of the department or other applicable law.

(4) Any person who violates any provision of the article or any other provision of the Kentucky Building Code shall be subject to the penalties provided in Section 19 of this regulation.

Section 4. Ordinary Repairs. Ordinary repairs to structures may be made without application or notice to the building official. Ordinary repair means any non-structural reconstruction or renewal of any part of an existing building for the purpose of its maintenance or decoration, and shall include, but not be limited to, the replacement or installation of non-structural components of the building such as roofing, siding, windows, storm windows, insulation, drywall or lath and plaster, or any other replacement, in kind, that does not alter the structural integrity, alter the occupancy or use of the building, or affect, by rearrangement, exitways and means of egress; but shall not include additions to or alteration of, or relocation of any standpipe, water supply, sewer, drainage, gas, soil, waste, vent or similar piping, electric wiring or mechanical equipment including furnaces and hot water heaters or other work affecting public health or safety.

Section 5. Installation of Service Equipment. When the installation, extension, alteration or repair of an elevator, moving stairway, mechanical equipment, refrigeration, air conditioning or ventilating apparatus, plumbing, gas piping, electrical wiring, heating system or other equipment is specifically controlled by the provisions of this code, it shall be unlawful to use such equipment until a certificate of approval has been issued therefor by the building official or other agency having jurisdiction.

Section 6. Existing Structures. (1) Continuation of existing use: The legal use and occupancy of any structure existing on the date of adoption of this code or for which it has been heretofore approved may be continued without change, except as may be specifically covered in this code, the existing structures or fire prevention codes set forth in 815 KAR 10:020 or as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(2) Change in use. It shall be unlawful to make any change in the use or occupancy of any structure or portion thereof which would subject it to any special provisions of this code without approval of the building official; such approval shall be granted if the building official finds that such structure meets the intent of the provisions of law governing building construction for the proposed new use and occupancy, and that such change does not result in any greater hazard to public safety or welfare. In making his decision, the building official may require a written opinion from a design professional.

(3) Additions, alterations or repairs: Additions, alterations or repairs may be made to any structure without requiring the existing structure to comply with all the requirements of this code, provided such work conforms to that required of a new structure. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building. Any building plus new additions shall not exceed the height, number of stories and area specified for new buildings.

(4) Alterations or repairs to an existing structure which are nonstructural and do not adversely affect any structural member of any part of the structure having a required fire resistance rating may be made with the same materials of which the structure is constructed.

Section 7. Departments of Building Inspection. (1) Each local government singularly or by association with other local governments shall employ a building official or inspector and other code enforcement personnel as necessary to enforce this code within its jurisdiction. The department shall be responsible for the enforcement of this code as it pertains to the buildings assigned by law to it.

(2) All building officials shall be appointed by the chief appointing authority for the respective jurisdictions and shall meet the qualifications for the position which may be established by the appointing authority, in addition to the requirements for certification of Kentucky building code inspectors as detailed in 815 KAR 7:070.

(3) Official records shall be kept of all business and activities of the various local building departments or state building departments specified in provisions of the KBC, and all such records shall be open to the public inspection at all appropriate times under the terms and conditions of KRS Chapter 61.

Section 8. Duties and Powers of the Building Official. The local governments shall designate the persons to be charged with the responsibility of enforcing the KBC within its community and it shall neither adopt nor enforce any ordinance regulating buildings which conflicts with the KBC. The local building official shall be responsible for the examination and approval of plans and specifications and the inspections necessary to determine compliance for the following buildings:

(1) All buildings classified as storage, residential, miscellaneous or utility occupancies so long as they do not exceed three (3) stories in height or 20,000 square feet of floor area.

(2) All buildings classified as assembly business or mercantile occupancies having a capacity which does not exceed 100 persons.

(3) All churches having a capacity of 400 or less persons and 6,000 or less square feet of total floor area.

(4) All buildings classified as factory or industrial occupancies having a capacity which does not exceed 100 persons.

(5) Buildings owned by the Commonwealth are not subject to local plan review, inspection or approval, regardless of size, occupant load or occupancy classification.

Section 9. Duties and Powers of the Department. (1) It shall be the responsibility of the department to review plans and specifications, issue permits, make inspections and to determine compliance with the KBC for the following buildings:

(a) All buildings classified as assembly occupancies having a capacity in excess of 100 persons, except churches having a capacity of 400 or less persons and 6,000 or less square feet of total floor area;

(b) All buildings classified as educational occupancies;

(c) All buildings classified as institutional occupancies;

(d) All buildings classified as business and mercantile occupancies having a capacity in excess of 100 persons;

(e) All buildings classified as industrial and factory occupancies having a capacity in excess of 100 persons;

(f) All frozen food locker plants;

(g) All buildings classified as high hazard occupancies;

(h) All other buildings containing in excess of three (3) stories or 20,000 square feet of floor area;

(i) All industrialized building systems regardless of occupancy classification;

(j) All buildings owned by the Commonwealth, regardless of occupancy classification or size.

(2) Any local government may petition to the department for additional plan review responsibility. Such petition shall include the evidence of the local governments capability to perform those functions, as required by regulations of the board. Denials of such petitions are appealable to the board.

(3) The appropriate official shall make all the required inspections, or he may accept reports of inspection by authoritative and recognized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual.

(4) The building official or his authorized representative should carry proper credentials of his respective office for the purpose of inspecting buildings and premises and the performance of his duty under this code.

(5) The board shall have the powers as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate amendments to the code and other rules and regulations which are necessary to implement this code and by means of the appeals board procedures to issue interpretations which shall be binding upon the appellee and the building officials. The building official shall implement the provisions of this code to secure the intent thereof.

(6) In the absence of provisions not specifically contained in this code or approved rules and orders, the regulation, specifications and standards listed in Appendix A "Referenced Standards" of the 1987 [1984] Edition of BOCA [Basic] National Building Code filed herein by reference, shall be deemed to represent accepted engineering practice with respect to [of] materials, equipment, system or method of construction therein specified, and shall therefore be acceptable.

Section 10. New Materials and Modifications. (1) It is the purpose of the KBC to set forth performance objections so as to facilitate new technologies, techniques and materials; therefore, alternate materials and equipment may be used provided such an alternative has been tested and listed by nationally recognized testing and research laboratories approved by the board.

(2) The building official may accept supporting data to assist him in his determinations: duly authenticated research reports from BOCA or from other approved authenticated sources for all materials or assemblies proposed for use which are not specifically provided for in the KBC.

(3) Used materials, equipment and devices may be used provided they have been retested and placed in good and proper working condition and approved by the building official.

(4) When there are practical difficulties involved in carrying out structural or mechanical provisions of this code or of an approved rule, the building official having plan review responsibility may vary or modify such provision upon application of the owner or his representative only if the spirit and intent of the law shall be observed and equivalent safeguards provided. The application for modification and the final decision of the building official shall be in writing. When a modification is granted by a local building official, a copy of the application and the decision shall be forwarded to the department and the local fire official.

(5) The board may withdraw authority for plan review from a local building department where it finds, upon petition of the department, that the local inspection agency is not adequately performing any portion of its program and, thereafter, allow the department to preempt that portion of a local program.

Section 11. Inspections. (1) Before issuing a permit the appropriate building officials may examine or cause to be examined all buildings,

structures and sites for which an application has been filed for a permit required by this code. No construction shall begin on buildings covered by this regulation until a local building official has issued a permit for such construction and an official representing the department has issued a letter releasing the plans for construction (if it has plan review responsibility).

(2) After issuing a building permit for a building over which he has plan review responsibility the building official shall conduct inspections from time to time during and upon completion of work and he shall maintain a record of all such examinations and inspections and of all violations of the KBC.

(3) The building official may accept reports of approved inspection services which satisfy the requirements of the appropriate governmental entity.

(4) Inspections for KBC compliance of trade or brand name homes shall be the responsibility of the local building official.

(5) In-plant inspections in production and manufacturing facilities for industrialized building systems as well as on-site inspection shall be conducted by the department or its authorized agent pursuant to 815 KAR 7:020. The local building official shall be responsible to inspect such system only for location under applicable local ordinances.

(6) Upon completion of the building, the owner or agent of the facility shall request a final inspection; the building official shall set a time for said inspection and notify the owner or agent. If compliance with the approved plans and permit has been achieved, a certificate of occupancy shall be issued, as described in Section 17 of this regulation. If compliance has not been achieved, any violations shall be noted and immediately communicated to the owner or agent and the fire official.

(7) The building official shall cooperate with the fire official by allowing the fire official to inspect all buildings during construction. Any recommendations made by the fire official relating to fire safety in construction of a building shall be considered by the building official and if a certificate of occupancy is issued contrary to said written recommendations the building official shall give written notification of his decision to the fire official and the department at once.

Section 12. Right of Entry. Applicants for building permits shall be deemed to consent to inspection during construction and upon completion of construction for the purpose of determining that such building is constructed in compliance with the Kentucky Building Code, and the inspector may enter upon the premises during any reasonable hour.

Section 13. Application for Permit Required. (1) It shall be unlawful to construct, enlarge, or alter a structure; or change the type of occupancy of a building requiring greater strength, exiting or sanitary provisions; or to change to another use; or to install or alter any equipment for which provision is made or the installation of which is required by KBC, without first filing an application with the appropriate building officials in writing and obtaining the required permit therefor; except that ordinary repairs, as defined in Section 4 of this regulation, which do not involve any violation of KBC shall be exempt from this provision.

(2) The application for a permit shall be submitted in writing and in such form as the department may prescribe and shall be accompanied by the required fee.

(3) The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the building official.

(4) Application for permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

(5) The application for the permit shall be accompanied by specifications and plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. The building official shall cooperate with the fire official by allowing the fire official to review all plans. Any recommendations made by the fire official relating to fire safety in construction of a building shall be considered by the building official and he shall report his decision to the fire official at once. When quality of materials is essential for conformity to the KBC, specific information shall be given to establish such quality; and the KBC shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information. The building official may waive the requirement for filing plans when the work involved is of a minor nature.

(6) Site plan. There shall also be a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey.

(7) Engineering details. The building official may require adequate details of structural, mechanical and electrical work including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the signature of the responsible design professional. Plans for buildings more than two (2) stories in height shall indicate how required structural and fire resistance rating integrity will be maintained, and where a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and systems.

(8) An application for permit for any proposed work should be deemed to have been abandoned six (6) months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for

reasonable cause, the building official may grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each.

(9) Subject to the limitations of Section 13 of this regulation, amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued; and such amendments shall be deemed a part of the original application and shall be filed therewith.

(10) The building official may revoke a permit or approval issued under the KBC in case of any false statements or misrepresentation in the application or on the plans.

Section 14. Permits Required. (1) The building official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to the requirements of all pertinent laws, he shall reject such application in writing, stating the reasons therefor. If he finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, he shall issue a permit therefor as soon as practicable.

(2) Any permit issued shall become invalid if the authorized work is not commenced within one (1) year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

(3) The KBC shall not require changes in the plans, construction or designated use of a building for which a lawful permit has been theretofore issued or otherwise lawfully authorized by approved plans, so long as the substantial construction on the project has commenced within one (1) year from the date the permit was issued.

(4) The building official shall attach his signature to every permit, or he may authorize a subordinate to affix such signature thereto.

(5) The building official shall record and communicate to the owner or agent, the terms and conditions related to his approval to commence construction.

(6) The building official may issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of this code. The holder of such permit for the foundations or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted.

(7) Approved plans. The building official shall stamp or endorse in writing the corrected plans approved, and that set shall be available at the building site, open to inspection of the building official or his authorized representative at all reasonable times.

(8) A true copy of the building permit shall be available on the site of operation open to public inspection during the entire time of prosecution of the work and until the completion of the same.

Section 15. Conditions of Permit. (1) A permit shall not be issued until the fees prescribed by the department or the local government have been paid. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of the KBC, except as specifically stipulated by modification or legally granted variation as described in the permit.

(2) All work shall conform to the appropriate application and plans for which the permit has been issued and any approved amendments thereto and shall be located strictly in accordance with the approved plot plan and any local ordinances governing the location of the building.

(3) A lot shall not be changed, increased or diminished in area from that shown on the official plot site plan, unless a revised plan showing such changes accompanied by the necessary affidavit of owner or applicant shall have been filed and approved, except that such revised plan will not be required if the change is caused by reason of an official street opening, street widening or other public improvement.

Section 16. Fees. (1) A permit to begin work for new construction, alteration, removal, or other building operations shall not be issued until the fees prescribed by law shall have been paid to the department or local building department, nor shall an amendment to a permit necessitating an additional fee because of an increase in the estimated cost of the work involved be approved until the additional fee shall have been paid.

(2) The payment of the fee for construction, alteration, and for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for water taps, sewer connections, electrical permits, erection of signs and display structures, marquees or other appurtenant structures, or fees of inspections, certificates of use and occupancy or other privileges or requirements, both within and without the jurisdiction of building inspection.

(3) The fee for building permits and other functions performed pursuant to KRS Chapter 198B may be designed to fully cover the cost of the service performed; and the department and each local government is authorized to establish by approved rules or ordinances a schedule of unit rates for buildings and structures of all use groups and type of construction as classified and defined in the KBC.

Section 17. Certificate of Use and Occupancy. (1) No building on which site preparation and assembly were begun, after the Kentucky Building Code becomes effective as to that building, shall be occupied until the appropriate building official issues a certificate of occupancy certifying that the building was constructed in conformance with the standards of the Kentucky Building Code, or assembled or installed in conformance with applicable instructions; except that:

[(a)] A building for which a permit was legally granted prior to the effective date of the KBC may be constructed and occupied under the provisions of relevant regulations in force

at the time the permit was issued provided that substantial construction has commenced within one (1) year from the date the permit was issued.

[(b) A building for which plans were prepared at least three (3) months prior to the effective date of the KBC and upon which construction was begun prior to the effective date of the KBC in a locality not then requiring a building permit may be completed and occupied without a building permit.]

(2) A building or structure hereafter enlarged, extended or altered to change from one (1) use group to another or to a different use within the same use group, in whole or part, and a building or structure hereafter altered for which a certificate of use and occupancy has not been heretofore issued, shall not be occupied or used until the certificate shall have been issued by the building official, certifying that the work has been completed in accordance with the provisions of the approved permit; except that any use or occupancy, which was not discontinued during the work alteration, shall be discontinued within thirty (30) days after the completion of the alteration unless the required certificate is secured from the building official.

(3) After a change of use has been made in a building or structure, the reestablishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless the building complies with all applicable provisions of this code. A change from one (1) prohibited use, for which a permit has been granted to another prohibited use shall be deemed a violation of this code.

(4) Upon the request of the holder of a permit, the building official may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

(5) When a building or structure is entitled thereto, the building official shall issue a certificate of use and occupancy within ten (10) days after written application. The certificate shall certify compliance with the provisions of this code and the purpose for which the building may be used in its several parts. The certificate of use and occupancy may specify the following information from the 1987 [1984] edition of the BOCA [Basic] National Building Code: the use group, in accordance with the provisions of Article 3 [2]; the fire grading as defined in Article 3 [2] and Table 902; the maximum live load on all floors as prescribed in Article 11 [7]; the occupancy load in the building and all parts thereof as defined in Article 3 [2] and Article 8 [6]; and any special stipulations and conditions of the building permit.

Section 18. Posting Structures. (1) Every building and structure and part thereof designed for business, factory and industrial, high hazard, mercantile, or storage use (use groups B, F, H, M, and S) as defined by the KBC shall be posted on all floors by the owner with a suitably designed placard in a form designated by the department, which shall be securely fastened to the structure in a readily visible place, stating: the use group, and the occupancy load.

(2) Every room constituting a place of assembly shall have the occupancy load of the room posted in a conspicuous place, near the main exit from the room. Approved signs shall be maintained in a legible manner by the owner or his authorized agent. Signs shall be durable and shall indicate the number of occupants permitted for each room use.

(3) All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed, or defaced and, if lost, removed or defaced, shall be immediately replaced.

Section 19. Violations and Remedies. (1) It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, use or occupy any building or structure or equipment regulated by the KBC, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code.

(2) The building official shall serve a notice of violation or order on the person responsible for erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of this code or in violation of a detail statement or a plan approval thereunder, or in violation of a permit or certificate issued under the provisions of this code; and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(3) If the notice of violation is not complied with promptly, the building official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or of the order or direction made pursuant thereto.

(4) Penalties. Any person who shall violate a provision of the KBC or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or proper direction of the building official, or of a permit or certificate issued under the provisions of the KBC, shall be subject to such penalties as may be provided by KRS 198B.990 and other applicable law.

(5) Injunctive relief. The department or any local agency enforcing the uniform state building code may obtain injunctive relief from any court of competent jurisdiction to enjoin the offering for sale, delivery, use, occupancy or construction of any building on which construction was begun after the effective date of said code, upon an affidavit of the department or the local government agency specifying the manner in which the construction, or if a building existing prior to the effective date of said code, the reconstruction, alteration, repair or conversion does not conform to the requirements of the KBC.

(6) No person shall hinder an inspector enforcing any of the provisions of this code in the performance of his lawful duties under this chapter.

Section 20. Notice to Owner. (1) Upon notice from the building official that work on any

building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work may be resumed.

(2) Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to the restraints provided in Section 19 of this regulation.

Section 21. Authority for Existing Buildings. (1) Upon the issuance of a final approval of a facility and the issuance of a lawful certificate of occupancy with respect to a particular facility, the building official's authority and responsibility as to that facility is ended so far as the KBC is concerned, unless the facility later becomes subjected to the KBC by virtue of Section 6 of this regulation.

(2) Other local or state law must be consulted to determine the existence of other powers given to the building official, such as those related to demolition or authority over unsafe structures, which are not specifically awarded him or her in the KBC.

(3) The State Fire Marshal's Office and the local fire official designated by the local government shall continue to be the persons responsible for enforcement of the fire safety standards [of safety] for existing buildings and shall also inspect for fire safety maintenance after a building has been given a final certificate by the building official, under KRS Chapter 227, and 815 KAR 10:020.

Section 22. Local Board of Appeals. (1) The mayor, chairman of the board of trustees, or county judge executive of a local government which is enforcing the Kentucky Building Code, may, upon approval of the local legislative body, appoint a local appeals board, consisting of at least five (5) technically qualified persons with professional experience related to the building industry, three (3) of which must not be employees of the local government, to hear appeals of the decisions of the local building official.

(2) Local governments which are enforcing the Kentucky Building Code may cooperate with each other and provide a local appeals board and shall adhere to the provision of KRS Chapter 65 when entering into such cooperative agreements.

(3) No local building official or employee of a local inspection department may sit on a local appeals board if such board is hearing an appeal to a decision rendered by his department. No member of a local appeals board shall hear an appeal in a case in which he has financial interest.

(4) Any party to a decision by the local building official may appeal that decision to the local appeals board. Upon receipt of an appeal from a qualified party, the local appeals board shall convene a hearing to consider the appeal within fifteen (15) days of receipt.

(5) All parties to the appeal shall be notified of the time and place of the hearing by letter mailed by certified mail no later than ten (10) days prior to the date of the hearing.

(6) The local appeals board shall render a decision within five (5) working days after the hearing. The board may uphold, amend or reverse the decision of a local building official, and there shall be no appeal from the decision of the local appeals board other than by appeal to the board.

Section 23. Appeals Procedures. (1) Where a local appeals board exists, a party including the local fire official must first appeal to the local board when aggrieved by a decision of the local building official.

(2) A party, including the local fire official, aggrieved by a decision of a local building official where no local appeals board exists may appeal directly to the board. The board shall further hear appeals directly from a party aggrieved by the decision of an agent of the department or the State Fire Marshal.

(3) Application for appeal may be made when it is claimed in writing that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used, or that the building official has refused to grant a modification to the provisions of this code covering the manner of construction of materials to be used in the erection, alteration or repair of a building or structure.

(4) The board may appoint five (5) or more of its members, excluding the chairman of the board, to consider the recommendations of the commissioner or to conduct hearings, and those appointed shall act in all matters concerning the appeal for the entire board.

(5) The board may adopt such rules, regulations and bylaws as are necessary to conduct said appeals; and no member of the board or committee may vote on any matter which will result in his direct or indirect financial gain.

(6) Appeals to the board shall be in writing and shall be addressed to the Commissioner of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601; Attention: Appeals Board. Such appeals shall include citations of those provisions of the Kentucky Building Code which are at issue, an explanation as stated in subsection (3) of why the decision of the state building official or local building official relative to those provisions is being contested and a copy of the decision rendered by the local appeals board, if any.

(7) The commissioner shall immediately notify the board when an appeal is received. The commissioner or a designated employee of the department shall then investigate the evidence pertaining to such an appeal, based upon the results of such investigation, make recommendations to the board or committee on the disposition of the case in question.

(8) No employee of the department shall investigate or make recommendation on an appeal to his own decision, but shall defer in such cases to employees who are not party to the decision which lead to the appeals.

(9) In conducting such investigation, the commissioner or the designated representatives, acting for the department shall have the authority to administer oaths and affirmations, issue subpoenas authorized by law, rule upon offers of proof and receive relevant evidence,

take or cause disposition to be taken, regulate the course of any hearings they may schedule, and hold conferences for the settlement or simplification of the issue by consent of the parties.

(10) The commissioner shall cause such investigation to be completed and forwarded with written recommendations to the board within thirty (30) days after receiving such an appeal.

Section 24. Action of the Board. (1) Upon receiving the written recommendations of the commissioner, the board may decide to accept such recommendations, or it may decide to convene a hearing to consider the question further. Upon receipt of the recommendations of the commissioner, the board shall render a decision on each appeal at its regularly scheduled meeting but no later than thirty (30) days after receipt of such recommendations.

(2) If the board has authorized an appeals committee to hear an appeal, the committee shall act for the board in all matters related to the appeal.

(3) Should the board's decision be to schedule a hearing on the appeal, such hearing shall occur within thirty (30) days of such decision, and all parties to such hearing shall be immediately notified in writing of the time and place of such hearing by the commissioner. The board may further exercise the same powers of investigation as granted to the commissioner in Section 23 of this regulation. The board shall render a decision within ten (10) days of any appeals hearing it may conduct.

(4) The board may uphold, amend or reverse the decision of a local appeals board, a local building official or the state building official; and the decision of the board or the appeals committee shall be final.

(5) The chairman of the board shall notify the appropriate building official and he or she shall take immediate action in accordance with the decision of the board.

(6) There shall be no appeal from the board's decision except to the circuit court within whose jurisdiction the property in question is located. Application for review shall be made to the proper court within thirty (30) days following that decision.

Section 25. Construction Control and Responsibilities. (1) The provisions of this section shall define the responsibility of the building official in relation to design professionals and the circumstances under which the department or the local building official shall be authorized to accept design professionals affirmation in their plans and specifications as to compliance with various provisions of this code.

(2) All new, alteration, repair, expansion, addition or modification work involving the practice of professional architecture and engineering as defined by KRS Chapters 322 and 323 shall be prepared by registered professional architects or engineers as certified by the state; and all plans, computations and specifications required for a building permit application for such work must be prepared by or under the direct supervision of the registered architect or engineer and bear his seal and signature in accordance with those statutes.

Section 26. Validity. (1) In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, which may or shall be determined to be legal; and it shall be presumed that this code would have been passed without such illegal or invalid parts or provisions.

(2) Any invalid part of this code shall be segregated from the remainder of this code by the court holding such part invalid, and the remainder shall remain effective.

(3) The invalidity of any provision in any section of the KBC as applied to existing buildings and structures shall not be held to affect the validity of such section in its application to buildings and structures hereafter erected.

Section 27. Effective Dates for KBC Application. (1) Any building required by Section 9(1) of this regulation to be submitted to the Department of Housing, Buildings and Construction and which was [has] not [been] submitted and accepted for construction prior to February 15, 1980, must be constructed in compliance with the applicable provisions of the KBC.

(2) Any building required by Section 8 of this regulation to be submitted to a local government for plan review and which was [has] not [been] lawfully approved for construction prior to the following timetables shall be constructed in compliance with the applicable provisions of the KBC:

(a) In all local governments in a county containing a first or second class city or urban county government, no later than February 15, 1980.

(b) In all local governments in a county where the largest city is of the third or fourth class, no later than August 15, 1981.

(c) In all local governments in a county containing no city larger than fifth or sixth class, no later than August 15, 1982.

(3) Any local government may adopt the KBC voluntarily before the mandatory date stated in subsection (2) of this section.

Section 28. Whenever the department has entered into a contractual obligation requiring enforcement of applicable federally approved codes, the department shall approve plans and make inspections; using those federal codes as an alternative to other applicable provisions of the KBC, so long as equivalent safety is maintained. Any facility of an occupancy type subject to review by the federal codes may use this section.

Section 29. Day Care Centers. Family child day care homes, group day care homes, day nurseries and child day care centers which comply with the provisions of the Life Safety Code, N.F.P.A. Phamplet #101, shall be deemed to have satisfied all the life safety requirements of the Kentucky Building Code.

Section 30. Until December 31, 1987 [November 30, 1985], the department shall accept plans in conformity with the requirements of either the 1984 [1981] Edition BOCA Code or the 1987 [1984] Edition, together with any Kentucky amendments thereto. After December 31, 1987 [November 30, 1985], all plans shall be designed to conform with the 1987 [1984] Edition of the BOCA Code as

set forth in this regulation.

CHARLES A. COTTON, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: June 18, 1987
FILED WITH LRC: June 26, 1987 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on August 24, 1987 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by August 19, 1987, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? N/A

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Building Codes Enforcement
(Proposed Amendment)

815 KAR 7:020. Building code.

RELATES TO: KRS Chapter 198B
PURSUANT TO: KRS 198B.040(7), 198B.050
NECESSITY AND FUNCTION: The Kentucky Board of Housing, Buildings and Construction is required by KRS 198B.040(7) to adopt and promulgate a mandatory uniform state building code, which establishes standards for construction of buildings in the state. This regulation establishes the Kentucky Building Code basic provisions relating to new construction, including general building limitations, special use and occupancy, light, ventilation and sound transmission control, means of egress, structural and foundation loads and stresses, acceptable materials and tests, fire resistive construction and fire protection systems, safety during building operations, mechanical systems, energy conservation and electrical systems.

Section 1. The Kentucky Building Code shall include the National Electrical Code, 1987 Edition, N.F.P.A. #70, published by and copies available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. The National Electrical Code is hereby adopted by reference.

Section 2. The Kentucky Building Code shall include the "BOCA National [Basic] Building Code/1987 [1984]," Tenth [Ninth] Edition, published by and copies available from Building Officials and Code Administrators International, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60477. That code, including all standards listed in Appendices A through D are hereby adopted by reference on June 18, 1987, with the following additions, exceptions and deletions:
(1) Delete Article 1 in its entirety. All requirements for the administration and enforcement of this regulation are set forth in 815 KAR 7:010 with fees established by 815 KAR 7:013.
(2) Change subsection 201.0 to include the following additional definitions:
(a) "Construction: The erection, fabrication, reconstruction, substantial alteration or conversion of a building, or the installation of equipment therein."
(b) "Equipment: Facilities or installations including but not limited to, heating, electrical, ventilating, air-conditioning, and refrigerating facilities or installations."
(c) "Reconstruction: The process of reproducing by new construction the exact form and detail of a vanished building, structure or object or a part thereof as it appeared at a specific period of time."
(d) "Rehabilitation: The process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use of while preserving those portions or features of the property which are significant to historical, architectural and cultural values."
(e) "Restoration: The process of accurately recovering the form and details of the property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work."
(f) "Stabilization: The process of applying measures designed to re-establish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists."
(3) Change subsection 201.0 definitions to read as follows:
(a) "Basement: That portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, ventilating facilities, but which is not ordinarily used for purposes of general household habitation." (See "Story Above Grade.")
(b) "Story: That part of the building

comprised between a floor and the floor or roof next above which is not a basement or an attic."

(4) Change subsection 309.5 to read as follows: "309.5 Use group R-4 Structures: This use group shall include all detached one (1) or two (2) family dwellings not more than than three (3) stories in height, and their accessory structures as indicated in the Appendix B Standard, One- and Two-Family Dwelling Code. All such structures shall be designed and built in accordance with the requirements of this code for use group R-3 structures or shall be designed and built in accordance with all the requirements of the one (1) and two (2) family dwelling code as listed in Appendix B, except that the requirements of the state plumbing code (Article 28 [22]) shall supersede those conflicting requirements of the one (1) and two (2) family dwelling code. This choice shall be made by the builder at the time of plans submission. Nevertheless, any builder may use exception #3 of Section 809.4 to determine minimum size of egress windows."

(5) Change subsection 505.1 to read as follows: "505.1 Alteration Limitations: These provisions shall not be deemed to prohibit alterations within the limitations of Sections 106 and 505.2 provided an unlawful change of use is not involved."

(6) Delete Sections 512.1 through 512.4.1 and substitute the following: "512.1" Requirements for accessibility of the handicapped: Please see 815 KAR 7:060 for construction requirements providing accessibility to the handicapped, Article 33 [25] of this Code.

(7) Delete Section 513.1 in its entirety.

(8) Change Section 600.8.2 [603.0] by creating a new subsection which shall read as follows: "600.8.2 [603.3] Housekeeping: Periodic inspections of existing uses and occupancies shall be made by the appropriate fire and health officials to insure maintenance of good housekeeping conditions."

(9) Change Section 608.1 to read as follows: "Private garages located beneath rooms in buildings of Use Groups R-1, R-2, R-3 or I-1 shall have walls, partitions, floors and ceilings separating the garage space from the adjacent interior spaces constructed of not less than one (1) hour fire-resistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of one-half (1/2) inch gypsum board or equivalent applied to the garage side. The sills of all door openings between the garage and adjacent interior spaces shall be raised not less than four (4) inches (102 mm) above the garage floor. The door opening protectives shall be one and three-fourths (1 3/4) inch solid core wood doors or approved equivalent. In lieu of the required one and three quarter (1 3/4) or twenty (20) minute door, an approved automatic sprinkler head located directly above the door in the garage and properly connected to the domestic water system or an approved automatic detector located directly above the door in the garage shall be acceptable."

(10) Delete Section 702 and Section 804 in their entirety.

(11) Change Section 900.0 by creating a new subsection which shall read as follows: "900.2.1 Certificate of Compliance: the provisions of this article may be deemed to have been satisfied when certification of an architect or engineer registered in Kentucky to that effect is placed on drawings submitted to the building official."

(12) Delete subsections 904.4.2, 904.4.3, 904.4.4 [1404.4.2, 1404.4.3, 1404.4.4] in their entirety.

(13) Change subsection 2500.2 [1600.2] to read as follows: "2500.2 [1600.2] Boilers: All boilers and associated pressure piping shall meet the standards for construction, installation and inspection as set forth in Title 815, Chapter 15, Kentucky Administrative Regulations."

(14) Add two (2) new subsections to Section 2500.0 [1600.0] which shall read as follows:

(a) "2500.3 [1600.3] Unfired Pressure Vessels. All unfired pressure vessels shall meet the standards set forth in Section VIII of the 1983 Edition of the ASME Boiler and Pressure Vessel Code, ANSI/ASME BPV-VIII-1."

(b) "2500.4 [1600.4] Mechanical Code: All mechanical equipment and systems not covered by 2500.2 or 2500.3 [1600.2 or 1600.3] but which are required by other provisions of this code to be installed in accordance with the mechanical code listed in Appendix A, shall be constructed, installed and maintained in conformity with the BOCA Basic Mechanical Code/1987 [1984] including all applicable standards listed within Appendix A."

(15) Delete Article 29 [Nineteen (19)] in its entirety.

(16) Amend Article 27 [20] by changing, creating or deleting certain portions thereof, as follows:

(a) Create a new subsection 2700.5 [2000.5] which shall read as follows: "2700.5 [2000.5] Electrical Inspections: Inspections conducted to determine compliance with the National Electrical Code shall be conducted by a certified electrical inspector in accordance with 815 KAR 35:015 [010]."

(b) Delete Subsections 2701.3, 2704.3, and 2704.4 [2001.3, 2004.3, and 2004.4].

(c) In Subsections 2702.1, 2702.3 and 2703.1 [2002.1, 2002.2, 2002.3 and 2003.1] change the words "Building Official" to "Certified Electrical Inspector."

(17) Delete subsections 2800.1 through 2807.1 [2200.1 through 2206.3.1] in their entirety and substitute the following: "2800.1 [2200.1] Scope: The design and installation of all plumbing systems, including sanitary and storm water sewage disposal in buildings shall comply with the requirements of Chapter 318 of the Kentucky Revised Statutes and the Kentucky State Plumbing Code as set out in Title 815, Chapter 20, Kentucky Administrative Regulations."

(18) Change subsection 809.4 to read as follows:

"809.4 Emergency escape: Every sleeping room below the fourth story in buildings of Use Group R and I-1 shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside to a full clear opening without the use of separate tools. Where windows are provided as a means of egress or rescue, they shall have a sill height not more than forty-four (44) inches (1118 mm) above the floor. All egress or rescue windows from sleeping rooms must have a minimum net clear opening of five and seven-tenths (5.7) square feet (0.532). The minimum net clear opening height dimension shall be twenty-four (24)

inches (610 mm). The minimum net clear opening width dimension shall be twenty (20) inches (508 mm).

Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or excessive force."

EXCEPTIONS

1. Grade floor windows may have a minimum net clear opening of five (5) square feet (0.47 m2).

2. In buildings of Use Group R-3, where the sleeping room is provided with a door to a corridor having access to two (2) remote exits in opposite directions, then an outside window or an exterior door for emergency escape from each such sleeping room is not required.

3. Egress windows located on the first and second stories in multiple family dwellings (R-2 and R-3 use groups) and one (1) and two (2) family dwellings, may have a minimum net clear opening height dimension of twenty-two (22) inches and a minimum width dimension of twenty (20) inches; and the net clear opening area may be reduced to no less than four (4) square feet. The minimum total glazed area must be five (5) square feet in the case of a ground floor window and not less than five and seven-tenths (5.7) square feet in the case of a second story window. (This exception applies only if the sash frames can be readily broken or removed.)

Section 3. Elevator, Dumbwaiter and Conveyor Equipment, Installation and Maintenance. The following subsections of Article 26 [21] of the BOCA Basic Building Code are deleted or changed to read as follows:

(1) Change Subsection 2603.4 [2103.4] of Article 26 [21] to read as follows: "2603.4 [2103.4] Posting certificates of compliance: The owner or lessee shall post the last issued certificate of compliance in a conspicuous place on the elevator, available to the building official."

(2) Change Subsection 2602.4.1 [2102.4.1] of Article 26 [21] to read as follows: "2602.4.1 [2102.4.1] Periodic Inspection Intervals: Periodic inspections shall hereafter be made at intervals of not more than twelve (12) months for all passenger elevators, manlifts and escalators."

(3) Change Subsection 2610.1 [2110.1] of Article 26 [21] to read as follows: "2610.1 [2110.1] General: The construction of machine rooms and related construction for passenger and freight elevators and dumbwaiters shall be protected from the weather, and shall be enclosed with fire resistive enclosures. Enclosures and access doors thereto shall have a fire endurance at least equal to that required for the hoistway enclosure in Table 401."

Section 4. Elevators. On page 485 of Appendix A of the BOCA National [Basic] Building Code under "Elevators, Escalators and Moving Walks," add the following [shall be changed to read as follows: Change all] citations; [relating to the "Safety Code for" and substitute "ANSI 17.1-1984 and Supplement to Safety Code for Elevators and Escalators ANSI/ASME A17.1A-1985;] "A17.1B-1985; A17.1C-1986, with the exception of rules 102.2(c)(4) and 700.4b, 700.5, 700.7b, 700.10b, 707.4."

Section 5. Amend [A new subsection of] Article 3 of the 1987 Edition of the BOCA National [Kentucky] Building Code adding a new section [is hereby added] to read as follows: "310.4 Tobacco auction warehouses: Warehouses, for the sale of tobacco only, of Type 1, Type 2, or Type 3 construction, may be constructed without a sprinkler system when all the following requirements have been met:

(1) The initial submission of plans to the Department of Housing, Buildings and Construction shall include a signed certificate by the owner that the warehouse will be used solely for the sale of tobacco on a seasonal basis or for the storage of non-combustibles.

(2) A manual fire alarm and smoke detection system with notification to the local fire service shall be provided with installation in accordance with Section 1017 [1707.0] of this code.

(3) An eighteen (18) foot paved and posted fire lane surrounding the entire perimeter of the building shall be provided and be accessible from a public street.

(4) A fifty (50) foot fire separation shall be maintained between the warehouse and the lot line and the warehouse and the nearest building."

Section 6. [(1)] Amend the 1987 Edition of the BOCA National Building Code [Article 5] as follows:

(1) Amend Article 5 as follows:

(a) In subsection 505.1, change the number, "103.0," to read "106.0."

(b) In subsection 511.1, change the number, "124.0," to read "123.0."

(2) Delete the reference to the BOCA Fire Prevention Code listed in Appendix A and install in its place the following: "The Kentucky Fire Safety Standards (815 KAR 10:020 - Fire Safety Standards) shall be used as the fire prevention code."

[(3) In subsection 612.4, change the number, "107.4" to read "110.0."]

[(4) Change Table 816 to read as follows:]

[TABLE 816
TREAD AND RISER SIZE[a,c]

Use Group	Max. riser	Min. riser	Max. tread	Min. tread
R-3 and within dwelling units in Use Group R-2	8 1/4 in.	--	--	9 in.
All others[b]	7 in.	4 in.	--	11 in.]

[Note a. There shall be no variation exceeding 3/16" in the depth of adjacent treads or in the height of adjacent risers, and the tolerance between the largest and smallest riser shall not exceed 3/8" in any flight.]

[Note b. In balconies and galleries, risers and treads shall be as shown in above table, but one tread in each seat platform width may have a greater width to accommodate access to seats. Seating platforms shall be of a uniform width.]

[Note c. 1 inch = 25.4 mm.]

(3) [(5)] Amend Figure 1113.1 [916] of Article 11 [9] by adding the following list of 120 Kentucky counties showing the assigned earthquake risk zone for each. The risk zone assigned herein shall supersede any general area designations as shown upon the face of the map.

Earthquake Risk Zone #1

Adair	Elliott	Laurel	Oldham
Allen	Estill	Lawrence	Owen
Anderson	Fayette	Lee	Owsley
Barren	Fleming	Leslie	Pendleton
Bath	Floyd	Letcher	Perry
Bell	Franklin	Lewis	Pike
Boone	Gallatin	Lincoln	Powell
Bourbon	Garrard	Logan	Pulaski
Boyd	Grant	Madison	Robertson
Boyle	Grayson	Magoffin	Rockcastle
Bracken	Greene	Marion	Rowan
Breathitt	Greenup	Martin	Russell
Breckinridge	Hancock	Mason	Scott
Bullitt	Hardin	Meade	Shelby
Butler	Harlan	Menifee	Simpson
Campbell	Harrison	Mercer	Spencer
Carroll	Hart	Metcalfe	Taylor
Carter	Henry	Monroe	Todd
Casey	Jackson	Montgomery	Trimble
Christian	Jefferson	Morgan	Warren
Clark	Jessamine	Muhlenberg	Washington
Clay	Johnson	McCreary	Wayne
Clinton	Kenton	McLean	Whitley
Cumberland	Knott	Nelson	Wolfe
Daviess	Knox	Nicholas	Woodford
Edmonson	Larue	Ohio	

Earthquake Risk Zone #2	Earthquake Risk Zone #3
Caldwell	Ballard
Calloway	Carlisle
Crittenden	Fulton
Henderson	Graves
Hopkins	Hickman
Lyon	Livingston
Trigg	Marshall
Union	McCracken
Webster	

(4) [(6)] Change subsection 2203.2.1.7 [1301.5.6.1.7] to read as follows: "Glazing in fixed panels having a glazed area in excess of nine (9) square feet (0.84 m^2) with the lowest edge less than eighteen (18) inches (457 mm) above the finish floor level or walking surface within thirty-six (36) inches (914 mm) of such glazing, and the finish floor or walking surface are extended on both sides of said glazing. In lieu of safety glazing, such glazed panels may be protected with a horizontal member not less than one and one-half (1 1/2) inches (38 mm) in width when located between twenty-four (24) inches (610 mm) and thirty-six (36) inches (914 mm) above the walking surface."

(5) [(7)] Change section 2203 [1301.0] by adding a new subsection 2203.3 [1301.5.6.3] which shall read as follows:

(a) "2203.3 [1301.5.6.3] Labeling requirements:

1. Each light of safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations or installed in such a location within the Commonwealth of Kentucky shall be permanently labeled by such means as etching, sandblasting or firing ceramic material on the safety glazing material. The label shall identify the labeler, whether manufacturer, fabricator or installer, and the nominal thickness and the type of safety glazing material and the fact that said material meets the test requirements of ANSI Standard Z-97.1 and Z-97.1a listed in Appendix A and such further requirements as may be adopted by the Department of Housing, Buildings and Construction. The label must be legible and visible after installation. Such safety glazing labeling shall not be used on other than safety glazing materials."

(6) [(8)] Change subsection 915.4 [1410.4] and the exceptions thereto to read as follows: "915.4 [1410.4] Duct and pipe shafts: In all buildings other than buildings of Use Group R-2, vertical pipes arranged in groups of two (2) or more which penetrate two (2) or more floors and occupy an area of more than one (1) square foot (0.093 m^2), and vertical ducts which penetrate two (2) or more floors, shall be enclosed by construction of not less than one (1) hour fire-resistance rating to comply with this section. All combustible ducts connecting two (2) or more stories shall be enclosed as indicated herein.

Exceptions:

1. In all buildings of Use Group R-2, vertical noncombustible ducts shall not be required to have a one (1) hour enclosure provided:

(a) the cross sectional area does not exceed thirty-five (35) square inches;

(b) the duct does not penetrate more than three (3) floors;

(c) the duct serves no more than one (1) dwelling unit and shall not join other ducts except above the top level for the purpose of utilizing a single roof penetration; and

(d) these ducts are restricted for use as a bathroom or kitchen exhaust, and combustion air supply and relief.

(7) [(9)] Add the following language and NFPA Standards to Appendix A on page 496:

"These NFPA Standards are to be used for fire suppression requirements and design only, where referenced in a specific code requirement in the body of the Code."

BOCA Guide for Suppression Requirements for Specific Occupations

[Installation of Sprinkler System	NFPA 13-85]
Standard for Installation for Private Fire Service Mains and their Appurtenances	NFPA 24-1984
Aircraft Hangars	NFPA 409
[Cellulose Nitrate Film	NFPA 40]
Pyroxylin Plastics	NFPA 40C
Flammable Liquids	[NFPA 30],NFPA 36
[Paint Spray	NFPA 33]
[Dipping and Coating	NFPA 34]
Laboratories	NFPA 45
Fireworks	NFPA 44A
Gaseous Oxidizing Materials	NFPA 43C
[Heliports	NFPA 418]
L.P. Gas Storage	NFPA 58
High Piled Storage in Excess of 12 ft. in height	NFPA 231
[Rack and Palletized Storage in Excess of 12 ft. in height	NFPA 231C]
Rubber Tire Storage	NFPA 231D
Baled Cotton Storage	NFPA 231E
Rolled Paper Storage	NFPA 231F
Rangehoods	NFPA 96
Computer Rooms	NFPA 75
Archives and Record Centers	NFPA 232AM
L.P. Gas Storage and Handling	NFPA 59A
Explosion Prevention Systems	NFPA 69
Fur Storage	NFPA 81
Cooling Towers	NFPA 214
Marinas and Boatyards	NFPA 303
Library Stacks	NFPA 910
[Wood Working Facilities	NFPA 664]

(8) [(10)] Amend Article 30 [18] as follows:
[(a)] In subsection 3005.2 [1805.2], change the words, "Section 2805.4 through 2805.4.3 [2205.4]" to read "Article 28 [22], 815 KAR 20:090."
[(b) In subsection 1807.2.1 and 1807.2.2, insert the words "two (2) feet (610 mm)" in spaces provided.]
(9) [(11)] Delete Article 28 [22] in its entirety and substitute the following reference: "2800.1 [2200.1] General: See Kentucky State Plumbing Code for all the requirements for plumbing installations as set forth in Chapter 20, Title 815 of Kentucky Administrative Regulations. Informational copies are available from the Kentucky Division of Plumbing, U.S. 127 South, Frankfort, Kentucky 40601."

Section 7. Amend [sub]section 812[.5.4] of the 1987 Edition of the BOCA National Building Code.
(1) Amend the first sentence of subsection 812.4.2 to read as follows: [and add an exception to read as follows: "812.5.4 Panic hardware:] All doors equipped with latching or locking devices in buildings of Use Groups A and E or portions of buildings used for assembly or educational purposes and serving rooms or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware." [Acceptable panic hardware will be a door latching assembly incorporating a device which causes any door latch and lock to release and the leaf to open when a force of 15 pounds (73.23 N) is applied in the direction of egress to a bar or panel, the activating portion of which extends not less than one-half the width of the door leaf, and applied at a height greater than 30 inches (762 mm) but less than 44 inches (1118 mm) above the floor. The force shall be applied at the lock side of the door or 30 inches (762 mm) from the hinged side, whichever is farther from the hinge."]
(2) Create an exception to subsection 812.4.2 to read as follows: "Exception: Panic hardware for Use Group A3 is not required for the principal entrance/exit doors if (1) they are free-swinging; and (2) the calculated occupant load does not exceed 150; and (3) the latch/lock device is a thumb latch/lock or a key operated lock device in which the key cannot be removed from the side from which egress is to be made when it is locked."

Section 8. Amend Section 1016.1 [1715.1] to read as follows: "1016.1 [1715.1] Fire hydrants: Fire hydrants installed on private property as a part of a private fire protection system shall be located so as to meet the requirements of NFPA 24. Yard hydrant installation shall be coordinated with the responsible fire officials who shall not make recommendations which exceed the requirements of NFPA 24. Hydrants not addressed by NFPA 24 shall conform to the standards of the administrative authority of the jurisdiction and the fire department. Hydrants shall not be installed on a water main less than six (6) inches in diameter."

Section 9. Amend Article 9 of the 1987 Edition of the BOCA National Building Code [14] by creating certain portions thereof as follows:
(1) Create a new subsection 905.4 [1405.9] which shall read as follows: "905.4 [1405.9] Combustible Pipe: Combustible Pipe shall be permitted in all use groups and construction types where approved by Article 28 [22] of this Code and the Kentucky State Plumbing Code."
(2) Create a new subsection 905.4.1 [1405.9.1] which shall read as follows: "905.4.1 [1405.9.1] Vertical Combustible Pipes: Vertical Combustible Pipes shall comply with Sections 905.4.2 and 915.4 [1405.9.2 and 1410.4]."
(3) Create a new subsection 905.4.2 [1405.9.2] which shall read as follows: "905.4.2 [1405.9.2] Combustible Pipe Penetrations: Combustible pipe penetrations of fire-resistance rated assemblies shall be acceptable when installed in accordance with an approved tested assembly utilizing combustible pipe penetrations. If [Where] there is no approved tested assembly with combustible pipe penetrations, noncombustible fittings shall be required where combustible pipe penetrations enter into or exit from the fire-resistance rated assembly."

Section 10. Create a new Section 2511 of the 1987 BOCA National Building Code entitled "Rangehoods" to read as follows: "2511 Rangehoods. Rangehoods in kitchen exhaust systems shall comply with the requirements of the Mechanical Code listed in Appendix A. The bottom edge of the hood shall be located at a height of not more than four feet (4') above the cooking surface."

Section 11. Amend subsection 625.1 by adding a sentence to read as follows: "625.1.1 The Cabinet for Human Resources, Department for Health Services shall regulate the design and construction of new facilities as related to water distribution and treatment systems for public swimming pools and the proper operation and maintenance of all such facilities. Their regulation is 902 KAR 10:120 and is titled 'Kentucky Public Swimming and Bathing Facilities Regulation'."

Section 12. Amend Appendix A, page 492 of the 1987 BOCA National Building Code under CABO by adding a reference to CABO-1987 Supplement.

Section 13. Amend Section 1012.2.9, Use Group S, by adding an Exception to read as follows: "Use Group S: In all buildings or structures or portions thereof of Use Group S, other than public garages which shall conform to Section 1012.2.11, when:
(1) Three (3) or more stories in height, of Use Group S-1, and more than 3,000 square feet (279 m^2) in area per floor; or
(2) Three (3) or more stories in height, of Use Group S-2, and more than 10,000 square feet (930 m^2) in area per floor; or
(3) Four (4) or more stories in height of Use Group S-1 or S-2 regardless of the area per floor.
EXCEPTION: For open parking structures, the required standpipe may be a dry without making a connection to the permanent water supply."

CHARLES A. COTTON, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: June 18, 1987
FILED WITH LRC: June 26, 1987 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on August 24, 1987 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G.

Walden, Office of General Counsel, Department of Housing, Buildings and Construction, the 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by August 19, 1987, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? N/A

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

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

RELATES TO: KRS Chapter 210
PURSUANT TO: KRS 210.010
NECESSITY AND FUNCTION: KRS 210.010 directs the Secretary of the Cabinet for Human Resources to prescribe regulations for the institutions under the control of the cabinet. The function of this regulation is to adopt policies and procedures for such institutions.

Section 1. Oakwood Policy Manual. The policies set forth in the November 15, 1986, edition of the "Oakwood Policy Manual" consisting of three (3) volumes relating to the operation of Oakwood ICF-MR Facility are hereby adopted by reference.

Section 2. Hazelwood Policy Manual. The policies and procedures set forth in the May 15, 1986, edition of the "Hazelwood Policy Manual" consisting of two (2) volumes relating to the operation of Hazelwood ICF-MR Facility are hereby adopted by reference.

Section 3. Central State Hospital ICF-MR Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Central State Hospital ICF-MR Policy Manual" consisting of two (2) volumes relating to the operation of Central State Hospital ICF-MR Facility are hereby adopted by reference.

Section 4. Eastern State Hospital Policy Manual. The policies and procedures set forth in the July [June] 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 July [June] 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 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-3 Insert a new Pharmacy Manual with the following changes.

Page 5	#3 If the Pharmacist on-call is unavailable, another pharmacist shall be notified.
Page 6	#7 Delete
	#8 Delete
Page 6	3A Added
Page 6A	#14 Second Paragraph delete.
Page 6A	#19 Added
Page 7	#9 Expanded
Page 9	#12 Added
Page 13	#4 Added
Page 14A	3B Change "inscribed" to "transcribed."
Page 24A	#7 (3) Added
Page 24A	#12 Added
Page 24A	#13 Added
Page 26	#8 Change 30 days to 60 days
	#10 Change 30 days to 60 days
Page 27	3(i) Added
Page 33	#10 Added
Page 39B	#12 Delete former #12, add new 12.

D-9 Activity Therapy Services (formerly called Para Psychiatric Services)
Insert the attached new volume with the following changes for sections of the volume:

Work Activity Center

1. Change Table of Contents - Omit WAC-1, renumber subsequent pages.
2. WAC organizational chart revised to reflect the service's name change.
3. Quality Assurance Program - now reflects criteria of 0% and/or 100% standard of care, change in Patient Care Monitoring Review to Clinical Resource Committee, and general rewording and rearranging of paragraphs.
4. WAC Plan - service name change.
5. Time and Attendance Policy - miscellaneous rewording.
6. Employee Orientation Policy - service name change.
7. Staff Development & Training Policy - service name change.
8. Sales Orders Policy - general rewording - no real changes.
9. Budget Policy - wording in policy statement to now include patient staffing and activities, and service name change.
10. Money Policy - color of various copies submitted revised to reflect changes in receipt books used.
11. Patient Referrals Policy - service name change and Procedure #2 Master Treatment Plan revised to Comprehensive Treatment Plan.
12. Treatment Plans Policy - service name change and Procedure #2 Master Treatment Plan revised to Comprehensive Treatment Plan.
13. Program Evaluation Policy - service name change.
14. Interdisciplinary Collaboration Policy - service name change.
15. Infection Control Policy - service name change.
16. Inclement Weather for Patients Policy - rewording of Procedure #1.

Music Therapy

1. Throughout manual reflect service name change from Parapsychiatric Services to Activity Therapy Services.
2. Delete Activity Therapy Services organizational chart and Music Therapy Records policy and renumber subsequent pages.
3. Music Therapy Plan - Line 1: change "six" to "seven" and add paragraph.
   Paragraph 2: Delete "Intensive Treatment II".
   Paragraph 6: Delete, as Music Therapy is not offered on IT/2.
4. Music Therapy Q.A. Program - Paragraph 1: Delete last two lines and add new criteria for evaluative purposes in monitoring M.T. activities. Paragraph 6: Replace "Patient Care Monitoring Review" with "Clinical Resource Review." Delete last line.
5. Patient Referrals Policy - Change "Parapsychiatric Evaluation Team" to "Patient Evaluation Team" in (1.a.). #2 - add at the end of the sentence: and on the P.E.T. Referral Form. #3 - change "Parapsychiatric Evaluation Team" to "Patient Evaluation Team."
6. Treatment Plan Policy - #1 - Delete the last half of the sentence; ..."using the Parapsychiatric Treatment Plan objective method worksheet form." #2 Replace: "Master Treatment Plan" with "Comprehensive Treatment Plan." #4 - Replace: "original" with "content of the." Last part of the sentence: change ... and the content of the plan shall to... and shall also be incorporated. #6 - Replace: "Parapsychiatric Evaluation Team" with "Patient Evaluation Team." Add activity schedule in last line.
7. Patient Care Monitoring Policy - Change name from "Patient Care Monitoring" to "Clinical Resource Reviews." #1 - Change "plus a representative from each discipline in Parapsychiatric Services" to "plus representatives from other discipline in Activity Therapy Services."
8. Program Evaluation Policy - #5 - at end of sentence add "and Quality Assurance Coordinator once a year."
9. Inclement Weather for Patient Policy - #1 - Delete: "All the wards" and replace with "Patients on the wards."

Chaplaincy Services

1. Change Table of Contents - Omit #C-1, C-13, C-14 and renumber subsequent pages.
2. Delete Activity Therapy Services Organizational Chart.
3. Chaplaincy Service Organizational Chart - change department name and add Students under Chief Chaplain.
4. Quality Assurance Program - change department name, change bi-annual WPPR evaluations to bi-annual performance evaluations, change Chapel ares to Chapel area, and change professional review team to professional peer review team.
5. Staff Pattern Policy - change department name, and Procedure #1 to read "The Chief Chaplain provides direct services and is expected to relate with all the treatment teams and areas within the hospital."
6. Death of a Patient Policy - change spelling of St. Peter Claver.
7. Delete Staff Development Leadership Policy.
8. Delete New Patient Orientation Group Policy.
9. Gragg Building Chapel Policy - change department name, and Procedure #3, add at

end of procedure "and piano or electric organ."

10. Chief Chaplain Job Description - change Direct Supervisor's Job Title to Director of Activity Therapy Services.

Therapeutic Recreation

1. Change title "Hospital Administrator" to Director of Administrative Services throughout.
2. Change Parapsychiatric to Activity Therapy throughout.
3. Page 4: move #2 to page 9 and list as #7.
4. Page 5, first paragraph: add after first sentence - "The department's monitoring will be performed based on specific written criteria for the evaluation of specific aspects of care as related to the department's functions. The written criteria will be based on 0% standard and/or 100% standard of care." Also add "studies and reviews which do not meet the standard" after Action shall be taken on.
5. Page 6: add Activity Therapy Services Diretor to those receiving monthly reports in paragraphs 1 and 2.
6. Page 8: #1 - add "a minimum of" a bachelor degree. #4 - change He to He/she in last sentence.
7. Page 9: add "and/or Assistant Therapeutic Recreation Director" after Therapeutic Recreation Director.
8. Page 11: #3 - add "weaknesses, goals," after strengths. #5 - add "or lack of progress" after progress.
9. Page 14: #3 - add "This may include patient comments" at the end.
10. Page 18: delete existing #7. Change existing #8 to #7 and existing #9 to #8. Add to #6 "who will make arrangements to repair or replace worn or damaged equipment" after supervisor.

O.T. Policies and Procedures

1. Change service name throughout manual to Activity Therapy Services.
2. Delete Activity Therapy Services Organizational Chart and renumber subsequent pages.
3. O.T. Organizational Chart revised.
4. O.T. Plan - Under Primary objectives #7 added - to increase the number of leisure skills through individual and group tasks. Under Secondary objectives #6 deleted as now covered under primary objectives.
5. O.T. Quality Assurance Program - extensive changes were made in this section.
6. O.T. Clinic Policy - #5 changed "the mentally retarded" to "and developmentally disabled." Delete the "and" between physically and psychiatrically and put a comma there.
7. Patient Referrals Policy - #1, #2, #3 - changed "Parapsychiatric Evaluation Team" to "Patient Evaluation Team."
8. Treatment Plan Policy - #2 changed "Master Treatment Plan" to "Comprehensive Treatment Plan." #7 changed "Parapsychiatric Evaluation Team" to "Patient Evaluation Team."
9. Integrated Progress Notes Policy - #9 added "documented" after "weekly progress note" and deleted "during their entire hospitilization."
10. O.T. Records Policy - #1 added "statistical information" in place of "checklists and flow charts."
11. Interdisciplinary Collaboration Policy - #2 changed "Parapsychiatric Evaluation Team" to "Patient Evaluation Team."
12. Program Evaluation Policy - #1 added "and treatment planning" after "treatment programs." Current #2 and #3 are totally deleted and new paragraphs were added.
13. Administrative Regulations Policy - change title to "Personnel Guidelines" Policy. Policy statement: Change "Administrative regulations" to "Personnel regulations." #3 change "rest periods" to "breaks" in first sentence. Delete "these paid rest periods" and replace with "breaks" in second sentence.

Section 5. Central State Hospital Policy Manual

E-9 Dental Manual

The following changes and revisions were made.

Section A No. 1 Bylaws of the Governing Board - revised entire bylaws for the purpose of providing quality adult inpatient psychiatric treatment to the citizens of the Seven Counties region of the Commonwealth of Kentucky and the ultimate responsibility for this care is assumed by the Governing Board.

Section B No. 1 - Organizational Structure - revised chart to define lines of authority and responsibility.

Section B No. 2 - Smoking - revised to add Item 13, 14, & 15 under PROHIBITED AREAS under Procedure. Changes needed to be made in the SMOKING AREAS. This policy revised to reflect a health awareness for patients and staff by decreasing smoking time and areas where smoking is permitted.

Section E No. 1 - Infection Control - revised to add in Procedure No. 3 the first sentence an addition of "or designee" was added.

Also under Procedure No. 5 and addition was made to add 5 h. to read "the institution of antibiotic susceptibility/resistance trend studies as appropriate."

Section G No. 6 - Organizational Nursing Department Structure - new policy to provide information to administrative and clinical staff regarding structure and roles of accountability within the nursing department. It also indicated collaborative lines of communication the Director of Nursing has with the Clinical Director & Infection Control.

Section G No. 8 - Nursing Management Functions - new policy to assure that Central State Hospital nursing department is organized to assure that nursing management functions are effectively fulfilled, the nursing department is directed by a qualified nurse administrator; and the purpose and function of each committee is defined.

Section I No. 3 - Death of a Patient in Hospital Ministry - revised policy to add No. 6 under the procedure.

Section HH No. 2.80 - In-house Consultation Request & Form - revised additions were made

in the policy section to add Podiatry, Psychiatry, Dental & Treatment Appropriateness Review Committee (TARC). Form had some changes made also.

Section HH No. 4.10 - Discharge AMA (Against Medical Advice) - revised policy addition under Procedure Item 6 was added to state that hospital personnel have no right to confine a patient who requests discharge against medical advice, even if the patient refuses to sign the form.

Section HH No. 5.75 - Staff/Patient Relationship - revised under Procedure No. 3 to add the sentence that staff shall not borrow from or lend personal items to patients. Combined Item No. 4 in with Item No. 3.

Section HH No. 8.20 - unit Chart Assembly Order, Chart Dividers and Culling Procedures - revised policy to change "ward" to "unit" since the patient treatment areas are no longer called wards, but units. This includes many small changes in this section to reflect new procedures.

Section HH No. 8.40 & Form - revised policy to reflect that the assessment date is to be consistent with the medical plan of care and is to be available to all nursing personnel. Delete #5 from old policy. Number 6 in old policy is #5 in revised policy.

Section HH No. 10.30 - Use of Oral Contraceptives in Patient Treatment - revised - the words "parent" the "parents" were deleted from the policy statement and statement #1. The phrase "if a patient is a minor" is also deleted from the statement #1. The birth control authorization form that is attached to the policy was revised to include symptoms and risks associated with birth control pills. A section is also included to assure physician and nurse accountability in the discussion with the patient of those same symptoms and risks. The new and revised policies have been updated and corrected and no additional funding nor staffing will result from these changes.

[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 Haindressers & 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.]

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 7, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:260. Unemployment insurance procedures.

RELATES TO: KRS 341.005 through 341.990
PURSUANT TO: KRS 13A.100, 194.050(1), 341.115
NECESSITY AND FUNCTION: Title III of the Social Security Act authorizes the states to implement an unemployment insurance program. The Cabinet for Human Resources is authorized by KRS 194.050 to adopt such rules and regulations as are necessary to implement programs mandated by federal law or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement the procedures required to administer the unemployment insurance program in accordance with applicable state and federal laws and regulations.

Section 1. In order to facilitate the administration of the unemployment insurance program as authorized by Title III of the Social Security Act and KRS Chapter 341, the following operating manuals are adopted by reference:
(1) Unemployment Insurance Local Office Manual as issued February, 1984 and last revised April 15, 1987. This manual includes procedures: for requiring proper identification of persons filing claims for benefits; for taking and processing initial, additional, reactivated and continued claims for benefits; for assigning claimants to the appropriate group for the eligibility review program; for conducting the eligibity review program; for stopping and releasing payment of benefits; for entering claim history and benefit payment information into the data base; for taking and processing interstate claims, combined wage claims, claims by former federal employees and ex-service members, and claims for extended benefits and federal supplemental compensation benefits; for conducting investigations and issuing determinations regarding a claimant's separation, ability to work, availability for work, active search for work, benefit entitlement, and deductions from benefits; for processing employers' protests to claims; for taking requests for reconsideration of monetary eligibility; for establishing benefit overpayments and initiating recovery or recoupment by processing partial payment agreements or issuing liens; for initiating action on lost or returned checks; for detecting and initiating recovery of fraudulent overpayments; for filing appeals to eligibility determinations; for reporting workload time spent; for compiling claims and nonmonetary determination statistics; and for ranking of local offices based on performance criteria.
(2) Unemployment Insurance Benefit Branch Procedures Manual issued May, 1982 and last revised March 7, 1986. This manual includes procedures for administering the payment of unemployment insurance benefits; for maintaining accounts for all benefit income and expenditures; for detecting, establishing and initiating recovery of benefit overpayments; for assigning benefit charges to employer accounts; for conducting a quality review of nonmonetary

determinations affecting the payment of benefits; for processing unemployment claims for former federal employees, ex-servicemembers, combined wage claimants, interstate claims, claims for Disaster Unemployment Assistance, claims under the Trade Readjustment Act and claims under the Work Incentive Program; for reconsidering monetary rate determinations; for processing payment for lost or returned benefit checks; and for investigating potential fraud and recommendation of recovery action or criminal prosecution.

(3) Unemployment Insurance Tax Collection and Accounting Branch Manual issued November, 1982 and last revised July 1, 1986. This manual includes procedures: for setting up, transferring and cancelling employer contribution and reimbursement accounts; for collecting quarterly taxes from contributory employers and for billing reimbursing employers for benefits paid; for auditing quarterly wages and tax reports by making adjustments, assessing additional payment and penalties and crediting tax overpayments; for adjusting wages if required when a reconsideration of monetary benefit eligibility is filed; and for collecting delinquent taxes by filing tax liens, recommending suits and temporary restraining orders, garnishing wages, filing claims in bankruptcy or against monies due to delinquent employers from state agencies.

(4) Unemployment Insurance Administrative Support Branch Manual issued December, 1983 and last revised November 9, 1984. This manual includes procedures: for maintaining files of benefit claims, employer records, appeals, and unemployment insurance commission orders; for maintaining mail security operations for all checks received by the division; for gathering statistics and conducting statistical studies; for verifying workload items for the budget process; for publishing statistical reports for the division and for general publication; for maintaining and distributing federal and state-released procedures; for maintaining all procedures manuals; for conducting the unemployment insurance quality appraisal; for training division personnel; for retaining and disposing of records; for providing data processing liaison services; for preparing state and federal budgets; for operating the Cost Model Management System; for maintaining the Cost Information System; for controlling forms control; and for monitoring purchases, expenditures and repairs.

(5) Unemployment Insurance Field Audit Manual reissued September 15, 1987 [issued February, 1984 and last revised January 11, 1985]. This manual includes procedures for handling matters which cannot be handled directly or expediently by the central office tax branch, such as procedures: for locating employers; for conducting investigations of employers, and their payrolls and employment records; for determining an employer's status under the law; for assessing contributions and collecting delinquent contributions; for serving legal papers; for conducting property investigations; for auditing employer records; and for furnishing technical assistance to employers.

(6) Unemployment Insurance Director's Office Manual issued November 18, 1983, and last revised December 12, 1984. This manual includes procedures for operating the Fraud Investigations and Internal Security Unit such as procedures for: administering the unit; detecting fraud; prosecuting fraud cases; closing out fraud cases; preventing fraud; maintaining internal security; and conducting other investigations.

(7) Kentucky Unemployment Insurance Commission Administrative Branch Manual issued September 1, 1985. This manual includes procedures for the daily operations of the branch. Such procedures include staff duties and responsibilities, the review of cases, the conduct of hearings, the preparation of decisions and the proper handling of records and reports.

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

Section 2. All documents incorporated by reference herein are on file for public inspection in the Office of the Commissioner for Employment Services, 275 East Main Street, Frankfort, Kentucky 40621 and in local unemployment insurance offices located throughout the state.

Section 3. Summary of Amendment. Unemployment Insurance Local Office Manual. Unemployment Insurance Field Audit Manual, strike entire chapters 1000, 2000, 3000, 4000, 5000 and 6000 and insert in lieu thereof chapters 1000, 2000, 3000, 4000, 5000 and 6000 reissued 9-15-87, which provide better continuity of related subjects and sequence, reflects the 1986 law amendments and which incorporate a recent legal opinion allowing a successor employer to use wages paid by the predecessor in determining excess wages [(1) Chapter 6000, Claims Investigation, strike pages (6032-6032) - (6033-6034) dated 10-24-86, and pages (6034-6035) - (6035-6039) dated 12-1-86, and substitute in lieu thereof pages (6032-6032) - (6033-6034) and pages (6034-6035) - (6037-6039) which advises earnings from self-employment must be treated as deductible income].

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

[(3) Chapter 6000, Claims investigation, strike pages (6060-6064) - (6064-6066) dated 9-16-85, and substitute in lieu thereof pages (6060-6064) - (6066-6066) dated 12-8-86, which revises instructions for scheduling and notification of fact finding interviews. Strike pages (6106-6106(3)) - (6106-6110) dated 10-31-85, and insert in lieu thereof (6106-6106(3)) - (6106-6110) dated 12-12-86, which instructs local offices to submit the central office copy of the non-monetary determinations, with exhibits attached, to the U.I. Benefit Branch, Quality Control Unit. Strike pages (6034-6035) - (6037-6039) dated 10-24-86, and insert in lieu thereof pages (6034-6035) - (6035-6039) dated 12-1-86, which issues guidelines for local offices staff to follow in determining if a claimant's earnings are from self-employment and if the self-employed claimant is unavailable due to self-employment. Strike pages (6130-6131) - (6150-6179) dated 4-16-86, and insert in lieu

thereof pages (6130-6131) - (6150-6179) dated 12-18-86, which provides instructions for mailing non-approved training applications to the U.I. local office supervisor and approved applications to the U.I Benefit Branch. Strike pages (6032-6032) - (6032-6033) dated 10-14-86, pages (6033-6033) - (6033-6034) dated 6-18-86, and pages (6034-6038) - (6039-6040) dated 8-11-86 and substitute in lieu thereof pages (6032-6032) - (6040-6040) dated 10-24-86, which advises self-employment income and SUB payments are not deductible from unemployment insurance benefits, adds General Motors to the list of employers with approved SUB plans and deletes CETA basic allowances as deductible income as this program is obsolete.]

[(4) Chapter 4000, Video Operations, strike contents dated 6-5-86, and page (4200-4200) dated 6-5-86, and insert in lieu thereof contents dated 12-15-86, and page (4165-4200) dated 12-15-86, which provides instructions on the access of a new program on IMS providing Appeals data. Strike pages (4120-4120(5)) - (4120-4120(6)) dated 3-11-86, and insert in lieu thereof pages (4120-4120(5)) - (4120-4120(6)) dated 12-15-86, which provides instructions for retention of an incorrect social security number on program 48.]

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

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

JAMES P. DANIELS, Commissioner
E. AUSTIN, JR. Secretary
APPROVED BY AGENCY: June 30, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 21, 1987, at 9 a.m. in the Viatal Statistics Conference Room, First 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 August 16, 1987, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Office of 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: Approximately 73,000 Kentucky employers.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues:
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. All regulated persons or entities treated equally.

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

907 KAR 1:031. Payments for home health services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for home health agency services.

Section 1. Payments to Home Health Agencies: The cabinet shall reimburse participating home health agencies on the basis of interim rates set by the cabinet using available Medicare data and methodology as applied to Medicaid covered services, taking into consideration the upper limit shown in Section 2 of this regulation. Payments made at the interim rate will be settled back to actual allowable cost at the end of the facilities' fiscal year, with actual allowable costs not to exceed the amounts that would be allowable taking into consideration the upper limit specified in Section 2 of this regulation. The Medicaid final rates may not exceed federally established upper limits for Medicare.

Section 2. Application of Upper Limits. Publicly operated home health agencies will be reimbursed at full allowable cost. Payments for other agencies (except payments for durable medical equipment, as shown in Section 3 of this regulation) may not exceed a prospective upper limit which will be set at 105 percent of the weighted median of the array of allowable per visit costs with facilities placed in an urban or rural array based on the facility location for the following cost centers or disciplines: skilled nursing, speech pathology, physical therapy, occupational therapy, medical social services, and home health aid services. A determination as to whether a county is urban or rural will be made taking into account usual

standard metropolitan statistical areas. The arrays shall be based on [latest available] annual cost report data with costs trended through June 30 and indexed for the rate year; the rate year shall begin on July 1 and end on June 30; and the upper limit shall be subject to an annual adjustment to be effective on July 1 of each rate year. Aggregation of costs (i.e., shifting of allowable costs from one cost center to another if the limit is exceeded in one cost center but not in another) will be permitted. [For the July 1, 1985 through June 30, 1986 rate year, the upper limit shall be effective for services provided after August 2, 1985.] For rate years beginning July 1, 1986 and thereafter, the array shall be based on the latest available cost report as of May 31 preceding the rate year. New facilities which are subject to the cost center upper limit will, until the completion of two (2) full years of operation, be subject only to the Medicare upper limits.

Section 3. Payments for Durable Medical Equipment. The interim payment amount for durable medical equipment shall be determined taking into account Medicaid upper limits on cost for such durable medical equipment, and may include an amount for administrative cost not to exceed twenty (20) percent of the interim payment amount set for the item(s) of durable medical equipment. All participating home health agencies may receive full allowable costs for durable medical equipment, with allowable costs determined taking into account appropriate upper limits.

Section 4. Appeals. Participating home health agencies are provided the following mechanism for a review of program decisions relating to the application of the policies and procedures governing home health agency payments.

(1) A home health agency operator may request reconsideration of a program decision by writing to the Director, Division of Reimbursement and Contracts. This request must be received within forty-five (45) days following transmittal of the audited cost report to the agency or the notification of the agency's prospective rate. The request for workpapers pertaining to audit adjustments to the home health agency's cost report will not extend the forty-five (45) day time limit. The request for appeal must indicate which adjustments the home health agency wishes to appeal. A blanket request to appeal the cost report will not be accepted. Upon receipt of the request for review, the division will determine the need for a program/vendor conference and will contact the home health agency to arrange a conference if needed. The conference, if needed, must be held within sixty (60) days of the program's receipt of the home health agency's request for review unless delayed due to extenuating circumstances. Regardless of the program decision, the provider will be afforded the opportunity for a conference if he so wishes for a full explanation of the factors involved and the program decision. Following review of the matter, the director will notify the home health agency of the action to be taken by the division within twenty (20) days of receipt of the request for review or the date of the program/vendor conference, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(2) If the Director of Reimbursement and Contracts' decision is unsatsifactory, the home health agency may then appeal the question to a reimbursement review panel established by the Commissioner of the Department for Medicaid Services which will include one (1) member of the Division of Reimbursement and Contracts, a representative of the Kentucky Association of Home Health Agencies, and a member of the Department for Medicaid Services (but not within the Division of Reimbursement and Contracts) as designated by the commissioner, with such designated member to serve as chairperson. The request for review by the reimbursement review panel must be postmarked within twenty (20) days following the notification of the initial decision by the Director, Division of Reimbursement and Contracts. A date for the reimbursement review panel to convene will be established within twenty (20) days after receipt of a written request for such appeal. The question will be heard by the panel. The panel shall issue a binding decision on the issue within thirty (30) days of the hearing of the issue, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue. In carrying out the intent and purposes of the program the panel may take into consideration extenuating circumstances which must be considered in order to provide for equitable treatment and reimbursement of the provider.

Section 5. The amendments to this regulation shall be effective with regard to services provided on or after July 1, 1987.

E. AUSTIN, JR., Secretary
R. HUGHES WALKER, Commissioner
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 2, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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 participating home health agencies.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: $900,000 (costs).
2. Continuing costs or savings: $900,000 (costs).
3. Additional factors increasing or decreasing

costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. Not applicable for Medicaid regulations.

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

907 KAR 1:036. Amounts payable for skilled nursing and intermediate care facility services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for skilled nursing care facility services and intermediate care facility services.

Section 1. Reimbursement for Skilled Nursing and Intermediate Care Facilities. All skilled nursing or intermediate care facilities participating in the Title XIX program shall be reimbursed in accordance with this regulation. Payments made shall be in accordance with the requirements set forth in 42 CFR 447.250 through 42 CFR 447.280. A skilled nursing facility desiring to participate in Title XIX shall be required to participate in Title XVIII-A.

Section 2. Basic Principles of Reimbursement. (1) Payment shall be on the basis of rates which are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.
(2) Payment amounts shall be arrived at by application of the reimbursement principles developed by the cabinet (Kentucky Medical Assistance Program Intermediate Care/Skilled Nursing Facility Reimbursement Manual, revised <u>July</u> [January] 1, 1987) and supplemented by the use of the Title XVIII-A reimbursement principles.

Section 3. Implementation of the Payment System. The cabinet's reimbursement system is supported by the Title XVIII-A Principles of Reimbursement, with the system utilizing such principles as guidelines in unaddressed policy areas. The cabinet's reimbursement system includes the following specific policies, components or principles:
(1) Prospective payment rates for routine services shall be set by the cabinet on a facility by facility basis, and shall not be subject to retroactive adjustment. Prospective rates shall be set annually, and may be revised on an interim basis in accordance with procedures set by the cabinet. An adjustment to the prospective rate (subject to the maximum payment for that type of facility) will be considered only if a facility's increased costs are attributable to one (1) of the following reasons: governmentally imposed minimum wage increases; the direct effect of new licensure requirements or new interpretations of existing requirements by the appropriate governmental agency as issued in regulation or written policy which affects all facilities within the class; or other governmental actions that result in an unforeseen cost increase. The amount of any prospective rate adjustment may not exceed that amount by which the cost increase resulting directly from the governmental action exceeds on an annualized basis the inflation allowance amount included in the prospective rate for the general cost area in which the increase occurs. For purposes of this determination, costs will be classified into two (2) general areas, salaries and other. The effective date of interim rate adjustment shall be the first day of the month in which the adjustment is requested or in which the cost increase occurred, whichever is later.
(2) The prospective rate shall not exceed, on a facility by facility basis, an administratively established maximum payment for that type of facility. The state will set a uniform rate year for SNFs and ICFs (July 1-June 30) by taking the latest audited cost data available as of May 16 of each year and trending the facility costs to July 1 of the rate year. (Unaudited, partial year, and/or budgeted cost data may be used if a full year's audited data is unavailable. Unaudited reports are subject to adjustment to the audited amount, and will be used when an audited cost report ending within twenty-four (24) months of the 30th of April preceding the rate year is not available. Facilities paid on the basis of partial year or budgeted cost reports shall have their reimbursement settled back to allowable cost, with usual upper limits applied. Facilities beginning program participation on or after July 1, 1984 whose rates are subject to settlement back to cost will not be included in the arrays until such time as the facilities are no longer subject to cost settlement.) After allowable costs are indexed for inflation for the rate year, freestanding (non-hospital based) facilities will be arrayed and the maximum set at 102 percent of the median for the class (SNF or ICF). In recognition of the higher costs of hospital based SNFs, their upper limit shall be set at 135 percent of 102 percent of the median of allowable trended and indexed costs of all other SNFs, however, such upper limit shall not exceed 102 percent of the median of the array of allowable trended and indexed costs of hospital based SNFs. The maximum payment amounts will be adjusted each July 1, beginning with July 1, 1985, so that the maximum payment amount for the prospective uniform rate year will be at 102 percent of the median per diem allowable costs

for the class (SNF or ICF) on July 1 of that year. For purposes of administrative ease in computations normal rounding may be used in establishing the maximum payment amount, with the maximum payment amount rounded to the nearest five (5) cents. Upon being set, the arrays and upper limits will not be altered due to revisions or corrections of data. For ICF-MRs, there is no administratively established upper limit [a prospective rate will be set in the same manner as for freestanding SNFs and basic ICFs, except that the maximum (upper limit) shall be set at 125 percent of the median of the array]. Effective January 1, 1987, and continuing through the rate years beginning July 1, 1987, and July 1, 1988, the allowable cost for each facility shall include a patient care labor intensity factor of two and six-tenths (2.6) percent applied to that portion of the facilities' operating costs attributable (based on averages for the class of facility) to labor costs. This allowance is generally intended for the purpose of direct service staff improvements to enhance patient care. Effective with the rate year beginning on July 1, 1987, that portion of the facilities' operating costs attributable (based on averages for the class of facility) to labor costs shall be indexed for the rate year by a labor cost intensity factor based on the state employee annual salary increment; this indexing shall be in lieu of the usual indexing for inflation of such labor costs, however, the labor cost intensity factor shall be not less than the usual indexing factor and, if necessary, shall be increased to an amount equal to the usual indexing factor. This adjustment is designed to allow for salary and staffing improvements to improve patient care.

(3) The reasonable direct cost of ancillary services provided by the facility as a part of total care shall be compensated on a reimbursement cost basis as an addition to the prospective rate except for ventilator therapy services which shall be paid on a prospective rate basis. Ancillary services reimbursement shall be subject to a year-end audit, retroactive adjustment and final settlement. Ancillary costs may be subject to maximum allowable cost limits under federal regulations. Any percentage reduction made in payment of current billed charges shall not exceed twenty-five (25) percent, except in the instance of individual facilities where the actual retroactive adjustment for a facility for the previous year reveals an overpayment by the cabinet exceeding twenty-five (25) percent of billed charges, or where an evaluation by the cabinet of an individual facility's current billed charges shows the charges to be in excess of average billed charges for other comparable facilities serving the same area by more than twenty-five (25) percent. A refund will be requested from a facility if the amount paid to the facility for legend drugs, covered legend devices and non-legend drugs, if applicable, exceeds the program's computed maximum allowable cost. The amount of refund will be determined by conducting a statistically accurate sample of the Medicaid patients for the facility's fiscal year. The percentage that a facility is over the computed maximum allowable cost will be multiplied by the amount paid by the program for drugs for the fiscal year under review.

(4) Interest expense used in setting the prospective rate is an allowable cost if permitted under Title XVIII-A principles and if it meets these additional criteria:

(a) It represents interest on long-term debt existing at the time the vendor enters the program or represents interest on any new long-term debt, the proceeds of which are used to purchase fixed assets relating to the provision of the appropriate level of care. If the debt is subject to variable interest rates found in balloon-type financing, renegotiated interest rates will be allowable. The form of indebtedness may include mortgages, bonds, notes and debentures when the principal is to be repaid over a period in excess of one (1) year; or

(b) It is other interest for working capital and operating needs that directly relates to providing patient care. The form of such indebtedness may include, but is not limited to, notes, advances and various types of receivable financing; however, short-term interest expense on a principal amount in excess of program payments made under the prospective rate equivalent to two (2) months experience based on ninety (90) percent occupancy or actual program receivables will be disallowed in determining cost;

(c) For both paragraphs (a) and (b) of this subsection, interest on a principal amount used to purchase goodwill or other intangible assets will not be considered an allowable cost.

(5) Compensation to owner/administrators will be considered an allowable cost provided that it is reasonable, and that the services actually performed are a necessary function. Compensation includes the total benefit received by the owner for the services he renders to the institution, excluding fringe benefits routinely provided to all employees and the owner/administrator. Payment for services requiring a licensed or certified professional performed on an intermittent basis will not be considered a part of compensation. "Necessary function" means that had the owner not rendered services pertinent to the operation of the institution, the institution would have had to employ another person to perform the service. Reasonableness of compensation will be based on total licensed beds (all levels).

(6) The allowable cost for services or goods purchased by the facility from related organizations shall be the cost to the related organization, except when it can be demonstrated that the related organization is in fact equivalent to any other second party supplier, i.e., a relationship for purposes of this payment system is not considered to exist. A relationship will be considered to exist when an individual or individuals possess five (5) percent or more of ownership or equity in the facility and the supplying business; however, an exception to the relationship will be determined to exist when fifty-one (51) percent or more of the supplier's business activity of the type carried on with the facility is transacted with persons and organizations other than the facility and its related organizations.

(7) The amount allowable for leasing costs shall not exceed the amount which would be allowable based on the computation of historical costs, except that for general intermediate care facilities entering into lease/rent arrangements prior to April 22, 1976, intermediate care facilities for the mentally retarded entering into lease/rent arrangements prior to February

23, 1977, and skilled nursing facilities entering into lease/rent arrangements prior to December 1, 1979, the cabinet will determine the allowable costs of such arrangements based on the general reasonableness of such costs.

(8) The following provisions are applicable with regard to median per diem cost center upper limits:

(a) For facilities (except ICF-MRs) beginning participation in the Medicaid program on or after April 1, 1981, (and classified as newly participating facilities for purposes of this subsection), the following upper limits (within the class) shall be applicable with regard to otherwise allowable per diem costs, by cost center: for nursing services, 125 percent of the median; for dietary services, 125 percent of the median; for capital costs, 105 percent of the median; and for all other costs, 105 percent of the median.

(b) Facilities participating in the Medicaid program prior to April 1, 1981, shall be classified as newly participating facilities (solely for purposes of this subsection) when either of the following occurs on or after April 1, 1981: first, when the facility expands its bed capacity by expansion of its currently existing plant or, second, when a multi-level facility (one providing more than one (1) type of care) converts existing personal care beds in the facility to either skilled nursing or intermediate care beds, and the number of additional or converted personal care beds equals or exceeds (in the cumulative) twenty-five (25) percent of the Medicaid certified beds in the facility as of March 31, 1981; however, as an exception to the conditions specified in this subsection a facility will not be considered as newly participating if it increases its certified bed capacity by no more than a cumulative total of thirty-five (35) beds (on or after April 1, 1981) so long as its new total certified bed capacity does not exceed sixty-five (65) beds. Facilities participating in the Medicaid program prior to April 1, 1981 shall not be classified as newly participating facilities solely because of changes of ownership.

(c) For purposes of application of this subsection the facility classes are basic intermediate care and skilled nursing care. The "median per diem cost" is the midpoint of the range of all facilities' costs (for the class) which are attributable to the specific cost center, which are otherwise allowable costs for the facilities' prior fiscal year, and which are adjusted by trending, indexing and the occupancy factor. The median for each cost center for each class shall be determined annually using the same cost data for the class which was used in setting the maximum payment amount. The Department for Medicaid Services shall notify all participating facilities of the median per diem cost center upper limits currently in effect.

(d) A facility may request that the Reimbursement Review Panel grant a waiver of its status as a newly participating facility based upon a presentation of facts showing that the provider had already incurred a substantial material financial obligation or binding commitment toward building or expanding a facility prior to April 1, 1981. The obtaining of a certificate of need shall not be construed, in itself, to be sufficient to justify approval of a waiver request, and a waiver, if granted, shall be applicable only with regard to that building or expansion for which the waiver was requested and approved.

(e) Intermediate care facilities for the mentally retarded (ICF-MRs) are not subject to the median per diem cost center upper limits shown in this subsection.

(9) Certain costs not directly associated with patient care will not be considered allowable costs. Costs which are not allowable include political contributions, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies, conferences, or any related activities), specified vehicle costs as shown in the Reimbursement Manual, and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs unless such costs are incurred by administrators or owners.

(10) To determine the gain or loss on the sale of a facility for purposes of determining a purchaser's cost basis in relation to depreciation and interest costs, the following methods will be used for changes of ownership occurring before July 18, 1984:

(a) Determine the actual gain on the sale of the facility.

(b) Add to the seller's depreciated basis two-thirds (2/3) of one (1) percent of the gain for each month of ownership since the date of acquisition of the facility by the seller to arrive at the purchaser's cost basis.

(c) Gain is defined as any amount in excess of the seller's depreciated basis as computed under program policies at the time of the sale, excluding the value of goodwill included in the purchase price.

(d) A sale is any bona fide transfer of legal ownership from an owner(s) to a new owner(s) for reasonable compensation, which is usually fair market value. Lease-purchase agreements and/or other similar arrangements which do not result in transfer of legal ownership from the original owner to the new owner are not considered sales until such time as legal ownership of the property is transferred.

(e) If an enforceable agreement for a change of ownership was entered into prior to July 18, 1984, the purchaser's cost basis will be determined in the manner set forth in paragraphs (a) through (d) of this subsection.

(11) Notwithstanding the provisions contained in subsection (10) of this section, or in any other section or subsection of this regulation or the "Kentucky Medical Assistance Program Intermediate Care/Skilled Nursing Facility Reimbursement Manual," the cost basis for any facility changing ownership on or after July 18, 1984 (but not including changes of ownership pursuant to an enforceable agreement entered into prior to July 18, 1984 as specified in subsection (10)(e) of this section) shall be determined in accordance with the methodology set forth herein for the reevaluation of assets of skilled nursing and intermediate care facilities.

(a) No increase will be allowed in capital costs.

(b) The allowable historical base for depreciation for the purchaser will be the lesser of the allowable historical cost of the seller less any depreciation allowed to the

seller in prior periods, or the actual purchase price.

(c) The amount of interest expense allowable to the purchaser is limited to the amount that was allowable to the seller at the time of the sale.

(12) Each facility shall maintain and make available such records (in a form acceptable to the cabinet) as the cabinet may require to justify and document all costs to and services performed by the facility. The cabinet shall have access to all fiscal and service records and data maintained by the provider, including unlimited onsite access for accounting, auditing, medical review, utilization control and program planning purposes.

(13) The following shall apply with regard to the annual cost report required of the facility:

(a) The year-end cost report shall contain information relating to prior year cost, and will be used in establishing prospective rates and setting ancillary reimbursement amounts.

(b) New items or expansions representing a departure from current service levels for which the facility requests prior approval by the program are to be so indicated with a description and rationale as a supplement to the cost report.

(c) Cabinet approval or rejection of projections and/or expansions will be made on a prospective basis in the context that if such expansions and related costs are approved they will be considered when actually incurred as an allowable cost. Rejection of items or costs will represent notice that such costs will not be considered as part of the cost basis for reimbursement. Unless otherwise specified, approval will relate to the substance and intent rather than the cost projection.

(d) When a request for prior approval of projections and/or expansions is made, absence of a response by the cabinet shall not be construed as approval of the item or expansion.

(14) The cabinet shall review each year-end cost report to determine the necessity for and scope of a field audit in relation to routine and ancillary service cost. A field audit may be conducted for purposes of verifying cost to be used in setting the prospective rate; field audits may be conducted annually or at less frequent intervals. A field audit of ancillary cost will be conducted as needed.

(15) Year-end adjustments of the prospective rate and a retroactive cost settlement will be made when:

(a) Incorrect payments have been made due to computational errors (other than the omission of cost data) discovered in the cost basis or establishment of the prospective rate.

(b) Incorrect payments have been made due to misrepresentation on the part of the facility (whether intentional or unintentional).

(c) A facility is sold and the funded depreciation account is not transferred to the purchaser.

(16) Reimbursement paid may not exceed the facility's customary charges to the general public for such services, except in the case of public facilities rendering inpatient services at a nominal charge (which may be reimbursed at the prospective rate established by the cabinet).

(17) The cabinet may develop and/or utilize methodology to assure an adequate level of care. Facilities determined by the cabinet to be providing less than adequate care may have penalties imposed against them in the form of reduced payment rates.

(18) Each facility shall submit the required data for determination of the prospective rate no later than sixty (60) days following the close of the facility's fiscal year. This time limit may be extended at the specific request of the facility (with the cabinet's concurrence).

(19) Each ICF which admits a recipient from an SNF during the period of September 1, 1985 through January 31, 1986 shall receive an incentive payment of seven (7) dollars and fifty (50) cents for each day of covered care rendered such recipient, subject to the following conditions:

(a) The recipient must meet SNF patient status criteria as of August 31, 1985 only because of non-availability of an ICF bed, where the recipient is on the waiting list of an ICF; and

(b) The incentive payment may be paid for more than ninety (90) covered days of care only if all such days are prior to February 1, 1986.

(20) When a recipient in a SNF changes patient status (from SNF to ICF) on or after February 1, 1986 and is admitted to an ICF within the permitted transfer period for the recipient (i.e., while the recipient still qualifies for coverage at the skilled rate), the ICF shall receive an incentive payment of seven (7) dollars and fifty (50) cents for each day of covered care rendered the recipient; such incentive payment shall be paid for no more than ninety (90) days of care.

(21) The incentive payment referenced in subsections (19) and (20) of this section shall be paid without regard to maximum payment limitations shown elsewhere in this regulation.

(22) Effective September 26, 1985 (for services provided on or after September 1, 1985), a participating skilled nursing facility may be paid for care provided to Medicaid eligible patients who meet intermediate care patient status criteria subject to the following criteria or conditions:

(a) The payment will be made at the upper limit for payments to intermediate care facilities, or the skilled nursing rate for the facility if lower;

(b) The patient must be in the skilled nursing facility bed awaiting placement to an intermediate care bed; and

(c) The patient must have been reclassified from SNF patient status to ICF patient status; or, alternatively, the patient must meet ICF patient status criteria, and the appropriate representative of the Department for Social Services must certify that no ICF bed is available and that an emergency exists so that placement in the SNF bed offers the best alternative in the circumstances. Payment made based on the certification that no ICF bed is available and that an emergency exists may be made for no more than thirty (30) days; however, the certification and declaration of emergency may be renewed by the Department for Social Services as appropriate and payment may be made pursuant to such renewal.

(23) SNF's which on February 1, 1986 continued to care for recipients who were classified as meeting SNF patient status criteria as of August 31, 1985 only because of non-availability of an ICF bed, where the recipient is on the waiting list of an ICF, may receive the usual SNF rate for those recipients subject to the following transitional reimbursement standards and

criteria:

(a) The facility must file a letter of intent with the Cabinet for Human Resources, Office of the Secretary, 275 East Main Street, Fourth Floor, Frankfort, Kentucky 40621 by January 31, 1986 (receipt in the cabinet is required) for downward conversion of the bed(s) in which the recipient(s) is residing.

(b) Any facility which files a letter of intent must submit to the Commission for Health Economics Control in Kentucky (CHECK) an appropriate certificate of need application for downward conversion of the skilled bed(s), no later than February 14, 1986, in order for the transitional reimbursement payments to continue.

(c) Payment under this transitional reimbursement provision shall continue only until such time as the Commission for Health Economics Control in Kentucky (CHECK) has acted on the application and any appropriate licensure action has been effected.

Section 4. Prospective Rate Computation. The prospective rate for each facility will be set in accordance with the following:

(1) Determine allowable prior year cost for routine services.

(2) The allowable prior year cost, not including fixed or capital costs, will then be trended to the beginning of the uniform rate year and increased by a percentage so as to reasonably take into account economic conditions and trends. Such percentage increase shall be known as an inflation factor.

(3) The unadjusted basic per diem cost (defined as the unadjusted allowable cost per patient per day for routine services) will then be determined by comparison of costs with the facility's occupancy rate (i.e., the occupancy factor) as determined in accordance with procedures set by the cabinet. The occupancy rate shall not be less than actual bed occupancy, except that it shall not exceed ninety-eight (98) percent of certified bed days (or ninety-eight (98) percent of actual bed usage days, if more, based on prior year utilization rates). The minimum occupancy rate shall be ninety (90) percent of certified bed days for facilities with less than ninety (90) percent certified bed occupancy. The cabinet may impose a lower occupancy rate for newly constructed or newly participating facilities, or for existing facilities suffering a patient census decline as a result of a competing facility newly constructed or opened serving the same area. The cabinet may impose a lower occupancy rate during the first two (2) full facility fiscal years an existing skilled nursing facility participates in the program under this payment system.

(4) Cost center median related per diem upper limits will then be applied as appropriate to the unadjusted basic per diem cost. The resultant adjusted amounts (and unadjusted amounts, as applicable) will be combined (or recombined) to arrive at the basic per diem cost (defined as the adjusted allowable cost per patient per day for routine services).

(5) To the basic per diem cost shall be added a specified dollar amount for investment risk and an incentive for cost containment in lieu of a return on equity capital, except that no return for investment risk shall be made to non-profit facilities, and publicly owned and operated facilities shall not receive the investment or incentive return.

(a) Cost incentive and investment schedule for general intermediate care facilities:

(Effective 7-1-87 [1-1-87])

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
$31.99 & below [29.99 & below]	$.92	$.58
32.00 - 32.99 [30.00 - 30.99]	$.86	$.50
33.00 - 33.99 [31.00 - 31.99]	$.78	$.41
34.00 - 34.99 [32.00 - 32.99]	$.70	$.32
35.00 - 35.99 [33.00 - 33.99]	$.61	$.21
36.00 - 36.99 [34.00 - 34.99]	$.51	$.09
37.00 - 37.87 [35.00 - 36.14]	$.35	-

Maximum Payment $37.87 [36.14]

(b) Cost incentive and investment schedule for intermediate care facilities for the mentally retarded:

(Effective 7-1-87 [1-1-87])

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
$86.99 & below	$1.38	$.87
87.00 - 92.99	$1.29	$.75
93.00 - 98.99	$1.18	$.62
99.00 -104.99	$1.06	$.47
105.00 -110.99	$ .92	$.31
111.00 -116.99	$ .76	$.13
117.00 -123.49	$ .53	-

[Maximum Payment $123.49]

(c) Cost incentive and investment schedule for skilled nursing facilities:

(Effective 7-1-87 [1-1-87])

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
$41.99 & below [39.99 & below]	$.92	$.58
42.00 - 43.99 [40.00 - 41.99]	.86	.50
44.00 - 45.99 [42.00 - 43.99]	.78	.41
46.00 - 47.99 [44.00 - 45.99]	.70	.32
48.00 - 49.99 [46.00 - 47.99]	.61	.21
50.00 - 51.99 [48.00 - 49.99]	.51	.09
52.00 - 54.00 [50.00 - 51.93]	.35	-

Maximum Payment $\underline{\$54.00}$ [51.93]*

*The maximum payment for hospital based skilled nursing facilities is set at $\underline{\$72.90}$ [70.11].

(6) The prospective rate is then compared, as appropriate, with the maximum payment. If in excess of the program maximum, the prospective rate shall be reduced to the appropriate maximum payment amount. The maximum payment amounts have been set to be at or about 102 percent of the median of adjusted basic per diem costs for the class, recognizing that hospital based skilled nursing facilities have special requirements that must be considered. The cabinet has determined that the maximum payment rates shall be reviewed annually against the criteria of 102 percent of the median for the class and that adjustments to the payment maximums will be made effective July 1, 1985 and each July 1 thereafter. This policy shall allow, but does not require lowering of the maximum payments below the current levels if application of the criteria against available cost data should show that 102 percent of the median is a lower dollar amount than has been currently set.

Section 5. Reimbursement Review and Appeal. Participating facilities may appeal cabinet decisions as to application of the general policies and procedures in accordance with the following:

(1) First recourse shall be for the facility to request in writing to the Director, Division of Reimbursement and Contracts, a re-evaluation of the point at issue. This request must be received within forty-five (45) days following notification of the prospective rate or forwarding of the audited cost report by the program. The director shall review the matter and notify the facility of any action to be taken by the cabinet (including the retention of the original application of policy) within twenty (20) days of receipt of the request for review or the date of the program/vendor conference, if one is held, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(2) Second recourse shall be for the facility to request in writing to the Commissioner, Department for Medicaid Services, a review by a standing review panel to be established by the commissioner. This request must be postmarked within fifteen (15) days following notification of the decision of the Director, Division of Reimbursement and Contracts. Such panel shall consist of three (3) members: one (1) member from the Division of Reimbursement and Contracts, one (1) member from the Kentucky Association of Health Care Facilities, and one (1) member from the Department for Medicaid Services (but not within the Division of Reimbursement and Contracts) as designated by the Commissioner, Department for Medicaid Services, with such designated member to act as chairperson of the review panel. A date for the reimbursement review panel to convene will be established within twenty (20) days after receipt of the written request. The panel shall issue a binding decision on the issue within thirty (30) days of the hearing of the issue, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue. In carrying out the intent and purposes of the program the panel may take into consideration extenuating circumstances which must be considered in order to provide for equitable treatment and reimbursement of the provider. The attendance of the representative of the Kentucky Association of Health Care Facilities at review panel meetings shall be at the cabinet's expense.

Section 6. Definitions. For purposes of Sections 1 through 6 of this regulation, the following definitions shall prevail unless the specific context dictates otherwise.

(1) "Allowable cost" means that portion of the facility's cost which may be allowed by the cabinet in establishing the reimbursement rate. Generally, cost is considered allowable if the item of supply or service is necessary for the provision of the appropriate level of patient care and the cost incurred by the facility is within cost limits established by the cabinet, i.e., the allowable cost is "reasonable."

(2) "Ancillary services" means those direct services for which a separate charge is customarily made, and which except for ventilator therapy services are retrospectively settled on the basis of reasonable allowable cost at the end of the facilities' fiscal year. Ancillary services are limited to the following:

(a) Legend and non-legend drugs, including indwelling catheters and syringes, and irrigation supplies and solutions utilized with those catheters regardless of how those supplies and solutions are utilized. Coverage and allowable cost payment limitations are specified in the cabinet's regulation on payment for drugs.

(b) Physical, occupational and speech therapy.

(c) Laboratory procedures.

(d) X-ray.

(e) Oxygen and other related oxygen supplies and inhalation therapy.

(f) Psychological and psychiatric therapy (for ICF/MR only).

(g) Ventilator therapy services, subject to the coverage limitations shown in the Reimbursement Manual.

(3) "Hospital based skilled nursing facilities" means those skilled nursing facilities so classified by Title XVIII-A.

(4) The "basic per diem cost" is the computed rate arrived at when otherwise allowable costs are trended and adjusted in accordance with the inflation factor, the occupancy factor, and the median cost center per diem upper limits.

(5) "Inflation factor" means the comparison of allowable routine service costs, not including fixed or capital costs, with an inflation rate to arrive at projected current year cost increases, which when added to allowable costs, including fixed or capital costs, yields projected current year allowable costs. The inflation factor shall be included for rates computed on August 3, 1985 and thereafter.

(6) "Incentive factor" means the comparison of the basic per diem cost with the incentive return schedule to arrive at the actual dollar amount of cost containment incentive return to be added to the basic per diem cost.

(7) "Investment factor" means the comparison of the basic per diem cost with the investment return schedule to arrive at the actual dollar amount of investment return to be added to the basic per diem cost.

(8) "Maximum allowable cost" means the maximum amount which may be allowed to a facility as reasonable cost for provision of an item of supply or service while complying with limitations expressed in related federal or state regulations.

(9) "Maximum payment" means the maximum amount the cabinet will reimburse, on a facility by facility basis, for routine services.

(10) "Occupancy factor" means the imposition of an assumed level of occupancy used in computing unadjusted basic per diem rates.

(11) "Prospective rate" means a payment rate of return for routine services based on allowable costs and other factors, and includes the understanding that except as specified such prospective rate shall not be retroactively adjusted, either in favor of the facility or the cabinet.

(12) "Routine services" means the regular room, dietary, medical social services, nursing services, minor medical and surgical supplies, and the use of equipment and facilities. Routine services include but are not limited to the following:

(a) All general nursing services, including administration of oxygen and related medications, handfeeding, incontinency care and tray services.

(b) Items which are furnished routinely and relatively uniformly to all patients, such as patient gowns, water pitchers, basins, and bed pans. Personal items such as paper tissues, deodorants, and mouthwashes are allowable as routine services if generally furnished to all patients.

(c) Items stocked at nursing stations or on the floor in gross supply and distributed or utilized individually in small quantities, such as alcohol, applicators, cotton balls, bandaids and tongue depressors.

(d) Items which are utilized by individual patients but which are reusable and expected to be available in an institution providing a skilled nursing or intermediate care facility level of care, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment, and other durable medical equipment.

(e) Laundry services, including personal clothing to the extent it is the normal attire for everyday facility use, but excluding dry cleaning costs.

(f) Other items or services generally available or needed within a facility unless specifically identified as ancillary services. (Items excluded from reimbursement include private duty nursing services and ambulance services costs.)

(13) The first twenty (20) cents of cost of each disposable incontinent brief shall be considered to be ancillary costs when such briefs are provided upon a physician's orders, with the balance of the cost of such briefs considered to be routine costs.

Section 7. Implementation Date. The amendments to this regulation shall be effective on July 1, 1987 [January 1, 1987, or as otherwise specified herein].

E. AUSTIN, JR., Secretary
R. HUGHES WALKER, Commissioner
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 2, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Three state operated intermediate care facilities for the mentally retarded 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:

1. First year: $1,900,000 (costs).

2. Continuing costs or savings: $1,900,000 (costs).

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: 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: The federal mandate with regard to payments for skilled nursing and intermediate care facility services provided under the Medicaid Program are shown in federal regulations at 42 CFR 447.250 - 447.280. The state regulation implements the minimum requirements contained in the federal regulations.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No. The state has wide latitude in developing its reimbursement system for skilled nursing and intermediate care facility payments, but does not exceed 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 1:037. Hospital furnished [Payments for] skilled nursing and intermediate care facility services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to skilled nursing facility services and intermediate care facility services furnished by a licensed hospital for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Definition. "Hospital furnished skilled nursing facility services and intermediate care facility services" means such services provided in a licensed hospital bed by a facility which has entered into an agreement with the secretary, Department of Health and Human Services, pursuant to Section 1883 of the Social Security Act, or such services when provided in a hospital bed which is licensed (in accordance with KRS Chapter 216B) for provision of acute care and is appropriately certified for provision of skilled nursing and/or intermediate care services so long as such beds qualify for participation in the Medicaid Program in accordance with usual Medicaid requirements for participation.

Section 2. Participation Requirements. The hospital must be licensed and certified to participate in the Medical Assistance Program, and [;] any beds to be used for hospital furnished skilled nursing facility services and intermediate care facility services must be appropriately certified with certificate of need approval for Section 1883 beds [; and the Certificate of Need Board must approve the use of the beds in such a manner].

Section 3. Provision of Service. Payment for services shall be limited to those services provided to eligible individuals meeting the criteria for provision of skilled nursing services as determined in accordance with 907 KAR 1:022 or intermediate care services as determined in accordance with 907 KAR 1:024.

Section 4. Utilization Review. The facility shall have in place a program of utilization review which meets the requirements specified in 42 CFR 456, subparts C, E, and F, for hospitals, skilled nursing facilities, and intermediate care facilities. The facility shall be responsible for cooperating with the cabinet and/or its designated agents in the establishment of patient status and performance of utilization review and/or control.

Section 5. The amendments to this regulation shall be effective with regard to services provided on or after July 1, 1987. [Implementation of Coverage. Services may be covered under the provisions of this regulation beginning July 1, 1982.]

E. AUSTIN, JR., Secretary
R. HUGHES WALKER, Commissioner
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 2, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Potentially all Medicaid participating acute care hospitals located 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:
(a) Direct and indirect costs or savings: None*
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
*Costs are shown in the payments regulation, 907 KAR 1:042.
TIERING: Was tiering applied? No. Not applicable for Medicaid regulations.

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

907 KAR 1:042. Amounts payable for hospital furnished skilled nursing and intermediate care facility services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program for 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 method for determining amounts payable by the cabinet for hospital furnished skilled nursing facility and intermediate care facility services.

Section 1. Reimbursement for Hospital Furnished Skilled Nursing and Intermediate Care Services. To qualify for reimbursement, any hospital(s) providing skilled nursing facility services and intermediate care facility services must have in effect an agreement with the secretary, Department of Health and Human Services, pursuant to Section 1883 of the Social Security Act, or be dual licensed (as provided for in KRS Chapter 216B) to provide skilled nursing and/or intermediate care services in an acute care hospital bed. Such hospital(s) shall be paid at a rate equal to the average rate per patient-day paid for routine services during the previous calendar year under the state's Title XIX plan to skilled nursing and intermediate care facilities, respectively, located in the state in which the hospital is located. The reasonable cost of ancillary services [shall be paid based on reasonable cost which] shall be determined in the same manner as the reasonable cost of ancillary services provided for inpatient hospital services; covered ancillary services shall be the same as for all other skilled nursing and intermediate care facilities.

Section 2. Rate Review and Adjustment. Any participating facility may appeal its established rates using either the customary appeals mechanism for providers of hospital inpatient services or for providers of skilled nursing and intermediate care facility services.

Section 3. Eligibility for Reimbursement. A facility shall be eligible for reimbursement only when considered to be a participating vendor, and reimbursement shall be made only for covered services rendered eligible Title XIX recipients meeting patient status as determined in accordance with applicable regulations.

Section 4. The amendments to this regulation shall be effective with regard to services provided on or after July 1, 1987. [Implementation of the Payment System. Payments based on this system shall begin July 1, 1982 for any participating hospital which is appropriately licensed, and which has been certified and authorized to provide such skilled nursing and intermediate care services.]

E. AUSTIN, JR., Secretary
R. HUGHES WALKER, Commissioner
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 2, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Potentially all acute care hospitals located in Kentucky which participate 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:
1. First year: $5,000,000 (costs).
2. Continuing costs or savings: $11,000,000 (costs).
3. Additional factors increasing or decreasing costs: Additional dual licensed beds beginning participation in the Medicaid Program.
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. Not applicable for Medicaid regulations.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The state does not exceed minimum federal standards for long-term care reimbursement contained in federal regulations at 42 CFR 447.250-.280.
2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No. The state provides for hospital based long-term care payments in accordance with Section 1913 of the Social Security Act and 42 CFR 447.250-.280.
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 1:045. Payments for mental health center services.

RELATES TO: KRS 205.520
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for mental health center services.

Section 1. Mental Health Centers. In accordance with 42 CFR 447.325, the cabinet shall make payment to Kentucky based (in-state) providers who are appropriately licensed and have met the conditions for participation (including the signing of such contractural arrangements as the cabinet may require of this class of provider) set by the cabinet, on the following basis:

(1) Payment shall be on a prospective basis based on reasonable allowable prior year costs (utilizing the latest audited annual cost report or unaudited report if an audited report is not available) not to exceed usual and customary charges or the upper limits on payments. Allowable costs shall be trended to the beginning of the rate year and indexed for the rate year, so as to more accurately approximate actual costs which will be incurred during the year. (If an unaudited report is used, cost will not be adjusted based on audit.)

(2) Payment amounts shall be determined by application of the "Community Mental Health Center General Policies and Guidelines and Principles of Reimbursement," (revised July 1, 1987 [1986]) developed and issued by the cabinet, (incorporated by reference to the extent that such policies, guidelines and principles are applicable to Title XIX services and reimbursement, and filed herein), supplemented by the use of Title XVIII reimbursement principles.

(3) Allowable costs shall not exceed customary charges which are reasonable. Allowable costs shall not include the costs associated with political contributions, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies, conferences, or any related activities), the costs of motor vehicles used by management personnel which exceed $15,000 total valuation annually (unless such excess cost is considered as compensation to the management personnel), and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs.

(4) The prospective rate shall not exceed 110 [105] percent of the median of the reasonable allowable cost for each reimbursable departmental cost center (i.e., inpatient, outpatient, partial hospitalization and personal care) for all participating facilities.

Section 2. Implementation of Payment System. (1) Payments may be based on units of service such as fifteen (15) minute or hourly increments, or at a daily rate, depending on the type of service.

(2) Overpayments discovered as a result of audits may be settled in the usual manner, i.e., through recoupment or withholding.

(3) The vendor shall complete an annual cost report on forms provided by the cabinet not later than sixty (60) days from the end of the vendor's accounting year and the vendor shall maintain an acceptable accounting system to account for the cost of total services provided, charges for total services rendered, and charges for covered services rendered eligible recipients.

(4) Each community mental health center provider shall make available to the cabinet at the end of each fiscal reporting period, and at such intervals as the cabinet may require, all patient and fiscal records of the provider, subject to reasonable prior notice by the cabinet. Notwithstanding this general requirement, the provider need not make available (for purposes of determining Medicaid payment amounts) staff notes or treatment records which show treatment details for non-Medicaid covered services; for such services, the information required shall be limited to a case summary sheet or listing which shows, at a minimum, the type of service provided, the staff member who provided the service, the date of the service, and appropriate identifying information relating to the patient.

(5) Payments due the community mental health center shall be made at reasonable intervals but not less often than monthly.

Section 3. Nonallowable Costs. The cabinet shall not make reimbursement under the provisions of this regulation for services not covered by 907 KAR 1:044, community mental health center services, nor for that portion of a community mental health center's costs found unreasonable or nonallowable in accordance with the cabinet's "Community Mental Health Center General Policies and Guidelines and Principles of Reimbursement."

Section 4. Reimbursement of Out-of-State Providers. The cabinet shall make payment to out-of-state mental health center providers who are appropriately licensed, participate with their state's Title XIX Medicaid Program, and have met the Kentucky Medical Assistance Program conditions of participation. The payment rate will be the lower of charges, or the facility's rate as set by the state Medicaid Program in the other state, or the upper limit for that type of service in effect for Kentucky providers.

Section 5. The amendments to this regulation shall be effective with regard to payments for services provided on or after July 1, 1987.

E. AUSTIN, JR., Secretary
R. HUGHES WALKER, Commissioner
APPROVED BY AGENCY: July 7, 1987
FILED WITH LRC: July 8, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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 Medicaid participating mental health centers.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: $725,000 (costs).
2. Continuing costs or savings: $725,000 (costs).
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: 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 does not contain compliance standards, but instead shows the payment methodology for mental health centers. Minimum federal payment standards are shown in federal regulations at 42 CFR 447.325.
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: Not applicable.

PROPOSED REGULATIONS RECEIVED THROUGH JULY 15

GENERAL GOVERNMENT CABINET
Board of Examiners of Psychology

201 KAR 26:210. Definitions of terms used by the Board of Examiners of Psychology for meeting educational requirements for certification as a psychological assistant.

RELATES TO: KRS 319.064
PURSUANT TO: KRS 319.032
NECESSITY AND FUNCTION: Certain terms are used in the statute regulating educational requirements for psychologists. This regulation defines those terms.

Section 1. A regionally accredited educational institution means accreditation by any one (1) of the following: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Colleges and Schools, North Central Association of Colleges and Schools, North Western Association of Schools and Colleges, and Western Association of Schools and Colleges.

Section 2. Accreditation means accreditation by one (1) of the aforementioned associations at Level 3 (master's degree granting accreditation).

Section 3. A master's degree in psychology means:
(1) A master's degree from a recognized institution of higher learning as defined above; and
(2) The program, wherever it may be administratively housed, is clearly identified by the granting institution as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists; and
(3) Any thesis required for the degree is psychological in method and content and an expected product of master's training in psychology; and
(4) The program stands as a recognizable, coherent, organized entity within the institution; and
(5) Within the psychology faculty there is clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines; and
(6) The program is an integrated, organized sequence of study; and
(7) There is an identifiable psychology faculty and a psychologist responsible for the program; and
(8) The program has an identifiable body of students who are matriculated in that program for a degree; and
(9) The program includes educational experiences with titles such as practicum, internship or field training. This accumulated experience must be supervised by a doctoral-level psychologist and must equal 600 hours.
(10) In determining the acceptability of curricular experiences and course work, the following factors shall be considered:

(a) The curriculum shall encompass a minimum of forty-five (45) semester hours of graduate study.

(b) In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following content areas. This typically will be met by including a minimum of three (3) or more graduate semester hours (five (5) or more graduate quarter hours) in each of these four (4) areas:

1. Biological bases of behavior, such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

2. Cognitive-affective bases of behavior, such as learning, thinking, motivation, emotion.

3. Social bases of behavior, such as social psychology, group process, organizational psychology and systems.

4. Individual differences, such as personality theory, human development, abnormal psychology.

(c) In addition to the core program, the curriculum shall include appropriate course work as determined by the board in the specialty area of training including specific training in diagnosis and assessment of individual/organizational differences and the design and implementation of appropriate intervention technique, e.g. psychotherapy, counseling, consultation, etc.

(11) The applicant shall provide any documentation required by the board in the manner and form prescribed by the board to confirm compliance with or satisfaction of the requirements of this law.

(12) At the discretion of the board, any deficiency in course work or requirements may be corrected by appropriate remedial action.

DAVID NICHOLAS, Director

APPROVED BY AGENCY: July 10, 1987

FILED WITH LRC: July 15, 1987 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 24, 1987 at 9:30 a.m., Eastern Time, at the Board of Examiners of Psychology, Berry Hill Annex, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by August 19, 1987 of their desire to appear and testify at the hearing: Mr. David L. Nicholas, Director, Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas

(1) Type and number of entities affected:

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

1. First year: Board of Examiners of Psychology.

2. Continuing costs or savings: N/A

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

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

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

(b) Reporting and paperwork requirements: N/A

(3) Assessment of anticipated effect on state and local revenues: N/A

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

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

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

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

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

TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Examiners of Psychology

201 KAR 26:220. Definitions of terms used by the Board of Examiners of Psychology for meeting educational requirements for certification as a certified psychologist.

RELATES TO: KRS 319.058

PURSUANT TO: KRS 319.032

NECESSITY AND FUNCTION: Certain terms are used in the statute regulating educational requirements for psychologists. This regulation defines those terms.

Section 1. A regionally accredited educational institution means accreditation by any one (1) of the following: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Colleges and Schools, North Central Association of Colleges and Schools, North Western Association of Schools and Colleges, and Western Association of Schools and Colleges.

Section 2. Accreditation means accreditation by one (1) of the aforementioned associations at Level 3 (master's degree granting accreditation).

Section 3. A master's degree in psychology means:

(1) A master's degree from a recognized institution of higher learning as defined above; and

(2) The program, wherever it may be administratively housed, is clearly identified by the granting institution as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists; and

(3) Any thesis required for the degree is psychological in method and content and an expected product of master's training in psychology; and

(4) The program stands as a recognizable, coherent, organized entity within the institution; and

(5) Within the psychology faculty there is clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines; and

(6) The program is an integrated, organized sequence of study; and

(7) There is an identifiable psychology faculty and a psychologist responsible for the program; and

(8) The program has an identifiable body of students who are matriculated in that program for a degree; and

(9) The program includes educational experiences with titles such as practicum, internship or field training. This accumulated experience must be supervised by a doctoral-level psychologist and must equal 1,000 hours.

(10) In determining the acceptability of curricular experiences and course work, the following factors shall be considered:

(a) The curriculum shall encompass a minimum of forty-five (45) semester hours of graduate study.

(b) In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following content areas. This typically will be met by including a minimum of three (3) or more graduate semester hours (five (5) or more graduate quarter hours) in each of these four (4) areas:

1. Biological bases of behavior, such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

2. Cognitive-affective bases of behavior, such as learning, thinking, motivation, emotion.

3. Social bases of behavior, such as social psychology, group process, organizational psychology and systems.

4. Individual differences, such as personality theory, human development, abnormal psychology.

(c) In addition to the core program, the curriculum shall include appropriate course work as determined by the board in the specialty area of training including specific training in diagnosis and assessment of individual/organizational differences and the design and implementation of appropriate intervention technique, e.g. psychotherapy, counseling, consultation, etc.

(11) The applicant shall provide any documentation required by the board in the manner and form prescribed by the board to confirm compliance with or satisfaction of the requirements of this law.

(12) At the discretion of the board, any deficiency in course work or requirements may be corrected by appropriate remedial action.

DAVID NICHOLAS, Director
APPROVED BY AGENCY: July 10, 1987
FILED WITH LRC: July 15, 1987 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 24, 1987 at 9:30 a.m., Eastern Time, at the Board of Examiners of Psychology, Berry Hill Annex, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by August 19, 1987 of their desire to appear and testify at the hearing: Mr. David L. Nicholas, Director, Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Board of Examiners of Psychology.
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. N/A

DEPARTMENT OF AGRICULTURE

302 KAR 34:050. Grain dealer licensing of federal warehouses.

PURSUANT TO: KRS 251.700
RELATES TO: KRS 251.430, 251.600, 251.630, 251.640, 251.720
NECESSITY AND FUNCTION: To further clarify requirements relating to federal grain warehouses operating in Kentucky in order to insure consistency in operation procedure.

Section 1. Any and all grain warehouses operating in Kentucky which are licensed under the United States Warehouse Act shall be required to:

(1) Hold a valid license to operate as a grain dealer in Kentucky;

(2) Post a surety bond as required by KRS 251.720(3); and

(3) Collect the one-half (1/2) cent per bushel of grain required by KRS 251.640.

DAVID E. BOSWELL, Commissioner
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 2, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on August 28, 1987 at 1:30 p.m. in Room 713 of the Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Thomas M. Troth, General Counsel, Department of Agriculture, Room 705, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Charles Prebble
(1) Type and number of entities affected: All grain warehouse operating under the U.S. Warehouse Act.
(a) Direct and indirect costs or savings to those affected:
1. First year: 1. Obtaining grain dealer's

license; 2. Posting surety bond; 3. Cost of participating in check-off.

2. Continuing costs or savings: Sames as for year one.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Some warehouses will have a decrease in bond.

(b) Reporting and paperwork requirements: No increase.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Some increase in revenue from license fees; some cost from additional paperwork required for obtaining bonds.

2. Continuing costs or savings: Same

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

(b) Reporting and paperwork requirements: Some cost from paperwork associated with obtaining bond/certificate of deposit/letter of credit.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: This method is the most feasible.

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

(a) Necessity of proposed regulation if in conflict:

(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. As the regulation will be applied evenly to all warehouses licensed under the U.S. Warehouse Act.

CABINET FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Department for Environmental Protection
Division of Water

401 KAR 4:060. Stream construction criteria.

RELATES TO: KRS 151.100, 151.110, 151.180, 151.210, 151.250, 151.260, 151.280, 151.310,

PURSUANT TO: KRS 151.125, 151.230

NECESSITY AND FUNCTION: This regulation provides minimum standards necessary to ensure the wise use of the Commonwealth's flood-prone areas while protecting the safety and welfare of the public and preventing both flood damages and increased flood levels. These aims are addressed through provisions which require that all development in the base floodplain is in a manner which precludes flood damages. In addition, there are provisions which ensure that flood levels are not unduly increased. The provisions of this regulation will be implemented through the permitting authority in KRS 151.250.

Section 1. Applicability. The provisions of this regulation apply to all construction across, along, or adjacent to a stream (i.e. the base floodplain) or in the floodway of a stream for which a construction permit is required pursuant to KRS 151.250, except for the construction of dams as defined in KRS 151.100.

Section 2. Definitions. (1) "Backwater effect" means the rise in water surface elevation caused by obstruction of a stream's flow, such as by a narrow bridge opening, buildings or fill material that limits the area through which the stream's flow must pass.

(2) "Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year, also called the 100-year frequency flood.

(3) "Base floodplain" means the area along, adjacent to, and including a stream, which area is inudated by the base flood on that stream.

(4) "Cabinet" means the Natural Resources and Environmental Protection Cabinet.

(5) "Conveyance" is a measure of the flow-carrying capability of a stream cross section and is equal to the flow rate at a given depth in cubic feet per second divided by the square root of the slope of the energy grade line in feet per foot.

(6) "Cross section" means a graph or plot of ground elevation across a stream valley or portion of it along a line perpendicular to the direction of stream flow.

(7) "Designated floodway" means the stream and that portion of the adjacent base floodplain specified by a local ordinance or indicated on National Flood Insurance Program maps to be kept free of obstructions to the passage of flood flows.

(8) "Energy grade line" is a representation of the total energy possessed by flowing water. The value at any point on the line can be expressed as an elevation in feet above mean sea level equal to the elevation of the water surface plus the hydraulic head. Hydraulic head is approximately equal to the quotient of the square of the average velocity over the cross section divided by twice the acceleration of gravity ($V^2/2g$).

(9) "Flood crest" means the maximum stage or elevation reached or expected to be reached by waters of a specific flood at a given location.

(10) "Flood frequency" is a statistical expression of the average time period between floods equaling or exceeding a given magnitude.

(11) "Floodproofing" means structural changes or adjustments to new or existing structures and facilities, their contents, or their sites for the purpose of reducing or eliminating flood damages by protecting against structural failure, keeping water out, or reducing the effect of water entry.

(12) "Flood warning" means the issuance and dissemination of information about an imminent or current flood.

(13) "Floodway" see "designated floodway" and "regulatory floodway."

(14) "Lowest floor" means the lowest floor of the lowest enclosed area, including any basement. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage of mobile equipment or of property that is not flood damageable in an area other than a basement is not considered a building's lowest floor.

(15) "National Flood Insurance Program", or NFIP, is a federal program which makes available flood insurance protection to property owners in flood-prone areas. To qualify for the sale of this federally-subsidized flood insurance, this program requires a community to adopt and submit to the Federal Emergency Management Agency (FEMA) base floodplain management regulations which satisfy FEMA's minimum requirements designed to reduce or avoid future flood or

flood-related damages.

(16) "100-year flood" means a flood of a magnitude having a one (1) percent chance of occurring in any given year and which, over a very long period of time, can be expected to be equalled or exceeded on the average of once every 100 years.

(17) "Permit" means a permit for construction across, along, or adjacent to a stream subject to the provisions of KRS 151.250. (Permits for the construction of dams are not included in this definition.)

(18) "Profile" means a graph or plot elevation of the water surface or channel bottom against distance along the stream.

(19) "Regulatory floodway" means the stream channel and that portion of adjacent land area that is required to pass flood flows without raising the base flood crest elevation by more than one (1) foot. In urban areas, backwater effect may be limited to less than one (1) foot.

(20) "Stream" shall mean any river, creek or channel, having well-defined banks, in which water flows for substantial periods of the year to drain a given area, or any lake or other body of water in the Commonwealth.

(21) "Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial repair or improvement; or

(b) In the case of damage, the value of the structure prior to the damage occuring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

(22) "Urban area" for the purpose of this regulation means the following:

(a) The area within the present corporate limits plus the adjoining area that is or could be under the statutory extraterritorial zoning jurisdiction of any city, village, or town;

(b) Any group of three (3) or more seasonal or permanent residential buildings or other buildings that are served by public utilities, such as public water and sanitary facilities; or

(c) Any other area where the developments are urban in nature.

(23) "Watershed" means the total area from which surface runoff is carried away by a stream.

Section 3. General Provisions. (1) The provisions of this regulation shall constitute minimum criteria for the issuance of permits for stream construction pursuant to KRS 151.250. If the cabinet determines that additional information is pertinent or best engineering practice requires, it may apply more stringent considerations.

(2) The permittee shall provide the cabinet with written notification that construction was completed in accordance with approved plans and specifications not later than ninety (90) days after completion of construction.

(3) Any construction limits specified in the permit shall be plainly staked or otherwise marked on the site.

(4) Public notification.

(a) As part of the stream construction permit issuance process, each applicant shall publish a notice in the newspaper or newspapers having greatest circulation in the area of the proposed construction. This notice shall provide:

1. The name of the applicant;

2. The location, nature, and extent of the proposed construction; and

3. The address and telephone number of the cabinet agency responsible for issuing the permit and stating the comments and objections are to be directed to that agency. The notice shall be run for period of three (3) consecutive days or printings of the newspaper. Proof that this notice was published must be provided to the cabinet before the application will be considered complete; however, technical review of the application by the cabinet may proceed before such proof is provided. In no case shall issuance of the permit proceed until proof of notice is submitted.

(b) The public notice required in subsection (1) of this section shall be at least three column inches in size, but in all cases shall be large enough that all of the information required in subsection (1) is easily readable.

(c) If the cabinet determines any of the conditions of this subsection are not met by the initial notice, it may require that the applicant place another notice which does so. The application will not be considered complete until these public notification provisions are satisfied.

Section 4. Uses of Regulatory Floodway. (1) Except as provided below, no fill, deposit, obstruction, excavation, storage of materials, or structure, either alone or in combination with existing or future similar works, which could adversely affect the efficiency or the capacity of the regulatory floodway, existing streams, or drainage facilities shall be allowed to be placed in the regulatory floodway. The determination of adverse effects shall be based on the assumption that the encroachment resulting from any such proposed activity will extend for a significant reach of the stream together with fully approvable encroachment on the opposite side of the stream. Neither shall structures that are:

(a) Designed for human habitation;

(b) Associated with high flood damage potential;

(c) Not connected with permitted open space uses; or

(d) Structures consistent with open space uses, but that could themselves obstruct flood flows, be allowed in the regulatory floodways. Other prohibited uses of areas within regulatory floodway limits include storage of materials that are buoyant, flammable, explosive, or injurious to human, animal or plant life.

(2) The following activities may be allowable for land within the regulatory floodway limits of a stream if they are not of such nature as to result in increases in flood elevations:

(a) Open space uses having no appreciable flood damage potential such as those associated

with agriculture, recreation, parking, storage yards, and certain sand and gravel operation;

(b) Certain structures accessory to permitted open space uses if the structures are designed, constructed and placed on the lot so as to offer the minimum obstruction to flood flows;

(c) Structures necessary for navigation and water-borne freight handling, for transportation or utility crossings, provided the cabinet determines that every effort has been made to reduce the impact of all such facilities on flooding and provided that such facilities considered alone or in conjunction with permissible development on the opposite side of the stream shall under no circumstances create an undue increase in flood elevations;

(d) Dredging or other removal of material from between the stream banks, provided disposal of the dredged material is outside of the regulatory floodway; and

(e) Other activities exempted by regulations 401 KAR 4:020 and 401 KAR 4:050.

Section 5. Determining Regulatory Floodway Boundaries. (1) The regulatory floodway boundaries shall include the stream channel and that portion of the adjacent land areas required to pass the base flood discharge without increasing the water surface elevation at any point more than one (1) foot above the pre-floodway condition. Where the streamflow is supercritical, or where velocity is so high that backwater considerations are not possible or appropriate, the determination of regulatory floodway boundaries will be based on a one (1) foot maximum allowable rise in the energy grade line. When making these calculations, the cabinet will use methods which consider equal conveyance losses on opposite sides of the stream.

(2) For stream segments for which a local government has used methods comparable to those specified in this section to define floodway boundaries and has adopted these boundaries by ordinance or for which the Federal Emergency Management Agency (FEMA) has determined and mapped floodway boundaries, the cabinet will consider these designated floodway boundaries to define the regulatory floodway. If both locally-determined floodway boundaries and FEMA maps are available, the more stringent will apply for purposes of this regulation.

(3) Notwithstanding any other provisions of this regulation, in urban areas or other locations where, on a case-by-case basis, the cabinet determines that the one (1) foot increase in base flood elevation allowable in determining regulatory floodway boundaries would create an undue increase in flood damages, it may impose a more stringent limitation on the floodway determination.

(4) Base flood flow information shall be determined by one of the following methods, which are listed in descending order of preference:

(a) The base flood flow frequency curve for gaged sites on unregulated streams shall be obtained from the district office of the U.S. Geological Survey, Water Resources Division or the appropriate U.S. Army Corps of Engineers district office. These data shall be applied so as to provide the best discharge estimates for the site under consideration. Peak discharges for ungaged sites on a gaged stream may consider both the gaged site information and information from an appropriate regional estimate, where available. The transfer technique for establishing discharges at the ungaged location shall be by interpolation or extrapolation methods approved by the cabinet. For gaged streams with regulated flows, peak discharges will be obtained from the agency responsible for the regulation.

(b) For ungaged streams one of the following will be used:

1. Where the watershed area is greater than ten (1) square miles, the source of information will be "Techniques for Estimating Magnitude, Frequency, and Duration of Flows in Kentucky," U.S. Army Corps of Engineers, 1984;

2. Where the watershed area is greater than three (3) square miles but less than 100 square miles, base flood flow may be based on the U.S. Soil Conservation Service's "National Engineering Handbook, Section 4: Hydrology," latest edition; or

3. Where drainage areas are less than ten (10) square miles, the cabinet may approve the use of other generally accepted methods.

(5) In performing the calculations for regulatory floodway boundaries, the cabinet will use the most recent version of the U.S. Army Corps of Engineers Hydrologic Engineering Center's computer program HEC-2.

(a) The applicant shall provide cross sections for determining floodway boundaries at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than ± five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. Where necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

(b) Roughness values for use in regulatory floodway computations will be calibrated from existing flood information, where possible. If such information is not available, the cabinet will base these values on the U.S. Geologic Survey's "Roughness Characteristics of Natural Channels" and on the professional judgment of the cabinet's engineers. The cabinet may require the applicant to provide photographs or other information which may be helpful in making this determination.

(c) Slope values used for regulatory floodway boundary calculations will be based on flood profiles where available.

(d) Conveyance loss shall be calculated through the HEC-2 equal loss method.

Section 6. Placement of Flood-Damageable Property in Floodplain. (1) In order to minimize or prevent the harmful effects of stream flooding, the cabinet will not issue permits for the placement or construction of flood-damageable property in the base floodplains of streams, unless such placement or construction conforms to the requirements of the following subsection.

(2) In issuing construction permits pursuant to KRS 151.250 for the placement of flood-

damageable property within the base flood inundation area, it will be the cabinet's policy to:

(a) Require that all new construction and substantial improvements of residential structures within the base floodplain have the lowest floor (including basement) elevated to the base flood level or above, unless granted an exception by the cabinet for the allowance of basements and/or storm cellars which shall be properly floodproofed;

(b) Require that all new construction and substantial improvements of non-residential structures within the base floodplain:

1. Have the lowest floor (including basement) elevated to the base flood level or above; or

2. Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is properly floodproofed with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(c) Require that a floor elevation or floodproofing certification be provided by the permittee after the lowest floor is completed. Upon placement of the lowest floor, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the Division of Water a certification of the elevation of the lowest floor or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is used for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Division of Water shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being performed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project; and

(d) Require that all manufactured homes (mobile homes), except in an existing manufactured home (mobile home) park or subdivision, must be elevated and properly anchored to resist flotation collapse, or lateral movement. Placement in an existing manufactured home (mobile home) park or subdivision requires that the home be properly anchored. The expansion of an existing manufactured home (mobile home) park or subdivision constitutes new construction and placement in that newly developed area shall conform to both elevation and anchoring requirements.

Section 7. Construction Materials. To avoid secondary adverse impacts from stream construction projects, all materials used in such projects shall be stable and inert, free from pollutants and floatable objects, and shall meet all appropriate engineering standards applicable to the construction project.

Section 8. Variances and Exceptions. (1) Encroachments which cause a backwater effect of more than one (1) foot may be allowed by the cabinet provided the applicant owns the entire affected property on both sides of the stream, the amount of backwater at the nearest upstream property line is no more than considerations in Section 5 of this regulation would allow, and the cabinet has reasonable assurances that none of the applicant's property within the area of such excessive backwater will be subdivided and sold. Reasonable assurances shall include zoning considerations that would preclude subdivision of the property or deed restrictions that create such a binding condition. All structures built in such areas shall have their lowest floor elevation at or above the altered elevation or be floodproofed to that elevation.

(2) The cabinet may allow regulatory floodway boundaries to be shifted by changing allocation of conveyance losses. In doing this, the cabinet may redesignate the regulatory floodway boundary on one (1) side of a stream to be closer to the stream channel provided that a permanent flooding easement can be provided for a compensating area on the opposite side. This easement shall include that area extending from the top of the opposite stream bank to whatever distance away from the stream that is required to compensate for the proposed streamward shift of the floodway boundary. The easement shall be made part of the deed or deeds for the affected property, shall prohibit placement of any obstruction thereon, and shall specify the Commonwealth as the owner of the easement rights. In addition, the cabinet may impose any other conditions it determines to be necessary to offset potential adverse flooding impacts. When regulatory floodway boundary changes are approved by the cabinet, the applicant(s) shall be responsible for having changes made to the appropriate FEMA boundary maps.

(3) In some cases, due to printing errors, boundary changes from subsection (2) of this section, or other circumstances, areas along streams may be incorrectly indicated as being within the designated floodway on FEMA maps. If such an error is suspected, an applicant may request the cabinet to perform an independent analysis of the situation. The applicant shall be responsible for obtaining all site-specific information for such analysis including, if necessary, the information used for the initial FEMA study. The cabinet will perform the analysis and, if the mapped information is indeed incorrect, it will assist the local community, as resources allow, in getting the maps revised. The cabinet's permit will reflect the boundaries determined by the corrected analysis.

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: July 15, 1987

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

PUBLIC HEARING SCHEDULED: A public hearing on this proposed regulation will be held on August 28, 1987 at 10 a.m. in the auditorium of the Capital Plaza Tower. Any person interested in attending this hearing or in submitting written comments regarding this proposed regulation shall submit a written request for hearing or the written comments to: A. Leon Smothers, Assistant Director, Division of Water, 18 Reilly Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: A. Leon Smothers

(1) Type and number of entities affected: The proposed regulation establishes criteria for issuance of stream construction permits pursuant to KRS 151.250. These permits are required of any person or any city, county, or other political subdivision of the state before such party begins any "...construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the state highway department) across or along any stream, or in the floodway of any stream..." with the exception of any construction activity which takes place on a properly permitted surface mining site.

Approximately 140 of these permits are issued per year, of which about 10 to 15 are issued to cities and about 5 are issued to county governments.

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

1. First year: The only new costs or savings due to this regulation result from the public notice provision. The costs related to this provision will vary considerably depending on the locality. The other provisions included in the proposed regulation have been used by the cabinet since about 1975.

2. Continuing costs or savings: Same as above.

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Promulgation of this regulation should make the stream construction regulatory program more efficient. There should be a somewhat greater likelihood that first-time applicants will understand the permitting requirements, since copies of the regulation will accompany application packets.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternatives to this regulation are no regulation, a regulation with less stringent requirements, and a regulation with more stringent requirements.

In 1984 the cabinet was notified by LRC that it must promulgate as regulation every document, policy, etc. which it used for making any type of determination. The cabinet's response to this mandate, as far as stream construction was concerned, was to promulgate a regulation (401 KAR 4:200) that included nine documents which contained the considerations of the proposed regulation, plus a great deal of other information which may or may not have relevance to the stream construction program. Later, in response to a number of complaints that the volume of these documents was excessive, the cabinet committed to develop a more specific regulation, which is the proposed 401 KAR 4:060. For this reason and because of LRC's 1984 mandate, the option of no regulation was rejected.

The other two alternatives were rejected (1) because the provisions included in the proposed regulation parallel those which many communities have adopted in order to participate in the National Flood Insurance Program and (2) because the stringency of the program requirements provided here have proven satisfactory for more than ten years.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict or duplication. There is some overlap with 401 KAR 4:200. After this regulation becomes final the overlapping areas will be eliminated from 401 KAR 4:200.

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. There is no basis on which tiering could be applied to these regulations.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department of Environmental Protection
Division for Air Quality

401 KAR 63:041. Asbestos abatement entities.

RELATES TO: KRS 224.320, 224.330, 224.340

PURSUANT TO: KRS 224.033

NECESSITY AND FUNCTION: KRS 224.033 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the control of asbestos emissions from asbestos abatement projects.

Section 1. Applicability. (1)(a) Except as provided in paragraph (b) of this subsection, the provisions of this regulation shall apply to each asbestos abatement entity which is involved in any asbestos abatement project.

(b) An asbestos abatement entity shall not be required to obtain the certificate as required in Section 3 of this regulation or attend the training required in Section 10 of this regulation in order to conduct asbestos abatement projects which are not subject to the provisions of 401 KAR 57:011, however, that entity shall comply with the provisions of Sections 4(3) and 12 of this regulation when performing such projects.

(2) Any person may request that the cabinet determine whether a project is an asbestos abatement project. Such a request shall include the type of disturbance involved, a description of the friable asbestos materials, and laboratory data sheets with bulk sample results, methods of analysis, and the signature of the analyst. The cabinet shall make its determination, in writing, not later than ten (10) working days after it has received a written request with complete and accurate information adequate to make a determination.

Section 2. Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 50:010 or 401 KAR 57:011.

(1) "Airlock" means a system of enclosures within the containment area consisting of two (2) doorways, curtained with polyethylene sheeting, at least three (3) feet apart.

(2) "Asbestos abatement project" means any renovation or demolition activity at a facility which may cause a disturbance of friable asbestos material.

(3) "Asbestos abatement entity" means any partnership, firm, association, corporation, sole proprietorship, or other business concern, any governmental agency, or any other organization, composed of one (1) or more employees or members, or any individual involved in any of the asbestos-related activities specified in subsection (2) of this section.

(4) "Certificate" means a permit issued by the cabinet pursuant to KRS 224.033(19) to allow an asbestos abatement entity to engage in asbestos abatement projects, including the use of equipment or practices that control the emissions of asbestos fibers into the outside air.

(5) "Certification fee" means a fee established by the cabinet pursuant to KRS 224.033(20) for the issuance of certificates to asbestos abatement entities according to the provisions of this regulation.

(6) "Clean room" means an uncontaminated area or room which is part of the worker decontamination enclosure system with provisions for storage of workers' street clothes and clean protective equipment.

(7) "Clearance air monitoring" means the monitoring of air conducted inside the work area after cleanup of an asbestos abatement project has been completed.

(8) "Containment area" means the entire area in which an asbestos abatement project is conducted; this includes, but is not limited to, the work area, equipment room, shower room, clean room, and all associated airlocks.

(9) "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations.

(10) "Emergency operation" means a renovation operation that was not planned but results from a sudden, unexpected event. This term includes operations necessitated by nonroutine failures of equipment.

(11) "Equipment room" means a contaminated area or room which is part of the worker decontamination enclosure system with provisions for storage of contaminated clothing and equipment.

(12) "Facility" means any institutional, commercial, or industrial structure, installation, or building, excluding apartment buildings having no more than four (4) dwelling units.

(13) "Facility component" means any pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a facility; or any structural member of a facility.

(14) "Friable asbestos material" means any material containing more than one (1) percent asbestos by weight that hand pressure can crumble, pulverize, or reduce to powder when dry.

(15) "HEPA filtration" means high efficiency particulate air filtration found in respirators and vacuum systems capable of filtering particles greater than or equal three-tenths (0.3) microns in size, with 99.97 percent efficiency.

(16) "HVAC" means a heating, ventilation, and air conditioning system.

(17) "Lockdown agent" means a protective coating or sealant which is applied to a surface from which asbestos-containing material has been removed.

(18) "OSHA" means the Occupational Safety and Health Administration.

(19) "Polyethylene sheeting" or "polyethylene bags" means sheeting or bags of polyethylene plastic with a thickness of six (6) mils or more, except as otherwise specified.

(20) "Publicly owned facility" means any facility owned by the state, or any political subdivision thereof, municipality, or other public entity.

(21) "Renovation" means altering in any way one (1) or more facility components. Operations in which load-supporting structural members are wrecked or taken out are excluded.

(22) "Shower room" means a room between the clean room and the equipment room in the worker decontamination enclosure system with hot and cold running water controllable at the tap and suitably arranged for complete showering during decontamination.

(23) "Structure" means a whole facility, building, or a major portion thereof, such as a building wing.

(24) "Work area" means the contaminated area within the containment area that contains the friable asbestos material which is to be abated.

Section 3. Prohibition. No asbestos abatement entity shall engage in any asbestos abatement project which is subject to the provisions of 401 KAR 57:011 after April 1, 1988, unless a certificate to so engage in such projects has been issued by the cabinet in accordance with the provisions of this regulation, and is currently in effect. The provisions of this section shall not apply during the demonstration of compliance required in Section 6(2) of this regulation.

Section 4. Work Practice Requirements. (1) Renovations addressed in 401 KAR 57:011. Any asbestos abatement entity that engages in any asbestos abatement project, including emergency operations, which is determined to be subject to the provisions of 401 KAR 57:011 and involves renovation shall comply with the following work practice requirements:

(a) All objects and exposed surfaces in the work area shall be cleaned. Moveable objects may then be removed. Objects not removed from the work area shall be covered with polyethylene sheeting secured in place. All openings within the containment area, including windows, doorways, elevator openings, corridor entrances, drains, ducts, grills, grates, diffusers, skylights, and openings created by the construction of any barriers, shall be sealed with polyethylene sheeting. Containment areas shall be established by permanent walls extending from the floor to the ceiling, or where permanent walls do not exist, by barriers. Barriers shall be constructed of polyethylene sheeting attached securely in place.

(b) Floor sheeting shall be installed within the containment area and shall consist of at least two (2) layers of polyethylene sheeting. Floor sheeting shall extend up sidewalls at least twelve (12) inches and shall be sized to minimize seams. No seams shall be located at

wall-to-floor joints.

(c) Wall sheeting shall be installed throughout the containment area according to the procedures specified in this paragraph. All wall sheeting shall consist of polyethylene sheeting, with each layer having a thickness of at least four (4) mils, shall be securely installed to minimize seams, and shall extend beyond each wall-to-floor joint at least twelve (12) inches. No seams shall be located at wall-to-wall joints.

1. Within the work area. Wall sheeting on a permanent wall shall consist of at least two (2) layers. Wall sheeting on a barrier shall consist of at least one (1) layer.

2. Within all other areas of the containment area. Wall sheeting on a permanent wall shall consist of at least one (1) layer. No wall sheeting is required where barriers are used.

(d) A worker decontamination enclosure system shall be provided, consisting of a clean room, shower room, and equipment room, each separated from each other and from the work area by airlocks and accessible through doorways protected with two (2) overlapping polyethylene sheets.

(e) All HVAC equipment in or passing through the containment area shall be shut down, locked out, and tagged to advise personnel not to activate the equipment. All intake and exhaust openings and any seams in system components shall be sealed with polyethylene sheeting and waterproof tape.

(f) Warning signs shall be displayed at all approaches to any location where airborne fiber levels can be expected to exceed background levels. Such signs shall be of a vertical format measuring twenty (20) inches in length and fourteen (14) inches in width, and shall contain the following information which shall be printed in letters of sufficient size and contrast as to be readily visible and legible:

DANGER
ASBESTOS
CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING
ARE REQUIRED IN THIS AREA

(g) Negative pressure ventilation units with HEPA filtration and in sufficient number to provide one (1) workplace air change every fifteen (15) minutes shall be operated continuously for the duration of the project. The duration of the project for this requirement shall be considered to be from the time that a containment area is established and wall and floor sheeting are installed through the time that acceptable final clearance air monitoring results are obtained.

(h) All friable asbestos material shall be thoroughly wetted through to the substrate prior to removal.

(i) Facility components shall be removed intact or in large sections whenever possible and shall be carefully lowered to the floor. Other friable asbestos material shall be removed in small sections.

(j) Materials located at heights greater than fifteen (15) feet but less than or equal to fifty (50) feet above the floor shall be dropped into inclined chutes or onto scaffolding or containerized at their elevated levels for eventual disposal. For materials located at heights greater than fifty (50) feet above the floor, a dust-tight enclosed chute shall be constructed to transport removed material to containers on the floor.

(k) At no time shall the friable asbestos material that has been removed be allowed to accumulate or become dry.

(l) For porous surfaces that have been stripped of friable asbestos materials, a lockdown agent shall be applied to securely seal any residual fibers that may be present. The lockdown agent should be chosen so as to be compatible with subsequent covering.

(m) Following abatement, wall sheeting and floor sheeting shall be removed and containerized for disposal. A sequence of HEPA filtration vacuuming, wet wiping all exposed surfaces, and surface drying shall be performed until no visible residue is observed in the work area. A minimum of twenty-four (24) hours after wet wiping shall be required to ensure that sufficient drying has occurred.

(n) All asbestos-containing waste, except for large facility components, shall be thoroughly wetted before being placed into containers for disposal. Large components shall be thoroughly wetted before being wrapped in polyethylene sheeting for disposal. Disposal shall occur at locations identified in paragraph (u) of this subsection.

(o) Wet asbestos-containing waste shall be double bagged in polyethylene bags placed in sealed, rigid containers (for example: steel drums, fiber drums, or heavy cardboard boxes) for transport to the approved landfill identified in paragraph (u) of this subsection. Large facility components may be wrapped in two (2) layers of polyethylene sheeting which are secured with waterproof tape for disposal.

(p) All polyethylene sheeting that is used in an asbestos abatement project shall be treated as asbestos-containing waste.

(q) All wrapping or containerizing of asbestos-containing waste shall be done in such a manner so as to prevent the outside of the wrapping or container from being contaminated with asbestos fibers.

(r) All packaged wastes (boxes, drums, and wrapped components) shall be labeled according to the provisions of 40 CFR 61.152, filed by reference in 401 KAR 57:011.

(s) Clearance air monitoring shall be performed. At least five (5) samples of air per work area, or one (1) sample per room, whichever is greater, shall be obtained for the clearance air monitoring. A sample volume of 3,000 liters of air shall be used. The air samples shall be obtained when the air is being artificially circulated so that the fibers remain airborne during the sampling. Barriers shall not be dismantled, and openings shall not be uncovered, until the final samples show asbestos concentrations of less than or equal to 0.01 fibers per cubic centimeter of air. The method for determining compliance with the provisions of this paragraph shall be either of the methods specified in Appendix M to "Guidance for Controlling Asbestos-Containing Materials in Buildings" (U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances, EPA 560/5-85-024, June 1985). Appendix M, "Detailed Specifications for Sampling and Analyzing Airborne Asbestos," is hereby adopted and filed herein by reference.

1. Copies of Appendix M to "Guidance for Controlling Asbestos-Containing Materials in Buildings" are available for sale from the Superintendent of Documents, U.S. Government

Printing Office, Washington, D.C. 20402.

2. Copies of the material incorporated by reference in this regulation shall be available for public review at the offices of the Division for Air Quality as listed in 401 KAR 50:015.

(t) Transport and disposal of asbestos-containing waste shall occur in a manner that will not permit the release of asbestos fibers into the outside air.

(u) Disposal shall occur at a site that has approval from the Division of Waste Management to accept asbestos-containing waste according to the provisions of Title 401, Chapter 47, and shall meet all other applicable local, state, and federal laws.

(v) The asbestos abatement entity shall submit copies of all results of sampling obtained during clearance air monitoring and all disposal receipts to the building owner and the cabinet.

(2) Demolitions addressed in 401 KAR 57:011. Any asbestos abatement entity that engages in any asbestos abatement project which is determined to be subject to 401 KAR 57:011 and involves demolition shall comply with the following work practice requirements:

(a) Any demolition of a structure or portion of a structure which contains facility components composed of or covered by friable asbestos material shall be preceded by a removal of all such materials prior to demolition, according to the requirements of subsection (1) of this section.

(b) In lieu of the requirements specified in subsection (1)(a), (b), (c), (e), and (1) of this section, asbestos abatement entities engaging in demolition activities shall comply with the following requirements:

1. Before beginning a demolition project, all doors, windows, floor drains, vents, and other openings to the outside of the building and to areas within the building that do not contain asbestos materials, shall be sealed off with polyethylene sheeting and waterproof tape; and

2. If a structure is to be partially demolished, all HVAC equipment in the demolition area or passing through it but servicing areas of the building which will remain, shall be shut down, locked out, tagged to advise personnel not to activate the equipment, and thoroughly sealed with polyethylene sheeting and waterproof tape.

(c) Clearance air monitoring as described in subsection (1)(s) of this section shall be required, following abatement activities conducted for demolition purposes, prior to demolition.

(d) All other requirements of subsection (1) of this section, unless specifically deleted in paragraph (b) of this subsection, shall apply to demolition abatement activities.

(3) Any asbestos abatement entity engaged in an asbestos abatement project, including emergency operations, not subject to the requirements of subsections (1) and (2) of this section shall take reasonable precautions to prevent the release of asbestos fibers to the outside air. Such precautions shall include, but not be limited to:

(a) Construction of adequate barriers or use of wall and floor sheeting to contain asbestos fibers released within the containment area;

(b) Wetting of all friable asbestos materials prior to removal and keeping them wet until containerized;

(c) Use of HEPA filtration vacuum equipment and wet cleaning techniques to clean up the work area following the project until there is no visible residue;

(d) Appropriately wrapping or containerizing asbestos-containing waste and labeling the packaged waste (wrapped components, boxes, or fiber or metal drums); and

(e) Transportation to and disposal at a location identified in subsection (1)(u) of this section in a manner that does not release fibers into the outside air.

(4) The cabinet may, on a case-by-case basis, approve alternative work practice requirements for an asbestos abatement project provided that the asbestos abatement entity submits the alternative to the requirements to the cabinet, in writing prior to beginning the asbestos abatement project, and demonstrates to the satisfaction of the cabinet that compliance with the requirements prescribed in this section is not practical or not feasible and that the proposed alternative to the requirements provides an equivalent control of asbestos and is not in conflict with any applicable local, state, or federal law.

Section 5. Applications. (1) No asbestos abatement entity shall be considered for certification unless the training requirements of Section 10 of this regulation have been completed prior to application.

(2) Applications for certification required under Section 3 of this regulation shall be made on a form prepared by the cabinet for such purpose and shall contain such information as the cabinet shall deem necessary to determine whether the certificate should be issued.

(3) Applications for certification shall be signed by a duly authorized agent of the asbestos abatement entity. Such signature shall constitute personal affirmation that the statements made in the application are true and complete.

(4) Failure to supply information required or deemed necessary by the cabinet to enable it to act upon the certification application shall result in denial of the certificate.

(5) Any asbestos abatement entity which submits an application for certification shall include with the application a filing fee, as specified in Section 8 of this regulation.

Section 6. Consideration of Applications. (1) Within thirty (30) days after receipt of an application for certification, the cabinet shall advise the asbestos abatement entity as to whether or not the application is complete, and if not complete, what additional information is necessary in order to evaluate the application.

(2) Within fifteen (15) days after the application for certification is deemed complete, the cabinet shall contact the asbestos abatement entity to establish a date when the cabinet can witness an asbestos abatement project which shall be performed by the entity to demonstrate compliance with the provisions of this regulation.

(3) The cabinet shall make its determination concerning the application, including its approval or denial, within thirty (30) days after attendance at the asbestos abatement project demonstration, unless the cabinet determines that an additional period of time is necessary to adequately review the application or its evaluation of the demonstration. The cabinet shall notify the asbestos abatement

entity, in writing, of its determination and shall set forth its reasons for any denials.

(4) If the application is approved, the asbestos abatement entity shall submit the certification fee, as specified in Section 8 of this regulation. Upon receipt of the certification fee, the cabinet shall issue to the asbestos abatement entity the certificate to engage in asbestos abatement projects, according to the provisions of this regulation.

(5) The cabinet shall deny an application for certification if the cabinet determines that any provision of this regulation or 401 KAR 57:011 is not met, if the asbestos abatement entity willfully made any misstatements in the application, or if the owner or operator of an asbestos abatement entity, or an entity with a different name to which a certificate had previously been issued, cannot reasonably be expected to conduct himself or herself in a manner that is consistent with the acceptance of responsibility for asbestos abatement projects. The cabinet shall make determinations regarding issuance or denial of the certification based upon the applicant'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.

(6) Certificates issued hereunder shall be subject to such terms and conditions as set forth and embodied in the certificate as the cabinet shall deem necessary to ensure compliance with the requirements of this regulation and of 401 KAR 57:011.

Section 7. Duration and Renewal of Certificates. (1) Unless the cabinet revokes a certificate, that certificate, including renewal of certification, shall remain in effect for one (1) year after the date of issuance.

(2) No asbestos abatement entity shall be considered for renewal of certification unless the training requirements of Section 10 of this regulation have been completed prior to application.

(3) Applications for renewal of certification shall be made on a form prepared by the cabinet for such purpose and shall contain such information as the cabinet shall deem necessary to determine whether the certificate should be issued. Applications for renewal shall be submitted not earlier than ninety (90) days and not later than thirty (30) days before the date of expiration.

(4) Applications for renewal of certification shall be signed by a duly authorized agent of the asbestos abatement entity. Such signature shall constitute personal affirmation that the statements made in the application are true and complete.

(5) Failure to supply information required or deemed necessary by the cabinet to enable it to act upon the renewal application shall result in denial of that renewal.

(6) Any asbestos abatement entity which submits an application for renewal of certification shall include with the application a filing fee, as specified in Section 8 of this regulation.

(7) The cabinet shall make its determination concerning the application, including its approval or denial, within thirty (30) days of receipt of a complete renewal application. The cabinet shall notify the asbestos abatement entity, in writing, of its determination and shall set forth its reasons for any denials.

(8) If the renewal is approved, the asbestos abatement entity shall submit the fee for renewal of certification, as specified in Section 8 of this regulation. Upon receipt of the fee, the cabinet shall issue to the asbestos abatement entity the renewed certificate to engage in asbestos abatement projects, according to the provisions of this regulation.

(9) The cabinet may deny an application for renewal of certification if the asbestos abatement entity has failed to comply fully with all applicable requirements of this regulation or of 401 KAR 57:011 during the year preceding the renewal application.

Section 8. Fees. The provisions of this section shall not apply to any publicly owned facility, as defined in Section 2 of this regulation. All fees shall be submitted to the cabinet as a certified check or money order, payable to the Kentucky State Treasurer.

(1) Filing fee. Each asbestos abatement entity shall submit with the application for certification or renewal of certification, a filing fee, as specified in paragraph (a) or (b) of this subsection. Such fee is not refundable if the certification is denied or the application is withdrawn. The filing fee, shall be applied toward the certification or renewal fee when the certificate is issued, pursuant to Section 6 or 7 of this regulation.

(a) The filing fee for certification shall be $100.

(b) The filing fee for renewal of certification shall be fifty (50) dollars.

(2) Certification or renewal fee. A fee as specified in paragraph (a) or (b) of this subsection, shall be submitted to the cabinet prior to the issuance of the certificate or renewed certificate to any asbestos abatement entity.

(a) The certification fee shall be $500.

(b) The fee for renewal of certification shall be $250.

Section 9. Certification Revocation. The cabinet may revoke any certification issued under this regulation if the asbestos abatement entity:

(1) Willfully makes any misstatements or knowingly omits information in the certification application, renewal application, or any amendments thereto;

(2) Fails to comply with the terms or conditions of the certification;

(3) Fails to comply with the work practice requirements in Section 4 of this regulation; or

(4) Fails to properly dispose of friable asbestos materials.

Section 10. Training Requirements. (1) As a part of the certification as required in Section 3 of this regulation, the asbestos abatement entity shall provide at least one (1) supervisory person who will be actively involved in the execution and inspection of asbestos abatement projects with an initial training course approved by the cabinet, and an annual re-training course approved by the cabinet.

(2) Persons identified in subsection (1) of this section shall be required to successfully complete a written examination, administered by the training sponsors, at the completion of the training or re-training course in order to

demonstrate familiarity with those issues relevant to the safe performance of asbestos abatement activities. Correct response to at least seventy (70) percent of the examination questions shall be necessary to meet the requirements of this subsection.

(3) As a part of the certification as required in Section 3 of this regulation, persons identified in subsection (1) of this section shall attend an orientation program sponsored by the cabinet, concerning the requirements, procedures, and standards established by this regulation.

(4) If at any time, the supervisory person identified in subsections (1) through (3) of this section is no longer employed by the asbestos abatement entity to which the certificate has been issued, or is no longer actively involved in the execution and inspection of asbestos abatement projects for such entity, the entity shall immediately notify the cabinet. The cabinet may continue the certificate, based upon a showing that there is another employee who has fulfilled the training requirements in this section, and who will be actively involved in the execution and inspection of asbestos abatement projects for the entity.

Section 11. Training Course Requirements. (1) The initial training course required in Section 10(1) of this regulation shall provide, as a minimum, information on the following topics:

(a) The physical characteristics of asbestos, including fiber size, aerodynamic characteristics, and physical appearance;

(b) The health hazards of asbestos;

(c) Employee personal protective equipment;

(d) Recommended medical monitoring procedures, benefits of medical monitoring, and employee access to records;

(e) Air monitoring procedures;

(f) State-of-the-art work practices for asbestos abatement activities;

(g) Personal hygiene;

(h) Additional safety hazards that may be encountered during abatement activities and how to deal with them;

(i) The requirements, procedures, and standards established by federal regulations;

(j) Contract specifications and bidding procedures, liability insurance and bonding, and legal consideration related to asbestos abatement; and

(k) Establishing respiratory protection programs, medical surveillance programs, and U.S. EPA and OSHA recordkeeping requirements.

(2) The yearly re-training course required in Section 10(1) of this regulation shall, as a minimum, adequately review the topics in subsection (1) of this section, update information on state-of-the-art procedures and equipment, and review regulatory changes and interpretations.

(3) The course entitled "Supervision of Asbestos Abatement Projects," as approved by the U.S. EPA, shall satisfy the requirements for initial training and re-training courses, as specified in subsections (1) and (2) of this section.

(4) Training courses, other than the course referenced in subsection (3) of this section, may be approved by the cabinet on a case-by-case basis. The cabinet may approve such training courses, based on the cabinet's determination that the course would provide equivalent training as the course specified in subsection (3) of this section. A prospective course sponsor shall submit, as a minimum, the following information:

(a) Information about the course sponsor;

(b) Course location and fees;

(c) Copies or description of course handouts;

(d) A detailed description of course content and the amount of time allotted to each major topic;

(e) A description of teaching methods to be utilized and a list of all audio-visual materials;

(f) A list of all personnel to be involved in course preparation and presentation and a brief description of the background, special training, and qualifications of each;

(g) A description of student evaluation methods to be used;

(h) A description of course evaluation methods to be used;

(i) Any restriction on attendance (language, etc.); and

(j) A copy of the written examination which will be administered at completion of the course.

Section 12. Records. (1) Each asbestos abatement entity shall maintain records of all asbestos abatement projects which it performs and shall make these records available to the cabinet upon request. The asbestos abatement entity shall retain the records for at least six (6) years.

(2) The asbestos abatement entity shall record the following information for each project:

(a) Name and address of supervisor responsible;

(b) The location and description of the project and the estimated amount of asbestos removed;

(c) Starting and completion date. If the completion date differs from that originally scheduled, include reasons for delay;

(d) Summary of the procedures used to comply with all applicable requirements, including copies of all notifications, if applicable;

(e) Name and address of the waste disposal site and disposal receipts, including the amount of asbestos-containing material disposed; and

(f) Results of all air sampling conducted during the asbestos abatement project, if applicable, including personal, area, and clearance samples.

Section 13. Penalties. Any asbestos abatement entity which violates any provision of this regulation shall be subject to the appropriate enforcement action as provided under KRS 224.994.

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: July 15, 1987

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

PUBLIC HEARING SCHEDULED: A public hearing to receive comments on this proposed regulation will be conducted on August 27, 1987, at 10 a.m. (EDT) in the Auditorium of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this public hearing shall contact, in writing at least five days prior to the hearing, Mr. William S. Coakley, Manager, Program Development Branch, Division for Air Quality, Frankfort Office Park, 18 Reilly Road, Fort Boone Plaza, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roger B. McCann

(1) Type and number of entities affected: The division has a present regulation (401 KAR 57:011) which provides for the control of asbestos emissions from asbestos mills, roadways, manufacturing and fabricating operations, demolition and renovation, spray application, insulation installation, and waste disposal. This present regulation has been applied to the control of asbestos emissions primarily from specific-sized demolition and renovation operations, due, in part, to the small number of asbestos mills and manufacturing and fabricating processes in the Commonwealth. This proposed regulation will refine the control of asbestos emissions from some of those demolition and renovation operations and will apply to certain asbestos abatement entities which will be involved in that kind of disturbance of friable asbestos materials. Since recordkeeping began in January 1983, approximately 90 currently operating individual asbestos abatement entities have identified themselves. All such entities will be affected by this regulation, in addition to entities involved in smaller abatement projects.

This regulation specifies that entities that engage in asbestos abatement projects that are not subject to the provisions of 401 KAR 57:011 shall not be required to obtain a certificate for such projects or attend the training specified in the regulation. However, all entities shall be required to follow specified work practice requirements when performing such projects and maintain records of such projects.

(a) Direct and indirect costs or savings to those affected: The proposed regulation requires attendance at training courses and payment of certification fees for entities which engage in asbestos abatement projects that are subject to the provisions of 401 KAR 57:011. It will be assumed that training expenses will be new costs resulting from this regulation and will be applied to only one supervisory person; however, in many cases, the asbestos abatement entity will already be providing the training for its employees as a matter of routine operating procedures.

Entities will also be required to purchase and maintain equipment and supplies in order to perform the asbestos abatement projects. In most cases, entities already have purchased and are maintaining such equipment and supplies, and are planning to do so, and the proposed regulation would impose no new costs beyond those already realized; however, because there are no current requirements for such purchases and maintenance, costs beyond those presently required would be the total cost of all required equipment (e.g., negative pressure and ventilation units, vacuuming equipment, polyethylene sheeting and sampling and analysis equipment for clearance air monitoring) and maintenance.

For smaller projects not subject to 401 KAR 57:011, at least $1,300 would have to be spent for required equipment, which would include polyethylene sheeting (about $35 for a 1,000 square-foot roll), HEPA (high-efficiency particulate air) filtration vacuum units (starting around $1,200, completely equipped), disposal bags (about $45 for a case of 75 bags), a disposal drum or rigid cardboard container ($5 and up), and necessary incidentals such as rags, water, and transportation and disposal. Section 4(4) of the regulation also provides for alternatives to the work practice requirements. These alternatives, if approved by the cabinet, could provide equivalent asbestos control for certain projects at costs less than $1,300. Larger projects would entail additional expenses for additional equipment, including a negative pressure ventilation unit (starting around $2,000, completely equipped), a shower (portable, filtered units cost about $850), and monitoring and analysis equipment (starting around $1,600, including about $850 for a pump and filter cassettes and $750 for a phase-contrast microscope with necessary accessories; alternatively, one-time monitoring and analysis services start around $400, depending on consultant's fees). The bulk of the equipment costs is for non-expendable equipment, and these costs can be amortized.

The requirement that certain abatement projects be performed using negative pressure ventilation units could result in entities having to purchase a license from the owner of the rights to this patented process, depending on the outcome of litigation in Pennsylvania. If licenses are in fact required by a patent law, annual fees may range from $10,000 to $50,000, depending on the amount of work performed annually by the applying entity.

1. First year: Entities which engage in projects which are subject to the provisions of 401 KAR 57:011 will be required to submit a certification fee of $500, in order to obtain the initial certification. The costs for training of one individual would vary, depending on the location of the course, mode of travel, etc. Costs could range from $500 to $1200 or more. The same individual must also attend the division's orientation course.

2. Continuing costs or savings: Entities which engage in projects which are subject to the provisions of 401 KAR 57:011 will be required to submit an annual certification renewal fee of $250. At least one designated person is required to attend a re-training course each year, with costs the same as for the first year. The same person must also attend the division's orientation course each year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Costs can be expected to increase as training and associated expenses rise.

(b) Reporting and paperwork requirements: Each entity will be required to maintain records on all asbestos abatement projects which it performs for at least six years. There will be no additional reporting requirements beyond those required in 401 KAR 57:011 as a result of this regulation. Annual applications for certificates will require the completion of a single form and the submittal of photocopied training certificates.

(2) Effects on the promulgating administrative body: The implementation of this regulation will have a major impact on the Division for Air Quality in that the division must have the necessary personnel and equipment to initiate and maintain an effective asbestos abatement certification and inspection program. Such a program would entail certifying the entities, developing the orientation program, inspecting the asbestos abatement projects, and auditing the entities as they perform their projects. Funding to support such a program, including

personnel, has been allocated to the cabinet by the 1986 General Assembly and by the U.S. Environmental Protection Agency (U.S. EPA). A total of $239,500 has been budgeted this year for this program, including amounts from federal and state government and anticipated certification fees.

(a) Direct and indirect costs or savings:

1. First year: The division will incur costs for establishing a division information program for the asbestos abatement entities, including hand-out materials, audio-visual aids, etc., for the orientation program. These costs are estimated to be $600.

The division will review and process applications for certification of asbestos abatement entities. Costs of that reviewing and processing will be recovered by a certification fee pursuant to this proposed regulation.

Inspection of the abatement projects of the entities is a part of the division's normal day-to-day operations, where these projects are subject to 401 KAR 57:011, and is budgeted accordingly. Additional inspections will be conducted as necessary, and the costs will be absorbed as a part of the operating budget for the asbestos program, which is funded in part by federal and state grants requiring inspection of all abatement projects for which notification has been received by the Division for Air Quality.

Training for six individuals in the division's asbestos program will be done during the first year. The total cost for the formal training is expected to be approximately $7000.

2. Continuing costs or savings: The division will review and process applications for certification of new asbestos abatement entities and annual applications for renewal of certificates. Costs for these reviews and processing will be recovered by a certification fee pursuant to this proposed regulation.

Inspection and training expenses are a part of the asbestos program's normal day-to-day operations and are budgeted accordingly.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Review and processing of certification and renewal of certification applications will increase paperwork significantly. The addition of six positions in the asbestos certification and inspection program, as allocated in the budget for FY 86-87 (which incorporates the U.S. EPA and state grants), will assist in handling this additional paperwork.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The cabinet may consider the alternative of not promulgating this regulation; however, such an action would not protect the citizens of this Commonwealth from the dangers of the release of asbestos fibers to the outside air from contractors, companies, or other entities which do not use the proper techniques in demolition and renovation activities involving friable asbestos material.

Other versions of the regulation were considered. However, this regulation was selected because it is considered the most viable approach; it fills regulatory gaps that exist under currently applicable state and federal regulation which otherwise might not prevent unregulated asbestos emissions from escaping to the outside air; and it contains provisions that are recommended by the U.S. EPA.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Some of these provisions are similar to those used by the U.S. EPA and the Occupational Safety and Health Administration (OSHA); however, the U.S. EPA's work practice provisions are guidelines, and some of the state and federal OSHA regulations's work practice provisions are not binding and enforceable requirements. A provision has been added to the regulation which states that alternative procedures may be allowed, provided that they do not conflict with any other state, federal, or local laws.

This regulation is to be used in conjunction with 401 KAR 57:011 in order to determine the applicability of portions of this regulation.

(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: Recognizing that asbestos has been known to cause cancer and other severe illnesses in humans who breathe or swallow its fibers, the U.S. EPA has identified asbestos as a hazardous air pollutant. The U.S. EPA also promulgated a regulation (40 CFR 61, Subpart M) to control the emissions of asbestos fibers into the outside air, and the Kentucky Division for Air Quality has adopted the federal regulation into its regulation, 401 KAR 57:011.

However, such a regulation does not ensure that the quality of the work performed during demolition and renovation operations is adequate to protect the citizens of the Commonmwealth. Companies, contractors, or other entities may be using improper techniques in the removal of asbestos during these operations. Therefore, a comprehensive program is necessary to protect Kentucky's citizens against unethical business practices or incompetent persons or companies involved in those renovation and demolition operations to this regulation would apply. This regulation will ensure that entities which perform asbestos abatement projects, which are subject to the provisions of 401 KAR 57:011, will be certified to do so and will be trained in the proper techniques.

TIERING: Was tiering applied? Yes. Only entities which perform projects which are subject to the provisions of 401 KAR 57:011 are required to obtain certifi In addition, the work practice practice requirements prescribed for entities engaged in smaller renovation and demolition operations differ from those for entities engaged in larger operations.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The U.S. EPA has expressed its concern about the quality of asbestos abatement projects and has determined that its role in this quality assurance is to provide and support as many good sources of asbestos abatement training and certification materials as possible. The role of the state, as seen by the U.S. EPA, is to oversee specific projects, to certify those involved in asbestos

abatement projects and to require training which meets the needs of that state. Consequently, the U.S. EPA has provided funding to the Commonwealth to perform those tasks. This regulation contains provisions to allow the division to certify individual entities and to require specific training for those entities which engage in projects that are subject to the provisions of 401 KAR 57:011. These provisions are in accordance with recommendations from the U.S. EPA.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: There are no federal regulations for this category of sources. This regulation closes a gap in the implementation of 401 KAR 57:011 and imposes requirements that are recommended by the U.S. EPA.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: The U.S. EPA recognizes that its regulations are inadequate to protect public health from the dangers of asbestos which is released during renovation and demolition operations. Therefore, it has provided funding for the states to implement programs toward that end. KRS 224.033 charges the cabinet with preventing, abating, and controlling air pollution, and the work practice and training requirements of this regulation are designed to achieve that end in a timely and cost-effective manner.

JUSTICE CABINET

500 KAR 6:010. Definitions.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. Definitions. The following definitions shall apply in this chapter:

(1) "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition are supported by evidence.

(2) "Admission" means the point of entry into a program; during admission processing the juvenile receives an orientation to the goals of the program and program rules and regulations. Assignment to living quarters and to appropriate staff members shall also be completed at this time.

(3) "Agency" means the unit of a governing authority which has direct responsibility for the operation of a juvenile detention center program, including the implementation of policy as set by the governing authority.

(4) "Agency administrator" means the jailer or the administrative officer appointed by the governing authority who is responsible for all operations of the agency and all related programs placed under control of the agency.

(5) "Casework" means the function of the caseworker, social worker, or other professional in providing services to the juvenile.

(6) "Chronic care" means health care provided to patients over a long period of time.

(7) "Co-correctional facility" means an institution designed to house both male and female juveniles.

(8) "Code of ethics" means a set of rules describing acceptable standards of conduct for all employees.

(9) "Community resources" means those social and welfare agencies, service clubs, citizen interest groups, self-help groups, and citizen volunteers who have the potential to assist juveniles.

(10) "Contraband" means any item possessed by juveniles or found within the facility that is illegal by law or that is expressly prohibited by those legally charged with the responsibility for administration and operation of the facility or program.

(11) "Corporal punishment" means any act of inflicting punishment directly on the body, causing pain or injury.

(12) "Detention" means temporary care of child alleged to have committed a public offense who requires secure custody in a physically restricting facility.

(13) "Dispositional hearing" means a hearing held subsequent to the adjudicatory hearing in order to determine what order of disposition should be made concerning any adjudicated child.

(14) "Dormitory" means any room sleeping more than five (5) juveniles.

(15) "Educational program" means a program of formal academic education or a vocational training activity designed to improve the juvenile's employment capability.

(16) "Emergency care" means care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call.

(17) "Environmental health" means all the conditions, circumstances, and surrounding influences that affect the health of persons or groups required to be in the area.

(18) "Facility" means a place, an institution, a building or part thereof, set of buildings, or an area, whether or not enclosing a building or set of buildings, which is used for the lawful custody and treatment of children and may be owned and/or operated by public or private agencies.

(19) "First aid" means care for a condition that requires immediate assistance from a person trained in first aid care and the use of the facility's first aid kits.

(20) "Governing authority" means for public/governmental agencies, the administrative department or division to which the agency reports; it is the policy-setting body. For private agencies, this may be an administrative headquarters or central unit, or the board of directors or trustees.

(21) "Grievance" means a circumstance or action made by a child which is considered to be unjust and grounds for complaint or resentment.

(22) "Handicapped child" means a person with a mental or physical impediment or disadvantage that restricts that person's ability to utilize programs or services.

(23) "Holidays" means all days legally designated as nonworkdays by statute or by the governing authority.

(24) "Information system" means the collection, organization, and delivery of information for administrative use.

(25) "Independent outside source" means a person qualified by license, education, or experience to examine a condition or service. To be considered independent, the examiner shall

not be in the employment of the facility being inspected. An auditor or inspector examining a program or condition within a community center may not be an employee of that center and still be considered independent.

(26) "Juvenile" means a person under the age of eighteen (18) and shall means the same as "child" defined in KRS Chapter 600.

(27) "Juvenile court" means the juvenile session of the district court.

(28) "Life safety code" means a manual published and updated by the National Fire Protection Association specifying minimum standards for fire safety necessary in the public interest including corrections facilities.

(29) "Official personnel file" means a current and accurate record of the employee's job history, including all important information relating to that history.

(30) "Parent" means the biological or adoptive mother or father of a child.

(31) "Person exercising similar custodial control or supervision" means a person who has assumed the role and responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child.

(32) "Physical examination" means a thorough evaluation of a patient's current physical condition and medical histories conducted by, or under the supervision of, a licensed professional.

(33) "Placing authority" means that court or agency with the authority to order a juvenile into a specific placement. This may be the juvenile court, the probation department, or other duly constituted and authorized placement agency.

(34) "Policy" means a definite, stated course or method of action that guides and determines present and future decisions and activities. A policy is a statement of principles that guides the agency in the attainment of objectives. To comply with a standard that requires a policy for a certain area, there shall be not only a written policy, but also evidence that a line of action or principle has been adopted and is being followed by the agency.

(35) "Procedure" means a procedure that provides the detailed and sequential actions that must be executed to ensure that a policy is fully implemented.

(36) "Professional associations" means a collective body of persons engaged in a particular profession or vocation, e.g., the American Correctional Association, the American Medical Association, and the National Association of Clinical Psychologists.

(37) "Program" means the plan or system through which a juvenile detention facility agency works to meet its goals.

(38) "Public offense" means an act if committed by an adult would be a crime.

(39) "Rated capacity" means the actual number of beds available for regular use. This does not include hospital beds, segregation beds, or other spaces used only on a temporary basis.

(40) "Secure institution" means any facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facilities staff, thereby not allowing a juvenile to leave the facility unsupervised or without permission.

(41) "Renovation" means a significant structural or design change in the physical plant of a facility.

(42) "Security devices" means locks, gates, doors, bars, fences, screens, ceiling, floors, walls, and barriers used to confine and control detained persons. Also included are electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain facility security.

(43) "Training" means formal classroom instruction; on-the-job training under the direction of an instructor or co-worker; training meetings, staff meetings or conferences that include a formal agenda and instruction by a teacher, manager, or official; physical training; or other instructional programs that include a trainer/trainee relationship. Training programs include requirements for completion, attendance recording, and a system for recognition of completion.

(44) "Volunteers" means persons who donate their time and effort to enhance the activities of the program. They are selected on the basis of their skills or personal qualities to provide services in recreation, counseling, education, religious activities, etc.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: June 30, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 27, 1987, at 10 a.m. in Room 110, Capitol Annex, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify, in writing at least five days before the hearing, the following individual: Cathy Cravens Snell, Justice Cabinet, 3rd Floor, Commonwealth Credit Union Building, 417 High Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed centers.
(a) Direct and indirect costs or savings to those affected: Not applicable to definitions.
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: The definitions by themselves have no effect.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: These definitions alone have no effect.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:020. Administration, organization and management.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The agency operating a detention facility is a legal entity or a part of a legal entity.

(2) The governing authority of the detention facility shall hold meetings at least annually with the facility administrator in order to facilitate communication, establish policy, explore problems, ensure conformity to legal and fiscal requirements, and implement programs.

(3) There shall be a written statement that describes the philosophy, goals or purposes of the facility, which shall be reviewed at least annually and updated if necessary.

(4) If services for adult and juvenile offenders are provided for by the same agency, statements of philosophy, policy, program and procedures shall distinguish between criminal codes and the statutes which establish and give direction to programs for juveniles; there shall be a separate service delivery system for juveniles.

(5) Abused, dependent or neglected children shall not be held in the facility.

(6) Written agency policy shall prohibit the confinement of any offender in the facility unless the facility complies with standards or rules promulgated by the Administrative Office of the Courts or a lawful court order.

(7) Service personnel other than facility staff shall perform work in the facility only under direct and continuous supervision of facility staff in those areas permitting contact with juveniles.

(8) There shall be a written description of the facility that specifies its mission within the context of the system of which it is a part. This description shall be reviewed at least annually and updated if necessary.

(9) The facility shall adopt and enforce written policies and procedures which:

(a) Provide for regular meetings and case conferences between the staff of probation agencies, shelter facilities, the court, the local law enforcement agency and the detention facility staff to develop and maintain sound interagency policies and procedures;

(b) Provide for a communications system within the facility that requires, at a minimum, that the facility administrator meet at least monthly with all department heads and that all department heads meet monthly with their key staff members;

(c) Specify that the facility administrator participates in the formulation of goals for the facility, establishes policies and priorities related to them and translates the goals into measurable objectives for accomplishment by the staff;

(d) Provide that legal assistance shall be available to the facility administrator;

(e) Provide for a daily population report on every juvenile in detention, including the day admitted, accumulated days of stay, and court designated worker who completed the initial intake;

(f) Provide a mechanism for communication with executive, legislative and judicial bodies at all governmental levels;

(g) Provide for participation of employees in the formulation of policies, procedures and programs;

(h) Permits the participation of other community agencies in policy development, coordinated planning and interagency consultation;

(i) Provide for collaboration with colleges and universities where available in programs of mutual concern;

(j) Provide for a public information program that is reviewed at least annually and updated if necessary;

(k) Grant representatives of the media access to the facility, consistent with the preservation of juveniles' privacy and the maintenance of order and security in the facility;

(l) Provide that the facility administrator report at least quarterly to the governing authority major problems and plans for resolving them;

(m) Govern facility compliance with statutes and regulations relating to campaigning, lobbying and political practices; and

(n) Provide that the facility administrator cooperates with the interstate compact administrator in the return of juveniles charged with juvenile offenses to the requesting state, pursuant to the provisions of the interstate compact on juveniles.

(10) The facility administrator or parent agency shall participate in federal, state and regional planning efforts with both juvenile justice and non-juvenile justice agencies.

(11) The facility shall have a policy manual that specifically describes its purpose, program and services offered, which is reviewed at least annually and updated if necessary.

(12) There shall be an operations manual that delineates written policies and procedures for operating and maintaining the facility; the manual shall be explained and made available to all employees at the time of their employment.

(13) There shall be an organizational chart for the facility staff that accurately reflects the structure of authority, responsibility and accountability within the facility.

(14) The facility and its programs shall be managed by a single administrative officer to whom all employees or units of management shall be responsible.

(15) When employees of other public or private agencies provide a service to the facility, written policy and procedure shall be developed and reviewed, at least annually, to describe their roles and functions as they relate to the authority and responsibility of the facility administrator.

(16) The facility administrator shall review space requirements, at least annually, and record requests for corrective action in writing.

(17) The facility administration shall furnish written information to the parent agency at least annually, which is used to report on the system's objectives, availability of services and programs, juvenile population, budget, major

developments, problems, plans and such additional information as the parent agency may require.

(18) The facility shall make available to all employees a written code of ethics that prohibits employees from using their official position to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest.

(19) The facility shall meet all applicable licensing requirements of the jurisdiction in which it is located.

(20) There shall exist a community advisory committee, representative of the community, which serves as a link between the program and the community.

(21) All monies collected at the facility shall be secured daily in an officially designated and secure place.

(22) The facility shall have written policy and procedure approved by the governing authority that includes, at a minimum:

(a) Internal controls;
(b) Petty cash procedures;
(c) Bonding for all appropriate staff;
(d) Signature control on checks;
(e) Handling of juvenile funds;
(f) Employee expense reimbursement; and
(g) Issuance or use of vouchers.

(23) If there is a commissary or canteen, strict controls shall be maintained over its operation and regular accounting procedures shall be followed. All profits from the commissary or canteen shall be used for the benefit of the residents.

(24) Juveniles' personal funds held by the facility shall be controlled by accepted accounting procedures.

Section 2. (1) The facility administrator shall have access to and use an organized system of information retrieval and review that is part of an overall research and decision-making capacity.

(2) The facility staff shall establish or participate in the establishment of policies and procedures developed for management information purposes. These policies are reviewed at least annually.

(3) There shall be specific, written definitions of criteria for evaluating overall facility performance.

(4) Facility staff shall maintain a daily report of juvenile population movement.

(5) The administrator shall participate in the review of policies and practices regarding the collection and retention of information pertaining to the juveniles assigned to the facility, at least annually.

(6) The facility or parent agency staff collects and aggregates data relative to its program.

(7) Programs shall be periodically analyzed and evaluated to determine their contribution to the mission of the facility.

(8) The administrator shall review and approve all facility research projects in conformity with parent agency policy before implementation.

(9) Written policy and procedure shall govern voluntary juvenile participation in nonmedical, nonpharmaceutical and noncosmetic research programs.

Section 3. All requirements in this section shall apply only to facilities operated by private corporations or to facilities operated by two (2) or more counties.

(1) The facility administrator shall participate in budget preparation and reviews conducted by the parent agency.

(2) The fiscal system shall account for all income and expenditures on an ongoing basis.

(3) The facility shall adopt written policies and procedures which:

(a) Provide for a financial audit, independent of the facility, which is conducted annually;

(b) Specify that the methods used for collecting, safeguarding and disbursing monies comply with accepted accounting procedures;

(c) Require reports of all monies collected and disbursed to the governing authority and other designated authorities;

(d) Provide for facility insurance coverage that includes at a minimum: worker's compensation, civil liability, liability for official vehicles, and public employee blanket bond;

(e) Govern inventory control of property, stores and other assets;

(f) Govern the requisition and purchase of supplies and equipment;

(g) Require the systematic review of equipment needs and the replacement of equipment if necessary; and

(h) Regulate position control, personnel records and the payroll function.

(4) The facility shall operate under a constitution or articles of incorporation that meets all of the legal requirements of the governmental jurisdiction in which the facility is located.

(5) The facility or its parent agency shall have a local, regional, or state governing authority.

(6) The facility or its parent agency shall have identified, documented and publicized its tax status with the Internal Revenue Service and the Kentucky Revenue Cabinet.

(7) The facility shall have bylaws, approved by the governing authority, which are filed with the appropriate local, state and/or federal body.

(8) At a minimum, the facility bylaws include for the governing authority:

(a) Membership (types, qualifications, community representation, rights, duties);
(b) Size of the governing body;
(c) Method of selection;
(d) Terms of office;
(e) Duties and responsibilities of officers;
(f) Times authority will meet;
(g) Committees;
(h) Quorums;
(i) Parliamentary procedures;
(j) Recording of minutes;
(k) Method of amending the bylaws;
(l) Conflict of interest provisions; and
(m) Specification of the relationship of the chief executive to the governing body.

(9) When the facility administration is the governing authority, meetings shall be held as prescribed in the bylaws, a permanent record is kept of all such meetings.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: June 30, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 27, 1987, at 10 a.m. in Room 110, Capitol Annex, Frankfort, Kentucky. Anyone interested in

attending this hearing shall notify, in writing at least five days before the hearing, the following individual: Cathy Cravens Snell, Justice Cabinet, 3rd Floor, Commonwealth Credit Union Building, 417 High Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected:
1. First year: Each juvenile detention center will have to develop an operations manual which will reflect the intent of the regulations. Administrative staff time to develop an operators manual is an indirect cost. The American Corrections Association and Jefferson County have developed a manual. These manuals are available for review, consideration and copying at little or no direct cost.
2. Continuing costs or savings: The manual will be updated annually by staff.
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Providing a copy of the manual creation of a filing system for compliance purposes.
(2) Effects on the promulgating administrative body: The Justice Cabinet will incur all costs associated with enforcement pursuant to KRS 15A.240.
(a) Direct and indirect costs or savings: The Justice Cabinet will either have to hire an additional employee or contractually provide for inspections.
1. First year: It is estimated that this will cost approximately $50,000.00 in FY 1989.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs: The Justice Cabinet is considering contracting with another state agency to conduct the audits.
(b) Reporting and paperwork requirements: Creation of inspection documents.
(3) Assessment of anticipated effect on state and local revenues: It will cost the state approximately $50,000 per year. It will take additional local staff time.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:030. Personnel.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall adopt and enforce written policies and procedures which:
(a) Provide for lateral entry as well as promotion from within the organization;
(b) Require that a criminal record check be conducted on new employees;
(c) Require that a copy of all personnel policies and regulations is made available to all employees. Each employee shall sign a statement acknowledging receipt of the personnel policies and regulations and his or her responsibility for being aware of their contents;
(d) Require a current, accurate and confidential personnel record inclusive of health record for each employee; confidentiality shall be ensured by restricting its availability to only the employee who is the subject of the record and to other agency employees who have a need for the record in the performance of their duties;
(e) Provide for provisional appointments to ensure the availability of personnel for short-term, full-time or part-time work in emergency situations;
(f) Provide for a written annual performance evaluation of all employees, which is based on defined criteria and is reviewed and discussed with the employee;
(g) Provide that employees are reimbursed for all approved expenses incurred in the performance of their duties; and
(h) Ensure that consultants, contract personnel and volunteers who work with juveniles comply with the facility's policies on confidentiality of information.
(2) If a county is operating the facility, the personnel policies shall be consistent with the county policies; otherwise, there shall be a personnel policy manual, which covers, at a minimum:
(a) Organization;
(b) Recruitment policies and procedures;
(c) Employment practices and procedures;
(d) In-service training;
(e) Promotion;
(f) Job qualifications, descriptions and responsibilities;
(g) Grievance procedures;
(h) Employee evaluation;
(i) Physical fitness policy;
(j) Personnel records;
(k) Benefits, holidays, leave and work hours;
(l) Basis for determining salaries;
(m) Disciplinary procedures;
(n) Retirement;
(o) Resignation and termination;
(p) Staff-juvenile relationships; and
(q) Equal employment opportunity provisions.
(3) The administrator shall review the facility's personnel policy annually and submit recommended changes to the parent agency or governing board.
(4) Written policy shall specify that equal employment opportunities exist for all positions. When deficiencies exist in regard to the utilization of minority groups and women, the facility can document the implementation of an affirmative action program approved by the appropriate government agency, showing annual reviews and necessary changes required to keep it current.
(5) The facility administration shall have a written policy and procedure that does not categorically exclude employment of ex-offenders.
(6) A written procedure shall exist whereby

the employee can challenge information in his or her personnel file and have it corrected or removed if it proves to be inaccurate.

(7) The facility administrator shall be appointed by the chief executive officer with approval of the governing body.

(8) If the facility is operated by a county, the education and experience of the administrator shall be determined by statute governing county employment. Otherwise, the education and experience qualifications of the facility administrator are specified in writing by the appointing authority and include, at a minimum, a bachelor's degree in an appropriate discipline, two (2) years of experience working with juveniles, and three (3) years in staff supervision and administration; and/or, the completion of a career development program which includes work-related experience, training, or college credits providing a level of achievement equivalent to the bachelor's degree.

(9) If the facility is operated by a county, the term of the facility administrator shall be determined by statutes governing county employment. Otherwise, the term of the facility administrator is continuous and may be terminated only by the appointing authority for good cause and subsequent to a formal hearing on specific charges, if requested.

(10) The facility and/or parent agency administration shall systematically determine personnel requirements in all categories of employees working directly with juveniles in order to ensure access to staff and availability of services; personnel requirements are reviewed at least annually.

(11) There shall be a written grievance procedure for employees, which is available to them and which has been approved by the parent agency.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: June 30, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 27, 1987, at 10 a.m. in Room 110, Capitol Annex, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify, in writing at least five days before the hearing, the following individual: Cathy Cravens Snell, Justice Cabinet, 3rd Floor, Commonwealth Credit Union Building, 417 High Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell

(1) Type and number of entities affected: Five operating and two closed centers.

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

1. First year: The costs incurred for developing a personnel manual will be absorbed in the cost of developing a facility operational manual (see 500 KAR 6:020).

2. Continuing costs or savings: The personnel manual will have to be updated annually to comply with changes in federal and state laws and regulations. Minimal cost expected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Personnel manual and procedures reduce risk of litigation inasmuch as they treat employees uniformly and fairly.

(b) Reporting and paperwork requirements: Each facility will have to establish a confidential record for each employee which will be consolidated in files at each facility. A record of every employee evaluation will be kept of file.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The cost of examining records and manuals will be absorbed in the regulatory process described in 500 KAR 6:020.

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: Most of the five existing centers or operating authorities already have personnel policies.

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:040. Juvenile records.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) Written policy and procedure shall govern record management and include but are not limited to the establishment, utilization, content, privacy, security and preservation of records, and a schedule for the retirement or destruction of inactive case records. These policies and procedures shall be reviewed annually.

(2) An admittance form shall be completed for every juvenile admitted to the facility and contain at least the following information:

(a) Court case number, if any, and detention facility admission number;
(b) Date and time of admission and release;
(c) Name and nicknames;
(d) Last known address;
(e) Legal status (authority for detention);
(f) Name of attorney, if any;
(g) Name, title and signature of delivering officer;
(h) Specific charges;
(i) Sex;
(j) Date of birth;
(k) Place of birth;
(l) Race or nationality;
(m) Education and school attended;
(n) Employment, if any;
(o) Religion;
(p) Health status;
(q) Medical consent forms;

(r) Name, relationship, address and phone number of the parent, guardian, or person juvenile resides with at time of admission;
(s) Driver's license number, social security number and Medicaid number, if applicable;
(t) Date of petition;
(u) Court and disposition, if any;
(v) Space for remarks (to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermine, or tattoos);
(w) Person recording data;
(x) Inventory of property; and
(y) Emergency contact.

(3) Written policy and procedure shall provide for guidelines for the collection and retention of information pertaining to the detained juveniles.

(4) A record shall be maintained on each juvenile and includes, at a minimum, the following information:
(a) Initial intake information form;
(b) Documented legal authority to accept juvenile;
(c) Information on referral source;
(d) Record of court appearances;
(e) Signed release of information forms;
(f) A record of cash and valuables held;
(g) Notations of temporary absences from the facility, if any;
(h) Visitors' names and dates of visits, if any;
(i) A record of telephone calls, if any;
(j) Probation officer of caseworker assigned;
(k) Progress reports on program involvement;
(l) Program rules and disciplinary policy signed by juvenile;
(m) Grievance and disciplinary record, if any;
(n) Referrals to other agencies, if any; and
(o) Final discharge or transfer report.

(5) Written policy and procedure shall require the responsible staff members to make all entries into the records assigned to them, and date and sign each entry.

(6) The facility shall maintain a single master file identifying all juveniles detained in the facility.

(7) The contents of records shall be identified and separated according to an established format.

(8) The facility shall maintain a system that identifies all juveniles in custody and their actual physical locations.

(9) Written policy and procedure shall provide that records are safeguarded from unauthorized and improper disclosure. Manual records shall be marked confidential and kept in locked files that shall be also marked confidential. Written policy and procedure shall provide that when any part of the information system is computerized, security ensures confidentiality.

(10) The administration shall use a consent form that complies with applicable federal and state regulations. The juvenile signs a "release of information consent form" before the release of information as required by regulation and a copy of the form is maintained in the juvenile's record.

(11) Consistent with open record statutes, written policy and procedure provide that individuals and agencies may have access to records for the purposes of research, evaluation and statistical analysis in accordance with a formal written agreement that authorizes access, specifies uses of data, and ensures confidentiality and security.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: June 30, 1987 at 4 p.m.
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected:
1. First year: The costs incurred in developing juvenile records forms will be minimal as they will be provided by the administrative body or from existing facilities.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Policies and procedures must be established to store information of juveniles housed in each detention center. Some new forms may be developed which can be modeled after existing data collection instruments. A master filing system will have to be developed which will assure authorized access.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Review of juvenile records will be part of the regulatory process outlined in 500 KAR 6:020.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs: Establishing and maintaining confidential records will reduce the liability of each center for unauthorized disclosure of the records.
(b) Reporting and paperwork requirements: The administrative body may have to develop new forms for data collection.
(3) Assessment of anticipated effect on state and local revenues: Minimal. Most centers already use admissions forms and have a confidential filing capacity.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:050. Safety and emergency procedures.

RELATES TO: KRS 15A.210

PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall file documentation with the Justive Cabinet that the facility complies with the applicable fire safety codes. A fire alarm and automatic detection system shall be required as approved by the Justice Cabinet, or there shall be a plan for addressing these or other deficiencies within a reasonable time period. The Justice Cabinet may approve any variances, exceptions, or equivalencies that do not constitute a serious life safety threat to the occupants of the facility.

(2) The facility shall comply with applicable federal, state and local sanitation, safety and health codes.

(3) Written policy and procedure shall provide for a local fire and safety officer to perform a comprehensive and thorough monthly inspection of the facility for compliance with safety and fire prevention standards and for an annual review of this policy and procedure. There shall be a weekly fire and safety inspection of the facility by a qualified departmental staff member.

(5) Written policy and procedure shall specify the facility's fire prevention regulations and practices to ensure the safety of staff, juveniles, and visitors. These include, but are not limited to:

(a) Provision for an adequate fire protection service;

(b) A system of fire inspection and testing of equipment at least quarterly;

(c) An annual inspection by the Justice Cabinet or its designee; and

(d) Availability of fire hoses or extinguishers at appropriate locations throughout the facility.

(6) Specification for the selection and approval of facility furnishings shall indicate the fire safety performance requirements of the materials selected. Such materials shall be subjected to careful fire safety evaluation before purchase or use. Neoprene or cotton mattresses treated with boric acid are recommended. Polyurethane shall not be used in any living area.

(7) The facility shall be equipped with noncombustible receptacles for smoking materials and separate containers for other combustible refuse at readily accessible locations in the living quarters and other locations throughout the facility. Special containers shall be provided for flammable liquids and for rags used with flammable liquids.

(8)(a) All new and renovated facilities opened after July 1, 1987 shall have an alternate power source to maintain essential services for the entire facility.

(b) All existing facilities shall provide a sufficient alternate power source to operate emergency lighting, smoke detectors and alarms. All existing facilities shall have an alternate power source to maintain essential services for the entire facility on or before July 1, 1990.

(9) The facility shall have a written plan for evacuation in the event of fire or major emergency. This plan shall be approved by the Justice Cabinet. The plan shall be reviewed annually, updated if necessary, and reissued to the local fire jurisdiction. The plan includes the following:

(a) Location of building/floor plans;

(b) Use of exit signs and directional arrows for traffic flow;

(c) Location of publicly posted plans;

(d) At least quarterly drills on all shifts in all institution locations; and

(e) Staff drills when it is impossible to evacuate extremely dangerous juveniles.

(10) Written policy and procedure shall specify the means for the prompt release of juveniles from locked areas in case of emergency, and provide for a secondary release system.

(11) All facility personnel shall be trained in the implementation of written emergency plans.

(12) Written policy and procedure shall govern the control and use of all flammable, toxic and caustic materials.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: June 30, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 27, 1987, at 10 a.m. in Room 110, Capitol Annex, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify, in writing at least five days before the hearing, the following individual: Cathy Cravens Snell, Justice Cabinet, 3rd Floor, Commonwealth Credit Union Building, 417 High Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.

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

1. First year: Local centers already must comply with fire safety codes under the provisions of the existing jail standards and state law.

2. Continuing costs or savings: By July 1, 1990, all existing facilities must have a back-up alternate power source. The estimated cost for three facilities depends upon the configuaration of the physical plant, configuration of the electrical system and the total square footage of the physical plant. Each facility will be required to have furnishings which meet fire safety performance standards. Staff will be trained on fire prevention and emergency response procedures. Most of these provisions are included in the Kentucky Jail Standards.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Developing the plans, buying furnishings, which meet the fire safety performance standards, having an alternate power source, and training staff all reduce the risk and liability of detention center operators which may reduce insurance costs or claims.

(b) Reporting and paperwork requirements: All costs incurred for developing fire and safety plan will be absorbed in the operations manual described in 500 KAR 6:020.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The Justice Cabinet staff, or

its agents, must secure training in fire and safety standards. Estimated cost is $1000.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Minimal. The administrative body may have to develop new forms to collect compliance information.

(3) Assessment of anticipated effect on state and local revenues: For at least three of the five operating facilities, there will be no cost. Upgrade furnishings and provide an alternate power source. Cost to these two facilities depends upon the rated bed capacity of the facility and the configuration of the physical plant, electric system and the square footage.

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:060. Security and control.

RELATES TO: KRS 15A.210

PURSUANT TO: KRS 15A.160, 15A.210

NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) There shall be a manual containing the facility's policies and procedures for security and control, which shall include detailed instructions for implementing these procedures; the manual shall be made available to all personnel and shall be reviewed annually and updated as necessary.

(2) The facility shall maintain a control center.

(3) There shall be a minimum of two (2) youth care workers on duty at all times in the facility, one of whom is female when females are housed in the facility and one of whom is male when males are housed in the facility.

(4) The facility shall adopt written policy and procedure which governs the availability, control and use of chemical agents and related security devices. Chemical agents and related security devices shall be used only at the direction of the facility administrator or designee. A written report shall be prepared following all use of force and shall be submitted to the facility administrator.

(5) Written policy and procedure shall require that all security perimeter entrances, exterior doors and all doors the facility administrator determines should be locked are kept locked except when used for admission or exit of employees, detained juveniles or visitors, and in emergencies.

(6) The facility shall have a system to physically count juveniles that includes strict accountability for juveniles assigned to work and educational release, furloughs and other approved, temporary absences.

(7) The facility shall adopt and enforce written policies and procedures which:

(a) Require that supervisory staff maintain a permanent log and prepare shift reports that record routine and emergency situations;

(b) Provide for notifying appropriate staff of increases and decreases in the population, on a shift-by-shift basis;

(c) Provide for weekly inspection and maintenance of security devices; corrective action is initiated when necessary;

(d) Require that line supervisory staff inspect every area of the facility daily and submit a written report to an administrative official for review whenever deficiencies are noted;

(e) Require that the facility administrator or designee and other department heads inspect the facility's living and activity areas at least weekly;

(f) Provide that staff regulate juvenile movement;

(g) Govern the control and use of keys;

(h) Govern the control and use of tools, medical and culinary equipment;

(i) Provide that all persons injured in an incident, as defined in subsection (10) of this section, receive an immediate medical examination and treatment;

(j) Provide for a communications system within the facility, and between the facility and the community, in the event of an emergency;

(k) Provide that the facility maintains a written record of routine and emergency distribution and use of restraint equipment;

(l) Provide that instruments of restraint are never applied as punishment and are applied only with the approval of the facility administrator or designee;

(m) Govern safety and security precautions pertaining to facility and staff vehicles;

(n) Govern the transportation of juveniles outside the facility and from one jurisdiction to another; and

(o) Limit the use of physical force to instances of self-protection, protection of the juveniles or others, prevention of property damage, prevention of escapes and in accordance with appropriate statutory authority. In no event shall physical force be justifiable as punishment. A written report shall be prepared following all uses of force and shall be submitted to the facility administrator.

(8) The written plan for searches of the facility and juveniles to control contraband shall be reviewed by legal counsel to ascertain the legality of the plan.

(9) The policy regarding searches for the control of contraband shall be published, made available to staff and juveniles, reviewed at least annually and updated if necessary.

(10) All special incidents, including, but not limited to, the taking of hostages, use of restraint equipment or the use of physical force shall be reported in writing, dated and signed by the staff person reporting the incident; the report shall be placed in the juvenile's case record and reviewed by the facility administrator and/or the parent agency.

(11) Except in emergency situations, as determined by the facility administrator, firearms shall not be permitted in the facility.

(12) There shall be written operational shift assignments or post orders that state the duties and responsibilities for each assigned position in the facility; these shift assignments shall be reviewed at least annually and updated if necessary.

(13) There shall be written procedures for handling escapes, runaways and unauthorized absences; these shall be reviewed at least annually and updated as necessary.

(14) The facility shall adopt written plans that: specify procedures to be followed in emergency situations, e.g., fire, disturbance, taking of hostages. These plans shall be made available to all applicable personnel and they shall be reviewed and updated at least annually.

(15) The facility shall adopt written plans which govern space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the juvenile detention facility; these plans shall be reviewed annually and updated if necessary.

(16) The facility shall adopt a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to supervisory personnel, who are required to familiarize themselves with it.

(17) Power generators, where present, shall be tested at least every two (2) weeks and other emergency equipment and systems shall be tested a least monthly for effectiveness and repaired or replaced as necessary.

(18) Written policy and procedure shall provde for the following:

(a) Manual or instrument inspection of juvenile body cavities shall be conducted only when there is reason to do so and when authorized by the facility administrator or designee. All such inspections shall be conducted in privacy. Manual or instrument inspection of body cavities shall be done by a licensed physician or registered nurse;

(b) Visual inspections shall be conducted only when there is a reasonable belief that the juvenile is carrying contraband or other prohibited material; and

(c) Strip searches may be done without specific authorization only upon entry to the facility and at all other times based on articulable suspicion.

(19) Transportation, other than facility provided, shall be available for use in emergencies.

NORMA C. MILLER, Secretary

APPROVED BY AGENCY: June 29, 1987

FILED WITH LRC: June 30, 1987 at 4 p.m.

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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell

(1) Type and number of entities affected: Five operating and two closed detention centers.

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

1. First year: The costs incurred for developing policies and procedures will be absorbed in the cost of the facility operations manual described in 500 KAR 6:020. Current staffing levels of all facilities comply with proposed 500 KAR 6:060 Section 1(3). The cost of complying with this 500 KAR 6:060 Section 1(2) which mandates a control center is dependent upon the square footage and configuration of the physical plant. The person who maintains the control center can perform other tasks as well. Estimated cost is $45,000 to $60,000 annually including fringe benefits.

2. Continuing costs or savings: Minimal

3. Additional factors increasing or decreasing costs (note any effects upon competition): Control of chemical agents will reduce risk and liability due to improper or unauthorized use which may harm or injure a juvenile. Control measures will reduce the likelihood of escapees which requires law enforcement force to apprehend escapees. Uniform procedure for searching juveniles will reduce potential risk and liability.

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The cost of inspecting each facility and its records will be absorbed in the costs associated with 500 KAR 6:020.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The administrative body may have to develop new forms for inspection forms.

(3) Assessment of anticipated 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: N/A

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:070. Food service.

RELATES TO: KRS 15A.210

PURSUANT TO: KRS 15A.160, 15A.210

NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) There shall be documentation that the facility's system of dietary allowance is reviewed at least annually by a dietician or physician to ensure compliance with nationally recommended food allowances.

(2) Menu evaluations shall be conducted at least quarterly by facility food service supervisory staff to verify adherence to the nationally recommended basic daily servings.

(3) The facility shall adopt and enforce written policies and procedures which:
(a) Require that food service staff develop advanced, planned menus and substantially follow the schedule; and that in the planning and preparation of all meals, food flavor, texture, temperature, appearance and palatability are taken into consideration;
(b) Provide for special diets as prescribed by appropriate medical or dental personnel;
(c) Provide for special diets for juveniles whose religious beliefs require the adherence to religious dietary laws;
(d) Preclude the use of food as a disciplinary measure;
(e) Require that at least three (3) meals, of which two (2) are hot meals, are provided at regular meal times during each twenty-four (24) hour period, with no more than fourteen (14) hours between the evening meal and breakfast. Provided basic nutritional goals are met, variations may be allowed based on weekend and holiday food service demands;
(f) Require that accurate records are maintained of all meals served;
(g) Specify that the food services comply with the applicable sanitation and health codes as promulgated by federal, state and local authorities;
(h) Provide for:
1. Weekly inspection of all food service areas, including dining and food preparation areas and equipment;
2. Sanitary, temperature-controlled storage facilities for all foods; and
3. Daily checks of refrigerator and water temperatures by administrative, medical or dietary personnel.
(i) Ensure that the special food needs of juveniles shall be accounted for in the overall program of the facility; and
(j) Provide that staff members provide supervision of juveniles during meals.
(4) A staff member, experienced in food service management, shall supervise food service operations.
(5) The designated food service supervisor shall receive training in food service operations before assuming this responsibility.
(6) The food service plan shall provide for a single menu for staff and juveniles.
(7) There shall be provisions for adequate storage and loading areas and garbage disposal facilities.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: June 30, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 27, 1987, at 10 a.m. in Room 110, Capitol Annex, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify, in writing at least five days before the hearing, the following individual: Cathy Cravens Snell, Justice Cabinet, 3rd Floor, Commonwealth Credit Union Building, 417 High Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected:
1. First year: These regulations generally are consistent with the existing jail standards, sanitation and health codes. Minimal cost impact.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition): Regular inspection of food, as well as balanced menu, will reduce risk and liability associated with litigation.
(b) Reporting and paperwork requirements: Centers must maintain a record of menus.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Review of records and menus will be part of the regulatory process as outlined in 500 KAR 6:020.
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: Minimal. Most of these food service regulations are embodied in the existing jail standards with which they must comply.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:080. Sanitation and hygiene.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue adminstrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall comply with applicable federal, state and local sanitation and health codes.
(2) The facility shall adopt and enforce written policies and procedures which:
(a) Require weekly sanitation inspections of all facility areas;
(b) Provide for the control of vermin and pests;
(c) Provide for waste disposal;
(d) Require that articles necessary for maintaining proper personal hygiene shall be provided to all juveniles;
(e) Provide for the issue of special and, when appropriate, protective clothing and equipment to juveniles assigned to food service, hospital, farm, garage, physical plant maintenance shops, and other special work;
(f) Provide for the issue of suitable clean bedding and linens, to include two (2) sheets, pillow and pillowcase, one (1) mattress and sufficient blankets to provide comfort under existing temperature controls. There is provision for linen exchange at least weekly or

more often when health reasons dictate;
(g) Specify accountability for clothing and bedding issued to juveniles; and
(h) Provide an approved shower schedule that allows daily showers and showers after strenuous exercise.
(3) There shall be a written housekeeping plan for the facility's physical plant.
(4) The institution's potable water source and supply, whether owned and operated by the public water department or the institution, shall be approved by an independent, outside source to be in compliance with jurisdictional laws and regulations;
(5) Hair care services may be made available to juveniles.
(6) Clean clothing shall be provided for juveniles - clean socks, underwear and towels on a daily basis, and other clothing at least twice a week.
(7) The stored supply of clothing, linens and bedding shall exceed that required for the facility's maximum juvenile population.
(8) The institution shall provide for the thorough cleaning and, when necessary, disinfecting of juveniles' personal clothing before storage or before allowing the juvenile to keep and wear personal clothing.

NORMA C. MILLER, Secretary
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected:
1. First year: Costs associated with developing policies and procedures will be absorbed as part of operations manual outlines in 500 KAR 6:020.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition): Centers already must comply with applicable federal, state and local sanitation and health codes, as well as Kentucky Jail Standards.
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: Review of records, manuals and procedures will be absorbed as part of the regulatory process outlines in 500 KAR 6:020.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Minimal. Inspectors may have to develop forms to collect information.
(3) Assessment of anticipated effect on state and local revenues: Minimal. Centers must already comply with applicable federal, state and local sanitation codes.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:090. Juvenile rights.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall adopt and enforce written policies and procedures which:
(a) Provide that juveniles shall not be subject to discrimination based on race, national origin, color, creed, sex, or physical handicap;
(b) Provide each juvenile freedom from discrimination based on race, religion, national origin, sex, handicap or political beliefs; and equal access to various programs and work assignments;
(c) Provide that supervision and control of juveniles shall be exercised by staff and/or trained volunteers;
(d) Provide that juveniles can participate in religious services and religious conseling on a voluntary basis, subject only to the limitations necessary to maintain order and security;
(e) Grant juveniles access to recreational opportunities and equipment, including, when the climate permits, outdoor exercise in facilities listed in the Physical Plant Regulations in this chapter;
(f) Ensure the right of juveniles to have access to the courts;
(g) Exist to assist juveniles in making confidential contact with attorneys and their authorized representatives; such contact includes, but is not limited to, telephone communications, uncensored correspondence and visits;
(h) Provide that juveniles are not subjected to corporal or unusual punishment, humiliation, mental abuse or punitive interference with the daily functions of living, such as eating or sleeping;
(i) Grant juveniles the right to receive visits, subject only to the limitations necessary to maintain order and security;
(j) Grant juveniles the right to communicate or correspond with persons or organizations, subject only to the limitations necessary to maintain facility order and security;
(k) Provide juveniles reasonable access to the general public through the communications media, subject only to the limitations necessary to maintain order and security and protect the juveniles' rights. Media requests for interviews

and any juvenile consent shall be in writing;

(l) Authorize juveniles to keep facial hair, if desired, except in individual cases where such restrictions are necessary for reasons of health and safety; and

(m) Govern the possession of items of jewelry that could be used to inflict bodily harm.

(2) There shall be equal access to programs and services for male and female juveniles in co-correctional facilities.

(3) There shall be a written grievance procedure, which shall be explained and made available to juveniles, and allows for at least one (1) level of appeal.

(4) Juveniles shall not be required to participate in uncompensated work assignments unless the work is related to housekeeping, maintenance of the facility or grounds, or personal hygienic needs, or the work is part of an approved vocational or training program.

(5) There shall be no restrictions on the right of juveniles to determine the length and style of their hair, except in individual cases where such restrictions are necessary for reasons of health and safety.

(6) Juveniles may wear personal clothing consistent with facility guidelines or wear combinations of their own and facility clothing.

NORMA C. MILLER, Secretary

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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell

(1) Type and number of entities affected: Five operating and two closed detention centers.

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

1. First year: Most of these regulations refer to existing constitutional rights afforded to all juveniles. The cost to develop policies and procedures will be incurred as part of the development of a facility operations manual as outlined in 500 KAR 6:020. The cost of developing an outdoor recreation area will be minimal in Jefferson and Fayette. For Robertson, Floyd and Kenton Counties, the cost of developing such a recreational capacity will include fencing and equipment.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): The development of policies and procedures which protect constitutional rights will reduce risk and liability.

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The cost of inspecting these facilities and their manuals will be absorbed in the operations manual described in 500 KAR 6:030.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The administrative body may have to develop forms for inspection purposes.

(3) Assessment of anticipated effect on state and local revenues: The cost of developing outdoor recreational facilities includes fencing and the purchase of recreation equipment (basketball, soccer balls, etc.).

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:100. Training and staff development

RELATES TO: KRS 15A.210

PURSUANT TO: KRS 15A.160, 15A.210

NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. For the purposes of this regulation:

(1) "Training" is defined as an organized, planned and evaluated activity designed to achieve specific learning objectives;

(2) "Clerical/support employee" is defined as an employee who has minimum contact with juveniles, including, but not limited to secretaries, clerks, typists, computer and warehouse personnel, accountants and personnel staff;

(3) "Support employee" is defined as an employee who has regular or daily contact with juveniles including, but not limited to food service, industry work supervisors, farm work supervisors, maintenance work supervisors;

(4) "Professional specialist" includes but is not limited to case managers, counselors, social workers, psychologists, teachers, librarians, medical personnel, chaplains, and recreation specialists;

(5) "Child care/supervision staff" is defined as all staff assigned to full-time child care and/or supervision duties; and

(6) "Administrative/management personnel" includes superintendents, deputy or assistant superintendants, business managers, personnel directors, child care supervisors and shift supervisors.

Section 2. (1) The facility shall adopt and enforce written policies and procedures which:

(a) Provide that the facility's training program for all employees is planned, coordinated and implemented by a qualified employee at the supervisory level who has completed forty (40) hours of training as a trainer; the program is reviewed annually;

(b) Provide that all training programs are presented by persons who are qualified in the

areas in which they are conducting training;

(c) Provide that all new full-time employees, who have child care responsibilities, shall receive forty (40) hours of orientation/training before being independently assigned to a particular job. This orientation/training is to include, at a minimum, orientation to the purpose, goals, policies and procedures of the institution and parent agency; working conditions and regulations; responsiblities and rights of employees; and an overview of the juvenile justice and correctional field. Depending upon the employee and the requirements of the particular job, the orientation/training may include some preparatory instruction related to the particular job. There shall be provisions for acknowledging and giving credit for prior training received;

(d) Provide that all clerical/support employees who have minimal contact with juveniles receive an additional sixteen (16) hours of training during the first year of employment and sixteen (16) hours of training each year threafter;

(e) Provide that all support employees who have regular or daily juvenile contact receive an additional forty (40) hours of training during their first year of employment and forty (40) hours of training each subsequent year of employement;

(f) Provide that all professional specialist employees who have juvenile contact receive an additional forty (40) hours of training during their first year of employment, and forty (40) hours of training each subsequent year of employment;

(g) Provide that all new child care/supervision staff receive an additional forty (40) hours of training during their first year of employment and forty (40) hours of training each subsequent year of employment. At a minimum, this training covers the following areas:

1. Security procedures;
2. Supervision of juveniles;
3. Use of force regulations;
4. Report writing;
5. Juvenile rules and regulations;
6. Rights and responsibilities of juveniles;
7. Fire and emergency procedures;
8. Key control;
9. Interpersonal relations;
10. Social/cultural lifestyles of the juvenile population;
11. Child growth and development;
12. Communication skills;
13. First aid; and
14. Cardiopulmonary recusitation.

(h) Provide that all administrative and managerial staff, except elected jailers, receive forty (40) hours of training during their first year of employment, and forty (40) hours of training each subsequent year of employment. This training covers the following areas, at a minimum:

1. General management and related subjects;
2. Labor law;
3. Employee-management relations;
4. The interaction of elements of the criminal and juvenile justice systems; and
5. Relationships with other service agencies.

(2) Where there is a full-time training director, there shall be an advisory training committee composed of the training director and a representative of each department.

(3) All part-time staff and volunteers working less than forty (40) hours per week shall receive training appropriate to their assignments, volunteers working the same schedule as full-time, paid staff receive the same training as full-time staff.

(4) Personnel who work with juveniles confined separately from the total population shall receive specialized training.

(5) Training may occur on-site, at an academy or training center, at an institution of higher learning, through contract service, at professional meetings, or through closely supervised on-the-job training which includes staff meetings at the facility.

NORMA C. MILLER, Secretary
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell

(1) Type and number of entities affected: Five operating and two closed detention centers.

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

1. First year: The approximate cost for the 40 hour training of each employee will be $250 per employee as based on costs at existing facilities. These costs are already being absorbed at the Jefferson and Fayette facilities.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition): Training of staff is one of the major means by which to reduce risk and liability associated with a juvenile being harmed or injured. Such training also reduces unnecessary injuries to employees.

(b) Reporting and paperwork requirements: Each facility will have to keep a record of the training it provides.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Review of records and policies will be absorbed as part of the process described in 500 KAR 6:020.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Minimal. Inspectors may have to develop forms to collect information.

(3) Assessment of anticipated effect on state and local revenues: $250 per employee at Robertson, Floyd and Kenton County Centers.

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

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

(a) Necessity of proposed regulation if in

conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:110. Medical and health care services.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) Medical, including but not limited to, emergency psychiatric, and dental matters involving medical judgment shall be the sole province of the responsible physician and dentist, respectively. Security regulations that are applicable to the facility personnel shall also apply to health personnel.
(2) The facility shall adopt and enforce written policies and procedures which:
(a) Require a quarterly report on the health delivery system and health environment and an annual statistical summary;
(b) Specify the provision of emergency mental health services for juveniles in need of such services, including, but not limited to, services provided by qualified mental health professionals who meet educational and/or licensure/certification criteria specified by their respective professional disciplines, i.e., psychiatry, psychology, psychiatric nursing and social work;
(c) Govern the relationship between the responsible physician and physicians in private practice working in the facility;
(d) Require that first aid kits shall be available. The responsible physician shall approve the contents, number, location and procedure for periodic inspection of the kits;
(e) Provide for medical examination of any employee or juvenile suspected of a communicable disease;
(f) Require medical screening to be performed by health-trained staff or qualified health care personnel on all juveniles, including intra-system transfers, upon arrival at the facility; all findings shall be recorded on a printed screening form approved by the Justice Cabinet;
(g) Require that a health appraisal for each juvenile, excluding intra-system transfers, is completed within seven (7) days after arrival at the facility. In the case of a juvenile who has documented evidence a health appraisal is not required except as determined by the designated health authority;
(h) Ensure that juveniles shall be informed orally and in writing of the procedures required for gaining access to medical services;
(i) Provide for the prompt notification of juveniles' parents/guardians and the responsible agency in case of serious illness, surgery, injury or death;
(j) Provide that child care staff and other personnel are trained to respond to health-related situations within a four (4) minute response time. A training program shall be established by the responsible health authority in cooperation with the facility administrator, which includes the following:
1. Recognition of signs and symptoms, and knowledge of action required in potential emergency situations;
2. Administration of first aid and cardiopulmonary resuscitation (CPR);
3. Methods of obtaining assistance;
4. Signs and symptoms of mental illness, retardation and chemical dependency; and
5. Procedures for patient transfers to appropriate medical facilities or health care providers;
(k) Provide that emergency dental care is made available to each juvenile under the direction and supervision of a dentist licensed in the state;
(l) Provide for screening, and/or referral for care for mentally ill or retarded juveniles. The responsible physician shall have designated, in advance, specific referral sources;
(m) Ensure a special program for juveniles requiring close medical supervision. A physician shall develop a written medical treatment plan for each of these patients that includes directions to medical and nonmedical personnel regarding their roles in the care and supervision of these patients;
(n) Provide that juveniles in need of detoxification for chemical impairment shall not be admitted to the facility, but shall be referred for appropriate medical care;
(o) Provide for the proper management of pharmaceuticals and address the following subjects:
1. A formulary specifically developed for the facility;
2. Prescription practices that require that:
a. Psychotropic medications are prescribed only when clinically indicated as one (1) facet of a program of therapy;
b. "Stop order" time periods are required for all medications; and
c. The prescribing provider re-evaluates a prescription before its renewal;
3. Dispensing of medicine in conformance with appropriate state and federal law;
4. Administration of medication, which is carried out by persons properly trained and under the supervision of the health authority and facility administrator or designee;
5. Accountability for administering or distributing medications in a timely manner, according to physician orders;
6. Procedures for medication receipt, storage, dispensing and administration or distribution;
7. Maximum security storage and periodic inventory of all controlled substances, syringes and needles;
(p) Uphold the principle of confidentiality of the health record and support these requirements:
1. The active health record is maintained separately from the confinement record;
2. Access to the health record is controlled by the health authority; and
3. The health authority shares with the facility administrator information regarding a juvenile's medical management, security and ability to participate in programs;
(q) Provide that when a juvenile is in need of hospitalization, a staff member or a designee approved by the court accompanies him or her and stays with the juvenile at least during

admission;

(r) Provide that all informed consent standards in the jurisdiction shall be observed and documented for medical care. The informed consent of parent, guardian or legal custodian applies when required by law. When health care is rendered against the patient's will, it shall be in accord with state and federal laws and regulations.

(3) Written health care policy and procedures shall be approved by the responsible physician and/or medical administrator.

(4) The specific duties of qualified medical personnel shall be governed by written job descriptions approved by the responsible physician and the facility administrator.

(5) Treatment by health care personnel other than a physician, dentist, psychologist, optometrist, podiatrist or other independent providers shall be performed pursuant to written standing or direct orders given by personnel who are authorized by law to give such orders. Nurse practitioners and physician's assistants may practice within the limits of applicable laws and regulations.

(6) Arrangements shall be made with health care specialists in advance of need.

(7) A written agreement shall exist between the facility administration and a nearby hospital for all medical services which cannot be provided within the facility.

(8) Appropriate state and federal licensure, certification or registration requirements and restrictions apply to personnel who provide health care services to juveniles. Verification of current credentials and job descriptions are on file in the facility.

(9) If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

(10) Program staff shall be informed of juveniles' special medical problems. At the time of admission, staff shall be informed of any physical problems that might require medical attention.

(11) The facility shall adopt and enforce written policy and procedure for the collection and recording of health appraisal data which requires that:

(a) The process is completed in a uniform manner as determined by the health authority;

(b) Health history and vital signs are collected by health-trained or qualified health personnel; and

(c) Collection of all other health appraisal data is performed only by qualified health personnel.

(12) Juveniles' medical complaints shall be monitored and responded to by medically trained personnel.

(13) Sick call for non-emergency medical service, conducted by a physician and/or other qualified medical personnel, is available to each juvenile at least once per week.

(14) When sick call is not conducted by a physician, a physician shall be available once each week to respond to juvenile complaints regarding service they did or did not receive from other health personnel.

(15) The facility administration shall provide access to twenty-four (24) hour emergency medical and dental care as outlined in a written plan which includes:

(a) Arrangements for the emergency evacuation of the juvenile from the facility;

(b) Arrangements for the use of an emergency medical vehicle;

(c) Arrangements for the use of one (1) or more designated hospital emergency rooms or other appropriate health facilities; and

(d) Arrangements for emergency on-call physician and dental services when the emergency health facility is not located in a nearby community.

(16) Medical maintenance shall be provided to juveniles of the facility when medically indicated by written medical order.

(17) The person administering medications shall have received training from a responsible physician and the official responsible for the facility, shall be accountable for administering medications according to orders, and shall record the administration of medications in a manner and on a form approved by a responsible physician.

(18) Stimulants, tranquilizers and psychotropic drugs requiring intramuscular administration shall be prescribed only by a physician, following a physical examination of the juvenile by the physician, and shall be administered by a physician or registered nurse. Drugs and medications that would usually be administered by parents may be administered to juveniles by facility staff pursuant to a physician's prescription; such drugs may include stimulants, tranquilizers, and psychotropics.

(19) Under no circumstances shall a stimulant, tranquilizer or psychotropic drug be administered for purposes of program management and control, or for purposes of experimentation and research.

(20) The facility shall have a written policy involving the location of the health record file. The health record file shall contain the following:

(a) The completed receiving screening form;

(b) Health appraisal data forms;

(c) All findings, diagnoses, treatments, disposition;

(d) Prescribed medications and their administration;

(e) Laboratory, x-ray and diagnostic studies;

(f) Signature and title of documentor;

(g) Consent and refusal forms;

(h) Release of information forms;

(i) Place, date and time of health encounters;

(j) Health service reports, e.g., dental, mental health and consultations;

(k) Treatment plan, including nursing care plan;

(l) Progress reports; and

(m) Discharge summary of hospitalization and other termination summaries.

The method of recording entries in the records, the form and format of the records, and the procedures for their maintenance and safekeeping shall be approved by the Justice Cabinet.

(21) Programs and training shall be provided for the development of sound habits and practices regarding personal hygiene.

(22) For juveniles being transferred to other facilities, summaries or copies of the medical history record are forwarded to the receiving facility prior to or at arrival.

(23) Written policy shall prohibit the use of juveniles for medical, pharmaceutical or

cosmetic experiments. This policy shall not preclude individual treatment of a juvenile based on his need for a specific medical procedure that is not generally available.

(24) The facility may seek reimbursement for medical care from the parent, person exercising similar custodial control, the state or any other party who may be financially responsible.

NORMA C. MILLER, Secretary
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected:
1. First year: All facilities are providing emergency medical and dental centers. All facilities have the capacity to administer.
2. Continuing costs or savings: It is estimated that the cost for health screening and physical examination is $20,000 per year. Emergency medical and dental care and CPR are presently required under the jail standards.
3. Additional factors increasing or decreasing costs (note any effects upon competition): Judging by our review of adult jails not providing health care on an emergency basis is grounds for liability.
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: Review and inspection of local records to insure compliance with policies and procedures. This is part of staff monitors function.
(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: It will cost each facility approximately $20,000 per year.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:120. Rules and discipline.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) All requirements in this regulation shall be applied with consideration for the range of ages and maturity found in a juvenile detention facility in consideration of the juveniles' social-emotional ages, which may vary more than their physical ages.
(2) The facility shall adopt written rules of juvenile conduct which specify acts prohibited within the institution and penalties that may be imposed for various degrees of violation; the written rules shall be reviewed annually and updated if necessary.
(3) A rulebook that contains all chargeable offenses, ranges of penalties and disciplinary procedures shall be posted in a conspicuous and accessible area; a copy shall be given to each juvenile and staff member, and shall be translated into those languages spoken by significant numbers of juveniles. When a literacy or language problem prevents a juvenile from understanding the rulebook, a staff member or translator shall assist the juvenile in understanding the rules.
(4) All personnel who deal with juveniles shall receive in-service training so that they shall be thoroughly familiar with the rules of juvenile conduct, the sanctions available, and the rationale for the rules.
(5) There shall be written guidelines for informally resolving minor juvenile misbehavior.
(6) The facility shall adopt and enforce written policies and procedures which:
(a) Specify that room restriction for minor misbehavior serves only a "cooling off" purpose, shall be short in time duration, with the time period - fifteen (15) minutes to sixty (60) minutes - specified at the time of assignment;
(b) Require that prior to room restriction, juveniles have the reasons for the restriction explained to them and have an opportunity to explain the behavior leading to the restriction;
(c) Require that employees prepare a disciplinary report where they have a reasonable belief that a juvenile has committed a major violation of facility rules or reportable minor violations. Disciplinary reports prepared by staff members shall include, but are not limited to, the following information:
1. Specific rules violated;
2. A formal statement of the charge;
3. An explanation of the event, which should include who was involved, what transpired, and the time and location of occurrence;
4. Unusual juvenile behavior;
5. Staff witnesses;
6. Disposition of any physical evidence;
7. Any immediate action taken, including the use of force;
8. Reporting staff member's signature; and
9. Date and time report is made;
(d) Specify that juveniles placed in confinement status shall be afforded living conditions and privileges approximating those to the general juvenile population; exceptions shall be justified by substantial evidence;

(e) Provide for review of all disciplinary hearings and dispositions by the facility administrator to assure conformity with policy and regulations;

(f) Provide that a juvenile charged with a violation of facility rules shall be given a written copy of the alleged violation within twenty-four (24) hours of the infraction;

(g) Specify that juveniles charged with rule violations receive a hearing within seventy-two (72) hours of the incident, excluding weekends and holidays. The hearing may be postponed or continued for a reasonable time through a written waiver by the juvenile or for good cause;

(h) Provide that juveniles charged with rule violations shall be present at the hearing, unless they waive that right in writing or through behavior. Juveniles may be excluded during the testimony of any juvenile whose testimony must be given in confidence. The reasons for the juvenile's absence or exclusion shall be documented;

(i) Provide that disciplinary hearings of cases of rule violations shall be conducted by an impartial person or panel of persons;

(j) Provide for staff assistance to represent juveniles at disciplinary hearings upon request of the juveniles;

(k) Provide that the juvenile shall be given an opportunity to make a statement and present documentary evidence, and to have in attendance at a disciplinary hearing any person who may have relevant and not unduly cumulative information, except when doing so may severely jeopardize the life or safety of persons or the security or order of the facility; such reasons for denial shall be stated in writing;

(l) Specify that a written record shall be made of the disciplinary hearing decision and that a copy shall be given to the juvenile;

(m) Grant juveniles the right to appeal decisions of the disciplinary hearing officer to the administrator. The administrator either affirms or reverses the decision of the disciplinary hearing officer within five (5) days of the appeal;

(n) Provide that the disciplinary report shall be removed from all files of juveniles found not guilty of an alleged rule violation;

(o) Ensure that prior to privilege suspension the juvenile has the reasons for the restriction explained to him, and has an opportunity to explain the behavior leading to the suspension; and

(p) Provide that in instances in which a juvenile is alleged to have committed a crime, the case is referred to appropriate law enforcement officials for possible prosecution.

(7) During room restriction staff shall visibly check the juvenile at least every fifteen (15) minutes, depending on his emotional state.

(8) When a juvenile has been charged with a major rule violation requiring confinement status for the safety of the juvenile or other juveniles, or to ensure the security of the facility, the youth may be confined for a period of up to twenty-four (24) hours. Confinement status for periods of over twenty-four (24) hours shall be reviewed every twenty-four (24) hours by the administrator or his designee who was not involved in the incident.

(9) Whenever juveniles are removed from the regular program, they shall be seen by a designated staff member, other than the staff member involved in the removal decision, as soon as possible, but not more than twenty-four (24) hours after removal.

(10) Juveniles held in confinement status shall be interviewed at least once each day by personnel from administrative, clinical, social work, religious or medical units.

(11) A log shall be kept stating who authorized the confinement status, persons visiting the juvenile, the person authorizing release from confinement status, and the time of the release.

(12) Written notice of the disciplinary hearing shall be provided to the juvenile at least twenty-four (24) hours in advance of the hearing. The juvenile may consent, in writing, to a hearing withing less than twenty-four (24) hours.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: June 30, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 27, 1987, at 10 a.m. in Room 110, Capitol Annex, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify, in writing at least five days before the hearing, the following individual: Cathy Cravens Snell, Justice Cabinet, 3rd Floor, Commonwealth Credit Union Building, 417 High Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell

(1) Type and number of entities affected: Five operating and two closed detention centers.

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

1. First year: The costs incurred for developing policies and procedures will be absorbed in the cost of the facility operations manual described in 500 KAR 6:020. Each facility will be required to hold a 72 hour hearing after each rule violation. These costs will be absorbed with the normal administrative costs of each facility. Each facility will have to develop the capacity to hold disciplinary hearings by impartial persons because of rule violations. Estimated costs, based on existing facilities here in Kentucky, would be negligible because a staff person who is not directly involved will hear the matter.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): The development of policies and procedures which protect rights will reduce risk and liability.

(b) Reporting and paperwork requirements: In addition to the policy manual, each facility will have to develop forms for disciplinary reports, written rules of juvenile conduct and a confinement log.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The cost of inspecting each facility will be absorbed in the regulatory costs outlined in 500 KAR 6:020.

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: Estimated costs for the impartial disciplinary hearings will be negligible.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:130. Intake.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. The facility shall comply with the intake criteria defined by the Administrative Office of the Courts.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: June 30, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 27, 1987, at 10 a.m. in Room 110, Capitol Annex, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify, in writing at least five days before the hearing, the following individual: Cathy Cravens Snell, Justice Cabinet, 3rd Floor, Commonwealth Credit Union Building, 417 High Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected:
1. First year: None. Intake and classification procedures will be consistent with the Administrative Office of the Courts (AOC) under the provisions of the Kentucky Unified Juvenile Code passed by the 1988 General Assembly.
2. Continuing costs or savings:
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: The cost of inspecting facilities for compliance purposes will be absorbed in the duties described in 500 KAR 6:020.
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: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:140. Admission procedures.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall adopt and enforce written policies and procedures which:
(a) Govern the reception and orientation of newly admitted juveniles;
(b) Provide that juveniles receive orientation in their own language; completion of orientation shall be documented by a statement that shall be signed and dated by the juvenile; and
(c) Require that a written, itemized list is made of all personal property in the possession of a newly admitted juvenile; a copy of this list, which notes all property that will be held until release, shall be given to the juvenile.
(2) Written procedures for admitting new juveniles shall include, but are not limited to:
(a) Verification of legal authority to detain;
(b) Complete search of the juvenile and possessions;
(c) Disposition of cloting and personal possessions;
(d) Medical screening;
(e) Shower and hair care, if necessary;
(f) Issue of clean, laundered clothing, as needed;
(g) Notification of family, custodian or guardian;
(h) Provision of written orientation materials;
(i) Recording of basic personal data and infomation to be used for mail and visiting lists;
(j) Assistance to juveniles in notifying their families of their admission and procedures for mail and visiting;
(k) Assignment to a housing unit; and
(l) Assignments of a register number.
(3) Newly admitted juveniles shall be permitted a reasonable number of local or collect long distance telephone calls to an attorney of his choice, and to a family member, as soon as practical, generally within one (1) hour after arrival, until one (1) call has been completed.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: June 30, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 27, 1987, at 10 a.m. in Room 110, Capitol Annex,

Frankfort, Kentucky. Anyone interested in attending this hearing shall notify, in writing at least five days before the hearing, the following individual: Cathy Cravens Snell, Justice Cabinet, 3rd Floor, Commonwealth Credit Union Building, 417 High Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected:
1. First year: Each facility will have to absorb the cost of local telephone calls made by juveniles to their attorney. Each facility must develop written policies for admission purposes. These policies will be incorporated in the operations manual described in 500 KAR 6:020.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Each facility must develop written policies for admission purposes. These policies will be incorporated in the operator manual described in 500 KAR 6:020. An itemized list of personal property is required for each juvenile admitted.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: The cost of inspecting facilities for compliance purposes will be absorbed in the duties described in 500 KAR 6:020.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Minimal. Inspectors may have to develop forms to collect information.
(3) Assessment of anticipated 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: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:150. Programs.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall provide or make available the following minimum services and programs consistent with federal law to adjudicated and preadjudicated juveniles:
(a) An education program;
(b) Visitation with parents, guardians or persons exercising similar custodial control or supervision;
(c) Private communication with visitors and staff;
(d) Counseling;
(e) Continuous supervision of living units;
(f) Medical services;
(g) Food services;
(h) Recreation and exercise; and
(i) Reading materials.
(2) Programs and services shall be initiated for all juveniles as soon as they are admitted to living units.
(3) Educational opportunities shall be made available to all juveniles except when there is substantial evidence to justify otherwise.
(4) Educational programs in detention facilities shall be designed to assist detained juveniles in keeping up with their studies.
(5) Educational supervisors and instructors shall be licensed or approved by the state.
(6) Formal educational programs shall have a minimum of one (1) teacher for every fifteen (15) students per class period.
(7) There shall be an annual evaluation to measure the effectiveness of the educational training programs against stated performance objectives.
(8) The facility shall adopt and enforce written policies and procedures which:
(a) Provide a recreation and leisure-time plan that includes, at a minimum, at least one (1) hour per day of large muscle activity and one (1) hour of structured leisure-time activities;
(b) Provide the opportunities to adhere to the dietary and other requirements of the various faiths when approved by the religious authority; and
(c) Provide that staff members are available to counsel juveniles at their request; provision shall be made for counseling juveniles on an emergency basis.
(9) The facility shall have a staff member or trained volunteer who coordinates and supervises the recreation program.
(10) A variety of fixed and movable equipment shall be provided for each outdoor recreation area.
(11) Library services shall be available to all detained juveniles.
(12) Written policy shall define the principles, purposes and criteria used in the selection and maintenance of library materials.
(13) There shall be a volunteer staff or a contractual social services program that makes available a range of resources to meet the needs of juveniles, including individual and family counseling and community services, as required.
(14) Detained juveniles shall be afforded access to religious, mental health counseling and crisis intervention services in accordance with their needs.
(15) A staff member shall coordinate the facility's religious programs.
(16) There shall be a system for juveniles and staff to communicate with one another at all times.
(17) Work assignments shall not conflict with education programs.
(18) Juveniles shall not be permitted to perform any work prohibited by state and federal regulations and statutes pertaining to child labor.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected: An educational program will cost approximately $20,000 per year.
1. First year:
2. Continuing costs or savings: The education program will continue.
3. Additional factors increasing or decreasing costs (note any effects upon competition): Costs will be decreased by utilizing existing social workers within CHR, existing library services and existing counseling services.
(b) Reporting and paperwork requirements: Records will be required to document that services have been rendered.
(2) Effects on the promulgating administrative body: The cabinet will monitor and inspect.
(a) Direct and indirect costs or savings: The same staff person will monitor and enforce compliance for all regulations.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Development of forms.
(3) Assessment of anticipated effect on state and local revenues: $20,000 per year.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:160. Communication: mail, visiting and telephone.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) There shall be no limit on the volume of mail a juvenile may send or receive, except when the facility provides postage or when there is substantial evidence to justify such limitations.
(2) The facility shall adopt and enforce written policies and procedures which:
(a) Provide that juvenile letters, both incoming and outgoing, shall not be read, except where there is substantial evidence to justify such actions; if correspondence is read, the youth shall be informed in advance and shall be present when the letter is opened; and the action shall be documented;
(b) Govern inspection of juvenile letters or packages for money or contraband;
(c) Require that all cash received through the mail is held for the juvenile in accordance with the procedures approved by the governing authority;
(d) Require that incoming and outgoing mail shall be held for no more than twenty-four (24) hours, and packages for no more than forty-eight (48) hours, excluding weekends and holidays.
(e) Specify that juveniles are permitted to send sealed letters to a specified class of persons and organizations, including, but not limited to: courts, counsel, officials of the confining authority, administrators of grievance systems and members of the releasing authority;
(f) Allow the facility to provide postage for the mailing of two (2) letters per week for each juvenile, if requested, excluding legal correspondence;
(g) Govern visiting and are reviewed annually and updated if needed;
(h) Provide that juvenile visitation facilities permit informal communication, including opportunity for physical contact;
(i) Specify that visitors register upon entry into the facility and the circumstances under which visitors are searched;
(j) Govern special visits;
(k) Provide for juvenile access to the telephone to make and receive personal calls;
(l) Provide for the forwarding of first-class letters and packages after transfer or release; and
(m) Govern juvenile access to publications.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected:
1. First year: Minimal. Facility must provide postage for two letters per week for each juvenile. Facility must provide a telephone for use by juveniles. Each center must provide visitation facilities which allow physical contact. All of these provisions are embodied in Kentucky Jail Standards under which these

facilities currently operate.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition): Proper communication procedures will reduce the risk of litigation and the liability of counties due to unconstitutional infringement of children's rights.
(b) Reporting and paperwork requirements: Each facility must develop a register log. Each facility must incorporate certain provisions of these regulations in the operations manual described in 500 KAR 6:020.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: The cost of inspecting these facilities and their manuals will be absorbed in the regulatory process described in 500 KAR 6:020.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: The administrative body may have to develop forms to record their inspections.
(3) Assessment of anticipated 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: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:170. Release preparation and transfer programs.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. The facility shall adopt and enforce written procedures for releasing juveniles which shall include but are not limited to:
(1) Verification of identity;
(2) Verification of release papers;
(3) Completion of release arrangements, including the person or agency to whom the juvenile is to be released;
(4) Return of personal effects;
(5) Completion of any pending action, such as grievances, claims for damages or lost possessions;
(6) Medical screening and arrangements for community follow-up when needed;
(7) Transportation arrangements; and
(8) Instructions on forwarding of mail.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
FILED WITH LRC: June 30, 1987 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 27, 1987, at 10 a.m. in Room 110, Capitol Annex, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify, in writing at least five days before the hearing, the following individual: Cathy Cravens Snell, Justice Cabinet, 3rd Floor, Commonwealth Credit Union Building, 417 High Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected:
1. First year: Minimal. The procedures outlined in these regulations will be incorporated in the operations manual described in 500 KAR 6:020.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: The inspection process will be part of the comprehensive process described in 500 KAR 6:020.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: The administrative body may have to develop forms for inspection purposes.
(3) Assessment of anticipated 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: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

JUSTICE CABINET

500 KAR 6:180. Citizen and volunteer involvement.

RELATES TO: KRS 15A.210
PURSUANT TO: KRS 15A.160, 15A.210
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. (1) The facility shall establish and enforce written policies and procedures which:
(a) Provide for securing citizen involvement in programs, including roles as advisors and interpreters between the program and the public, direct services and cooperative endeavors with juveniles under supervision;
(b) Specify the lines of authority,

responsibility and accountability for the volunteer services program;
(c) Provide for the screening and selection of volunteers, allowing for recruitment from all cultural and socioeconomic segments of the community;
(d) Provide a system for identification of volunteers while they are in the facility; and
(e) Provide that the administrator curtails, postpones or discontinues the services of a volunteer or volunteer organization when there are substantial reasons for doing so.
(2) A staff member shall be responsible for coordinating the volunteer services program.
(3) Prior to assignment, each volunteer shall complete an orientation and training program appropriate to the nature of the assignment.
(4) Volunteers shall agree in writing to abide by all facility policies, particularly those relating to security and confidentiality of information.
(5) Written policy shall specify that volunteers perform professional services only when certified or licensed to do so.
(6) There shall be provisions for volunteers to participate in the establishment of policy and procedure for the volunteer services program.

NORMA C. MILLER, Secretary
APPROVED BY AGENCY: June 29, 1987
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PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on August 27, 1987, at 10 a.m. in Room 110, Capitol Annex, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify, in writing at least five days before the hearing, the following individual: Cathy Cravens Snell, Justice Cabinet, 3rd Floor, Commonwealth Credit Union Building, 417 High Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell
(1) Type and number of entities affected: Five operating and two closed detention centers.
(a) Direct and indirect costs or savings to those affected: Minimal staff time to set up and oversee the programs.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: The manual requirements are listed in 500 KAR 6:020.
(2) Effects on the promulgating administrative body: Monitoring and inspection by staff person.
(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: Development of forms.
(3) Assessment of anticipated 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: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. All are treated equally.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction

704 KAR 20:450. Reporting duties and hearing process for school employee certificate revocation.

RELATES TO: KRS 156.160, 156.210, 160.340, 161.120, 335B.010 to 335B.070
PURSUANT TO: KRS 156.070, 156.160
NECESSITY AND FUNCTION: KRS 156.160 requires the State Board of Education to adopt regulations deemed necessary or advisable for the protection of the physical welfare and safety of public school children; KRS 156.210 provides the Superintendent of Public Instruction access to the papers, books, and records of all public school officials; KRS 160.340 requires each local board of education to report to the State Board of Education on all phases of its school service; and KRS 161.120 provides for the revocation by the State Board of Education, on recommendation by the Superintendent of Public Instruction, of teaching certificates for immorality, misconduct in office, incompetency or willful neglect of duty, or based upon a determination that an applicant presented false information for certificate issuance or renewal; and KRS 335B.010 to 335B.070 deal with licensing and public employment qualifications. This regulation establishes a reporting mechanism whereby district superintendents have a duty to inform the Superintendent of Public Instruction of all cases in their districts that might lead to revocation of teaching certificates, and establishes further necessary procedures with respect to certificate revocation.

Section 1. (1) The superintendent of each local school district shall report in writing to the Superintendent of Public Instruction the name, Social Security number, position name and position code of any certified school employee in his district who is terminated, or non-renewed, for cause; who resigns from, or otherwise leaves, a position under threat of contract termination, or non-renewal, for cause; who is indicted or convicted in a criminal prosecution; or who is otherwise known to have engaged in such actions or conduct as might reasonably be expected to warrant consideration for certificate revocation under KRS 161.120. The duty to so report shall exist without regard to any disciplinary action, or lack thereof, by the local board of education, and the required report shall be submitted within thirty (30) days of the event giving rise to the duty to report.
(2) The district superintendent shall inform in writing the Superintendent of Public Instruction of the full facts and circumstances leading to the contract termination or non-renewal, resignation or other absence, indictment or conviction, or otherwise reported actions or conduct of the certified employee, which are based on immorality, misconduct in

office, incompetency, willful neglect of duty or falsification of certification credentials, and shall forward copies of all documents and records in his possession relating to such.

Section 2. (1) The Superintendent of Public Instruction shall review all documents relating to certificate revocation matters reported under Section 1 of this regulation, or otherwise coming to his attention, and shall make a recommendation, or decline to make a recommendation in appropriate cases, to the State Board of Education relative to certificate revocation under KRS 161.120.

(2) In determining whether or not to recommend revocation of a teaching certificate, the Superintendent of Public Instruction may in appropriate cases hold, or cause to be held, a hearing pursuant to KRS 156.210 and 161.120, but no recommendation of revocation shall be made without a hearing as required by KRS 161.120.

(3) In all cases where such a hearing is held or attempted to be held, the Superintendent of Public Instruction shall make a recommendation or report to the State Board of Education.

(4) In all cases where the Superintendent of Public Instruction is unable, after reasonable diligence, to notify a certified individual of a scheduled hearing on pending charges, the hearing shall be continued generally until the individual can be notified or presents himself for hearing. Such charges shall not be dropped in the interim, and the fact of pending revocation charges shall be appropriately noted in the individual's certification file.

(5) Any individual whose certificate is revoked under KRS 161.120 may apply for reissuance of his certificate at such time as he can demonstrate himself educationally, morally, and otherwise suitable for such, unless the State Board of Education order of revocation sets forth a specific, minimum period of revocation.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, August 25, 1987, at 10 a.m., Eastern Daylight Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its July meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before August 20, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Gary Bale
(1) Type and number of entities affected: 178 local school districts.
(a) Direct and indirect costs or savings to those affected: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Requires local superintendents to file a report with the Superintendent of Public Instruction.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Requires Superintendent of Public Instruction to make report to State Board of Education.
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No. Need for uniform reporting system.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Vocational Education

705 KAR 2:120. Distribution of funds for local operation of area vocational education centers and local vocational departments.

RELATES TO: KRS 156.035, 163.030
PURSUANT TO: KRS 156.070, 163.030
NECESSITY AND FUNCTION: KRS 156.035(2) authorizes the State Board of Education to provide for the proper disbursement of state funds for the benefit of programs under its control and management; and KRS 163.030 authorizes the state board to carry out the purposes of the state's vocational education program. This regulation establishes a procedure for distribution of appropriated funds to local school districts operating area vocational education centers and local vocational education departments.

Section 1. The funds appropriated by the General Assembly to support locally operated vocational education departments and centers shall be distributed to the local districts named in the biennial budget.

Section 2. All funds shall be distributed according to the following basic formula. Funds will be allotted on a per teacher basis for each approved vocational teacher in the previous school year. For 1987-88, the local district shall receive $21,000 per teacher for one (1) to five (5) teachers, except that the amount shall vary according to the total funds available; $16,000 per teacher for six (6) to nine (9) teachers; and $10,000 per teacher for ten (10) or more teachers.

Section 3. Approved teacher count per school shall:
(1) Include all teachers in the school if the number is five (5) or less.
(2) Consist, for those schools above five (5) teachers, of those qualified, approvable

teachers included in the actual vocational facility. The teachers counted shall include the following:

(a) All Industrial Education Level III, distributive education and health services teachers;

(b) Only those agriculture teachers in full-time horticulture or agricultural mechanics programs;

(c) Only those home economics teachers in full-time gainful home economics programs such as child care and commercial foods;

(d) Only business education teachers not to exceed three (3) after subtracting two (2) from the total number of business teachers in the school; and

(e) Only those special vocational teachers in developmental occupational programs.

Section 4. Districts receiving this supplemental funding must have a plan to provide supervision by a qualified vocational education administrator as indicated in 705 KAR 3:030 Section 1(6).

Section 5. Those state operated area vocational education centers which have become locally operated since 1980 shall have a contract of agreement equal to the amount of the funds calculated for the districts specified in Section 1 of this regulation, except that no district shall receive less than the amount received in 1986-87 for basic contract and twenty (20) percent capital outlay funds. Other districts agreeing to local control will receive the amount provided for the districts specified in Section 1 of this regulation.

ALICE McDONALD, Superintendent

APPROVED BY AGENCY: July 1, 1987

FILED WITH LRC: July 14, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, August 25, 1987, at 10 a.m., Eastern Daylight Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its July meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before August 20, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Ann S. Bardwell

(1) Type and number of entities affected: Initially, 11 districts locally operating AVEC's and departments without contracts and 9 districts having contracts for local operation.

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

1. First year: The 11 local districts will receive $3.3 million appropriated by General Assembly. The 9 districts will have contracts recalculated on new formula with a guaranteed 1986-87 funding level.

2. Continuing costs or savings: Depends on future appropriations by General Assembly.

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

(b) Reporting and paperwork requirements: Each district will have to provide evidence of number of FTE teachers involved and a plan for appropriate supervision. Appropriate financial claims will be required.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: If the recalculation of the formula provides more funds to the 9 local districts, additional funds will be required. Estimated to be less than $50,000.

2. Continuing costs or savings: Future funding should be based on appropriation by General Assembly.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: 1) Calculation of the formula for each district. 2) Review and approval of local application and supervision plan. 3) Processing payment documents.

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: The 9 districts with contracts could remain on individually negotiated contracts. The formula would provide a more objective means of funding and place all 20 districts on the same funding basis.

(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

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Vocational Education

705 KAR 5:100. Program costs, tuition and fees paid under contract or agreement with other public or private organizations.

RELATES TO: KRS 156.070, 163.030, 163.087

PURSUANT TO: KRS 156.070, 163.030, 163.087

NECESSITY AND FUNCTION: KRS 156.070(5) requires the State Board of Education to establish policy or act on all matters relating to, inter alia, programs, services, and contracts which are the administrative responsibility of the Department of Education; KRS 163.030 authorizes the state board to carry out the purposes of the state's vocational education program; and KRS 163.087 directs the state board to set the tuition and fees, and conditions for enrollment for nonresidents of Kentucky, for postsecondary pupils and adults enrolled in the state operated vocational schools. This regulation authorizes the Department of Education to negotiate contracts with and offer vocational education services to public or private agencies having need for such, but not capable of being utilized through the customary vocational education programs.

Section 1. The Suprintendent of Public Instruction shall be authorized to negotiate contracts or agreements with public or private organizations to provide vocational-technical

education class size projects or other services specifically requested by those organizations. Any such contract or agreement shall seek to recover the instructional costs and capital outlay investment over a reasonable time certain. Any such contract or agreement may be for class size projects, extra services for clients to be served, and such ancillary services as requested by the involved client organization.

Section 2. The Superintendent of Public Instruction shall be authorized to negotiate contracts or agreements with public or private organizations to provide guaranteed slots in regular programs for clients referred from such an other agency. Slot costs may be estimated on cost for providing the work stations from last year's expenditure reports or performance-based contracts which provide more services such as recruitment, counseling, training and placement. A fixed unit cost may be established for this type of contract.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, August 25, 1987, at 10 a.m., Eastern Daylight Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its July meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before August 20, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Ann S. Bardwell
(1) Type and number of entities affected: 79 SVTS/AVEC's operated by the State Department of Education.
(a) Direct and indirect costs or savings to those affected:
1. First year: Current contracts provide funds to vocational schools in excess of $5 million.
2. Continuing costs or savings: Anticipate increases in contract programs and services with JTPA, private industry and other educational agencies.
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Completion of contracts.
(2) Effects on the promulgating administrative body: Provides additional funding through contracts.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No additional requirements.
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: Only other alternative considered was to refuse contracts.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Vocational Education

705 KAR 5:110. Postsecondary vocational technical school admission priorities.

RELATES TO: KRS 163.030
PURSUANT TO: KRS 156.070, 163.030
NECESSITY AND FUNCTION: KRS 163.030 gives the State Board of Education authority to carry out the purposes of the state's vocational education program, and further gives it all necessary power and authority to administer vocational education. This regulation establishes admission priorities for adults for state-operated vocational schools.

Section 1. General admission of adults to state-operated vocational school programs shall be from a preregistration list by occupational program, which is maintained at the central office of each school. Applicants shall be preregistered when school admission requirements are completed and the applicant meets the prerequisites for the course. Students not meeting the program admission requirements, but enrolling in a designated academic remedial program, shall be added to the preregistration list on the date of admission to the remedial program. Applications shall be filed according to the date received. Applicants must respond within seven (7) calendar days after being officially notified by letter that an opening is available.

Section 2. Class size projects funded under contract or agreement with another public or with a private agency shall give priority admission to clients sponsored by the funding agency. If not prohibited by the contract or agreement, slots not used may be filled from the general preregistration list.

Section 3. Individual slots in regular programs which are purchased by other public or by private agencies shall be reserved for clients sponsored or referred by that agency. Slots shall be identified and purchased by specific programs.

Section 4. Students shall be admitted from the general preregistration list in the following order of priority:
(1) Students in good standing who, because of illness or other hardship, previously had to withdraw but want to re-enter the program;
(2) Secondary vocational students who, upon graduation from high school, wish to continue training at the long-term adult level and who file and application prior to graduation (students in social services programs operated under the direction of the Office of Vocational

Education shall be qualified under this category);
(3) Students enrolled in other Kentucky vocational schools, including the Carl Perkins Rehabilitation Center and correctional institutions, who request a transfer to complete their present training; and
(4) Veterans who, within six (6) months of honorable separation from military service, make their first and initial application for enrollment, with names being placed on the lists according to the date of entry into military service.

Section 5. For vacancies in full-time programs, applicants requesting full-time attendance shall receive priority over these requesting part-time attendance.

Section 6. An applicant's name shall be removed from the preregistration list when the applicant:
(1) Fails to respond upon notification that an opening is available;
(2) Requests that his or her name be removed;
(3) Enrolls in a program; or
(4) Fails to notify the school that he or she wishes to remain on the list.

Section 7. Preregistration lists shall be updated every six (6) months. It shall be the responsibility of each applicant on the preregistration list to notify the school that he or she wishes to remain on the list.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: July 1, 1987
FILED WITH LRC: July 14, 1987 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Tuesday, August 25, 1987, at 10 a.m., Eastern Daylight Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its July meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before August 20, 1987. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Ann S. Bardwell
(1) Type and number of entities affected: 79 SVTS/AVEC's operated by the State Department of Education.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No new requirements.
(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: No new requirements.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services

902 KAR 3:055. Definitions for non-medical alcohol treatment and education center programs.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to define terms applicable to regulations adopted by the cabinet regarding facility standards for mon-medical alcohol treatment and education center programs.

Section 1. Definitions. As pertaining to the cabinet's regulations regarding alcoholism rehabilitation programs unless the content otherwise requires:
(1) "Agency" means a legal entity that operates a non-medical alcohol treatment and education center.
(2) "Alcohol" means beverage alcohol.
(3) "Cabinet" means the Cabinet for Human Resources.
(4) "Client" means any individual that receives treatment services rendered in a non-medical alcohol treatment and education center program such as detoxification, residential, residential transitional, outpatient and day/night intensive outpatient treatment program. Such an individual shall have a medical record that documents the nature of the services they are receiving.
(5) "Day/night intensive outpatient treatment program" means a facility that provides a structured program of services in an outpatient setting. Services shall be planned to be comprehensive in nature and intensive in the amount of time where client contact is prescribed. The day/night intensive outpatient treatment program shall offer therapeutic, educational and rehabilitative activities to individuals and their families experiencing problems involving alcohol abuse and alcoholism. The purpose of a day/night intensive outpatient treatment program shall be to provide a variety of diagnostic and treatment services according to a prescribed plan in an outpatient setting to alcohol abusers and their families, whose physical and emotional status allows them to function in their natural environment.
(6) "Detoxification program" means a residential facility providing for short-term,

supervised, non-medical withdrawal from alcohol induced intoxication. The purpose of such a detoxification program shall be to provide a supportive setting to help persons recover from acute withdrawal from alcohol, wherein the motivation level of alcohol dependent persons can be raised to promote continued involvement in the recovery process. A detoxification program serves detoxification needs of persons without known serious physical or immediate psychiatric complications requiring medical attention. A detoxification program provides an opportunity to conduct an assessment of the client's need for further care resulting in a referral(s) to appropriate community resources for continued help with problems, for treatment, and for greater utilization of supportive community health agencies.

(7) "Education program" means a program that offers a structured learning process directed at increasing awareness, imparting knowledge, and changing attitudes and behaviors which involves a didactic exchange of information to individuals or groups regarding alcohol use and abuse. The purpose of an education program shall be to develop or increase competence of individuals, their families, service providers and others to make healthy decisions and help themselves or others in relation to alcohol abuse problems.

(8) "Host family" means a family unit other than an individual's natural family that is utilized by a licensed non-medical alcohol treatment program to temporarily house an individual who is receiving non-medical alcohol treatment services in his/her program.

(9) "Non-medical alcohol treatment and education center" means a facility that provides one (1) or more non-hospital based alcohol treatment and/or education programs such as detoxification, residential, residential transitional, outpatient, day/night intensive outpatient treatment program and education.

(10) "Outpatient treatment program" means a facility providing non-residential alcohol abuse treatment services on both a scheduled and non-scheduled basis. Outpatient treatment offers therapeutic services for the treatment and rehabilitation of individuals with problems involving alcohol abuse. The purpose of outpatient treatment shall be to provide a variety of diagnostic and primary alcohol abuse treatment services. These services shall be provided in an outpatient setting according to a prescribed plan for persons abusing alcohol and their families, whose physical and emotional status allows them to function in their natural environment.

(11) "Resident" means a person in a twenty-four (24) hour treatment facility.

(12) "Residential transitional program" means a facility providing long-term residential accommodations in a therapeutic group setting for persons recovering from alcohol abuse and alcoholism. Programs of this nature shall be designed as a transition for persons recovering from alcohol abuse and alcoholism who are attempting social and vocational adjustments prior to returning to family or independent living within the community. Room and board are provided twenty-four (14) hours a day, seven (7) days a week.

(13) "Residential treatment program" means a facility that provides a twenty-four (24) hour, seven (7) days a week structured program for individuals with alcohol abuse problems. The program provides the structure necessary for the alcohol abuser to acquire the tools needed to function independently when returned to his/her natural environment and to maintain an abstinent lifestyle. The purpose of such a residential treatment program shall be to facilitate the rehabilitation of the alcohol abuser by placing him/her in an organized therapeutic environment in which he may receive diagnostic services, counseling, and peer support. Such programs shall also offer support services to a resident's family members in order to treat the problems of co-dependency. A residential treatment program enables alcohol abusers and their family members to change feelings, attitudes, and behavior in the direction of more effective and rewarding patterns of living.

Section 2. 902 KAR 3:005, Definitions; alcohol programs, is repealed.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 9, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be eligible for non-medical alcohol treatment and education center licenses:
a. Seven detoxification programs;
b. Ten residential treatment programs;
c. Seven residential transistional programs;
d. Three outpatient treatment programs;
e. Twelve day/night intensive outpatient treatment programs; and
f. Fourteen education programs.
(a) Direct and indirect costs or savings to those affected: No impact. These definitions only provide clarifying information regarding the terms utilized throughout the non-medical alcohol treatment and education center regulations.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: No impact.
(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: No impact.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable

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

TIERING: Was tiering applied? No. Not applicable.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services

902 KAR 3:060. Licensing procedures, non-medical alcohol treatment and education centers.

RELATES TO: KRS 222.210 to 222.310

PURSUANT TO: KRS 194.050, 222.230

NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish standards for determining what types of programs must have a non-medical alcohol treatment and education center license to operate and the procedures for obtaining and maintaining such a license.

Section 1. Licensing and Approval Procedures. Applications for licensing, or waivers requesting exemptions from licensure standard(s) shall be obtained from and submitted to the Cabinet for Human Resources, Department for Mental Health and Mental Retardation Services, Division of Substance Abuse, 275 East Main Street, Frankfort, Kentucky 40601.

(1) Application for licensure shall be filed by all agencies operating a non-medical alcohol treatment and education center in the Commonwealth with the following exceptions:

(a) Group meetings organized among alcoholics, recovering alcoholics or alcohol abusers, families and others, held on a non-residential basis and without professional staff intervention, for the purpose of discussing problems related to use of alcohol where no fee is involved.

(b) Transportation Cabinet, Alcohol Driver Education, pursuant to: KRS Chapter 189A and 601 KAR 13:050.

(c) Programs conducted in a facility established and maintained by a licensed hospital; nursing homes; and department, agency or institution of the federal government or the Commonwealth.

(d) All chemical dependency treatment services and facilities licensed under 902 KAR 20:160.

(2) The Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation shall conduct all licensure surveys to determine whether an agency's non-medical alcohol treatment and education center is in compliance with the applicable licensure standards.

(3) The cabinet shall notify the applicant agency for a non-medical alcohol treatment and education center license of any pending licensure action taken, and shall provide written reports citing observed deficiencies as they relate to the standards. A copy of this report shall be forwarded to the applicant agency. Upon receipt of this report the applicant agency must submit an acceptable plan of correction for cited deficiencies to the cabinet within ten (10) days.

(4) Licensure is not transferable. Both the license holder and the new operator shall be responsible to notify the cabinet when the agency possessing the non-medical alcohol treatment and education center license changes ownership or control or undergoes a major change in its capacity or in the category(ies) of programs offered, with disclosure of all factors involved in the change. If it is the decision of the cabinet that a reapplication is in order the applicant shall apply within twenty (20) days of notification by the cabinet. Failure to comply with these provisions shall result in loss of license.

(5) The cabinet shall be notified in writing prior to the merger of a the agency possessing a non-medical alcohol treatment and education center license with another agency and an immediate request for licensure be filed with the cabinet. The merged agency's non-medical alcohol program(s) shall be surveyed within one (1) year of such notification. For the purposes of licensure, a merged agency shall be a legal entity with a single governing body, a single administration, a single staff, and, where applicable, a single set of bylaws, rules and regulations.

(6)(a) A certificate of licensure shall be provided to the agency operating the non-medical alcohol treatment and education center that is granted a license. The certificate shall specify all the programs provided by the agency surveyed, their location, and the year in which license is granted.

(b) An agency may be provided additional certificates for its non-medical alcohol program(s) upon payment of the cost of reproduction. The certificate and all copies shall remain the property of the cabinet and shall be returned to the cabinet if the agency is issued a new certificate reflecting a change in name or programs for which it is licensed, or if the license is revoked for any cause.

(7) The cabinet shall publish on an annual basis a list of licensed non-medical alcohol treatment and education centers identifying types of programs and their locations and shall make it available to the public upon request.

(8) Licenses granted to agencies deemed responsible and suitable to carry out non-medical alcohol treatment and education center programs shall meet applicable standards and requirements for a period not exceeding one (1) year and renewable for a like period, and subject to revocation for cause.

(9) A non-medical alcohol treatment and education center license shall be issued to an agency that meets the required program standards. Such a license shall identify the individual facility(ies) providing alcohol detoxification, alcohol residential, alcohol residential transitional, alcohol outpatient, alcohol day/night intensive outpatient treatment and alcohol education programs for which they have been approved to provide. Each agency

licensed shall receive a certificate indicating its approved status.

(10) Hearing procedures involving licenses shall be conducted in accordance with KRS 222.230(6).

(11) Applications for a permit to operate a non-medical alcohol treatment and education center shall be accompanied by a fee of $100 and shall excepting conditional permits, be renewable annually upon expiration and reapplication when accompanied by a renewal fee of fifty (50) dollars.

(12) Exception. An agency possessing a non-medical alcohol treatment and education center license shall be exempt from paying licensure fees set forth in licensing procedures standards, subsection (11) of this section, when the specific non-medical alcohol program such as detoxification, residential treatment, residential transitional treatment, outpatient, day/night intensive outpatient treatment and education has already paid licensure fees as a drug abuse treatment and education (DATE) center program in compliance with 902 KAR 3:210.

Section 2. 902 KAR 3:010, Licensing procedures, is repealed.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by the licensing procedures: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; 12 day/night intensive outpatient treatment programs; and 14 education programs.

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

1. First year: It is estimated that the community mental health system statewide will have a cost savings of $3,150 because licensure fees will be less for programs licensed under non-medical alcohol treatment and education centers. This results from several factors: (a) The content of the non-medical alcohol treatment and education center licensure regulations are virtually the same as the drug abuse treatment and education (DATE) center regulations, therefore, it is proposed that only one set of licensure fees be charged to applicant agencies; and (b) Community mental health centers will no longer need to obtain a non-medical alcohol treatment and education center, alcohol outpatient treatment license because they are already complying with 902 KAR 20:091.

It is estimated that taken statewide, programs to be licensed other than the community mental health centers, will also have a cost savings of approximately $75 in licensure fees. The cost savings will not be as significant as the mental health centers because they will not be waived from obtaining a non-medical alcohol treatment and education center, outpatient treatment license.

The entire system of programs from community mental health centers to other private programs will have an estimated cost savings of $3,225 in licensure fees.

2. Continuing costs or savings: Minimal impact. Same as above in first year.

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

(b) Reporting and paperwork requirements: Because outpatient treatment sites in community mental health centers are waived from being licensed as a non-medical alcohol treatment and education center, there should be a slight reduction in paperwork related to making application for licensure.

(2) Effects on the promulgating administrative body: Minimal impact.

(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: There will be a slight reduction in paperwork because the community mental health centers are waived from applying for an outpatient license as a non-medical alcohol treatment and education center. There will be a reduction of paperwork related to processing of applications for this license and maintaining an updated directory of licensed service sites.

(3) Assessment of anticipated effect on state and local revenues: Minimal impact. During the first and subsequent years there is an estimated loss of $3,225 related to the collection of less licensure fees.

(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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services

902 KAR 3:065. Organization and administration, non-medical alcohol treatment and education center.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules

and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that agencies offering non-medical alcohol treatment and education center programs have a governing authority, organizational structure, and minimum policies and procedures for administering such programs.

Section 1. Organization and Administration. (1) Every agency shall be organized so that overall fiscal and program responsibility shall be clearly established and this responsibility shall be vested in specifically designated individuals with authority to carry out such administrative duties. The source of this authority shall be documented.

(2) The governing authority shall provide written documentation of its source of authority through charter, constitution, and bylaws and, where required, its state license.

(3) The governing authority shall exercise general direction and establish policies concerning the operation of the program. There shall be documentation of the methods and procedures used by the governing authority to exercise general direction and establish policies concerning the operation of the program. This documentation shall include the means by which the governing authority provides for the election or appointment of its officers and the appointment of committees necessary to affect the discharge of its responsibilities. The governing authority shall document the adoption of a schedule of meetings, attendance requirements, and minutes of all meetings.

(4) There shall be documentation verifying that the policies of the governing authority shall be reviewed and updated at least every two (2) years and that the policies shall be distributed to all staff.

(5) The governing authority shall document the delegation of authority and responsibility to an executive officer for the management of the agency.

(6) The governing authority or the chief officer shall provide a policy manual which describes the regulations, principles and guidelines that determine the agency's operation. There shall be documentation verifying that this policy manual shall be reviewed and updated at least every two (2) years and shall be available to all staff.

(7) Exception. When the applicant for a non-medical alcohol treatment and education center license is a community mental health center, compliance with 902 KAR 6:030 and 902 KAR 20:091 shall suffice for meeting organization and administration standards set forth in subsections (1) through (6) of this section.

(8) Orientation and training for governing board members shall be provided annually on alcohol treatment and education and documented in the minutes of the governing board meeting(s).

(9) Where alcohol abuse education and treatment programs are provided in the context of a general mental health agency, it shall be documented that within the governing board there are members whose primary interest is the treatment and education of alcohol abusers.

Section 2. 902 KAR 3:007, Organization and administration, and 902 KAR 3:025, Fiscal management, are repealed.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these organization and administration standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; 12 day/night intensive outpatient treatment programs; and 14 education programs.

(a) Direct and indirect costs or savings to those affected: No significant impact.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 902 KAR 6:030 and 902 KAR 20:091 duplicate Section 1, subsections (1) to (6) of this regulation. In order to reduce duplication, community mental health centers have been waived from complying with Section 1, subsections (1) to (6) of this regulation.

(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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and
Mental Retardation Services

902 KAR 3:070. Personnel policies, non-medical alcohol treatment and education center.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that agencies offering non-medical alcohol treatment and education center programs have minimum policies and procedures governing personnel policies.

Section 1. Personnel. (1) Policies shall be developed assuring that no employee or prospective employee shall be discriminated against solely on the basis of race, color, creed, sex, age, national origin, or prior history of substance abuse.

(2) There shall be written job descriptions for all positions setting forth the qualifications, reporting supervisor, positions supervised and duties.

(3) The written personnel policies and practices shall describe methods and procedures for the supervision of all personnel, including volunteers.

(4) The written personnel policies and practices shall include a mechanism consistent with due process for suspension and dismissal of an employee for cause.

(5) There shall be documentation of an employee's qualification for his/her position in the individual personnel file.

(6) The agency shall have documentation that all personnel meet applicable local, state or federal requirements for credentialing, licensing, and/or registration in his/her profession.

(7) Exception. When the applicant for a non-medical alcohol treatment and education center license is a community mental health center, compliance with 902 KAR 6:030 and 902 KAR 20:091 shall suffice for meeting personnel standards set forth in subsections (1) to (6) of this section.

(8) The program shall have a written policy and procedure for employees who have behavioral problems which interfere with acceptable job performance. The policy and procedure shall meet the following criteria:

(a) The policy and procedure shall specify the sequence of steps to be taken when unresolved performance problems arise.

(b) The policy and procedure shall identify the resources and time frames to be used in assisting an employee to deal with a personnel/behavioral problem which interferes with job performance.

(c) There shall be documentation that these policies are distributed to all staff.

(9) There shall be policies and procedures governing employee access to his/her personnel file.

(10) Each employee shall receive an annual performance evaluation which shall be documented in his/her personnel file.

(11) All training attended by the employee shall be documented in the employee's personnel file.

Section 2. 902 KAR 3:030, Personnel policies, is repealed.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
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PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these personnel standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; 12 day/night intensive outpatient treatment programs; and 14 education programs.
(a) Direct and indirect costs or savings to those affected: Minimal impact
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: There may be a minimal increase in paperwork initially due to the development of policy statements and documentation of training attended by employees.
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 902 KAR 6:030 and 902 KAR 20:091 duplicate Section 1, subsections (1) to (6) of this regulation. In order to reduce duplication, community mental health centers have been waived from complying with Section 1, subsections (1) to (6) of this regulation.
(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. There is no disproportionate impact on any class of those

regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:075. Quality assurance, non-medical alcohol treatment and education center.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that agencies offering non-medical alcohol treatment and education center programs have minimum policies and procedures for reviewing quality of client care, and assuring staff competency.

Section 1. Quality Assurance. Every program shall have written policies and procedures for assuring the quality of services delivered. These policies and procedures shall address methods for reviewing appropriateness of client care and staff competency. Included in these policies and procedures shall be the following:

(1) There shall be written policies and procedures for periodic review of each service staff's caseload. These policies and procedures must at a minimum address the following:

(a) The quality of services shall be evaluated by members of the staff directly responsible for providing services.

(b) These procedures shall at a minimum have the capability to assess the appropriateness and clinical necessity of admissions as well as the accuracy, completeness and appropriateness of the treatment plan and outcome.

(c) The client care review shall occur at regularly scheduled intervals.

(d) A written record of such review shall be generated identifying inappropriate patterns of service and the recommended action for correcting the problem(s). Such report shall be submitted to an individual with overall responsibility within the agency for the program's treatment services.

(e) Follow-up studies related to the corrective actions taken shall be completed within a reasonable period of time and the findings documented.

(2) There shall be staff development policies which assure that alcohol abuse counseling staff are provided on-going training and clinical supervision opportunities necessary to support his/her ability to carry out his/her expected job duties.

(3) Each non-medical alcohol treatment and education center treatment program shall have a designated clinical services supervisor who meets one (1) of the following sets of qualifications. Such qualifications will be documented in the personnel file of the clinical services supervisor.

(a) A person with a masters degree or greater in psychiatry, psychology, social work, nursing with a specialty in psychiatric/mental health nursing or other mental health program plus eighty (80) clock hours of training in chemical dependency treatment within a maximum of four (4) years prior to his/her employment. If the clinical services supervisor does not have the eighty (80) clock hours or any portion thereof, prior to his/her employment, he/she shall obtain the eighty (80) clock hours within two (2) years from the date of his/her employment. The clinical services supervisor shall maintain on an annual basis twenty (20) clock hours of continuing education in chemical dependency treatment.

(b) A person with less than a masters degree in:

1. Psychology;
2. Social work;
3. Nursing with specialty in psychiatric/mental health nursing; or
4. Other mental health counseling program shall be either a certified chemical dependency counselor or have registered as a trainee with the intent to obtain the credential by May of 1991.

Documentation of registration as a trainee is in the form of a certificate from the organization recognized by the Cabinet for Human Resources as the official certification body for chemical dependency counselors in Kentucky.

(4) All staff who have primary responsibility for developing and implementing treatment plans for alcohol abuse clients in residential treatment programs, outpatient treatment and day/night intensive outpatient treatment programs shall meet one (1) of the following sets of qualifications. Such qualifications shall be documented in individual staff members personnel file.

(a) A person with a masters degree or greater in psychiatry, psychology, social work, nursing with a specialty in psychiatric/mental health nursing or other mental health program plus eighty (80) clock hours of training in chemical dependency treatment within a maximum of four (4) years prior to his/her employment. If the employee does not have the eighty (80) clock hours or any portion thereof, prior to his/her employment, he/she shall obtain the eighty (80) clock hours within two (2) years from the date of his/her employment. The employee shall maintain on an annual basis twenty (20) clock hours of continuing education in chemical dependency treatment.

(b) A person with less than a masters degree in:

1. Psychology;
2. Social work;
3. Nursing with a specialty in psychiatric/mental health nursing; or
4. Other mental health counseling program shall be either a certified chemical dependency counselor or have registered as a trainee his/her intent to obtain the creditial. Documentation of registration as a trainee shall be in the form of a certificate from the organization recognized by the Cabinet for Human Resources as the official certification body for chemical dependency counselors in Kentucky plus documentation of training and supervision updated annually.

(5) Exception. When the applicant is applying for a non-medical alcohol treatment and education center license for an education program, compliance with 902 KAR 3:120 shall suffice for meeting all of the standards set forth within this quality assurance section.

Section 2. 902 KAR 3:035, Evaluation, is repealed.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
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PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these quality assurance standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; and 12 day/night intensive outpatient treatment programs.
(a) Direct and indirect costs or savings to those affected: Some impact
1. First year: It is estimated that approximately 90 program personnel in the affected programs, would fall into the category of having less than a Masters Degree. Approximately 20 percent are already certified chemical dependency counselors. In order for personnel to meet the standards, it is estimated that a total of approximately $78,000 would be spent on meeting training requirements and approximately $3,500 would be spent on trainee, certification application and renewal fees. The expenses related to training do not necessarily represent an increase over what is presently being spent to train staff. The expenses related to applying for certification would represent an increase for those staff who are not presently certified. These expenses may be absorbed by either individual staff members, the agency or both.
It is estimated that approximately 70 program personnel in the affected programs would fall into the category of having a Masters Degree or greater. In order for personnel to meet the standards, it is estimated that a total of $22,000 would be spent on meeting training requirements.
2. Continuing costs or savings: It is estimated that for those staff having less than a Masters Degree that during the second and subsequent years a greater number of staff will already be certified. Therefore, it is estimated that training costs will be somewhat less at approximately $56,000 per year. However, certification fees are estimated to be slightly more at $3,600 per year due to increased numbers paying renewal fees.
It is also estimated that for staff with a Masters Degree or greater that during the second and subsequent years a greater number will have already met the initial training requirements. Therefore, it is estimated that training costs will be somewhat less at approximately $19,000 per year.
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: There will be some increase in paperwork related to documenting staff credentials and training within the personnel files. In addition, there may be a slight increase in paperwork related to developing policies and procedures regarding agency review of client care.
(2) Effects on the promulgating administrative body: No significant impact.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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: Please note that the cost impact related to certification and training for the quality assurance regulation in these non-medical alcohol treatment and education center standards as well as the drug abuse treatment education (DATE) center standards should only be viewed as a single impact. This results from the fact that staff covered under alcohol and drug programs are essentially the same individuals.
TIERING: Was tiering applied? No. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services

902 KAR 3:080. Client's rights, non-medical alcohol treatment and education center.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that agencies offering non-medical alcohol treatment and education center programs have minimum policies and procedures which protect an alcohol client's basic rights while enrolled in the program(s).

Section 1. Client's Rights. There shall be written policies and procedures designed to assure the human rights of all clients and to protect his/her right to receive confidential treatment. These written policies and procedures shall include but not be limited to the following standards:
(1) No client shall be unlawfully discriminated

against in determining eligibility for treatment services.

(2) During a program's intake procedures, clients shall be given written documentation of his/her legal and human rights. These rights shall include but not be limited to the following:

(a) To give informed consent to treatment;

(b) To have input into his/her treatment plan and be informed of its content;

(c) To receive individualized treatment;

(d) To submit grievances, recommendations and opinions regarding his/her treatment;

(e) To give informed written consent regarding participation in human subject research;

(f) To receive confidential treatment in compliance with federal regulations 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records" and all pertinent state laws and regulations.

(3) Adults and juveniles admitted to treatment shall sign an informed consent to treatment.

(4) Twenty-four (24) hour residential programs shall have written documentation of a client's right to exercise civil duties (e.g., vote) in addition to those set forth in subsection (2) of this section.

(5) The document outlining client's rights shall be signed by each client indicating that they have reviewed and understood his/her rights. This signed document shall be placed in each client's medical record.

(6) When the exercising of a client right(s) is contraindicated by the client's condition, there shall be documentation in the client's medical record of the reasons for the restriction(s) imposed and of an explanation to the client.

(7) There shall be written policies and procedures regarding client access to his/her medical record.

(8) There shall be written policies and procedures regarding clients receiving or refusing visitors, phone calls or written communications while residing in the program. The client shall be informed of these policies and procedures in writing at the time of admission to the program.

(9) There shall be written policies and procedures for reviewing and responding to grievances, recommendations and opinions regarding a client's treatment and specifically includes mechanisms for review and disposition of allegations of neglect and abuse of clients. The policies and procedures shall include but not be limited to the following standards:

(a) Such communications and their disposition shall be documented in writing and placed in an incident file;

(b) Such communications will be responded to in a timely manner and conveyed to an appropriate decision making level within the organization which has authority to take corrective action if indicated;

(c) Such policies and procedures shall be posted for client review.

(10) The program shall comply with KRS 620.030 regarding the reporting of cases of abuse or neglect of minors as communicated by clients. The initial reporting of cases of neglect and abuse for minors shall also be in compliance with Public Law 99-401. Requests for information beyond the initial report shall also be in compliance with federal regulations 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records."

(11) The program shall comply with KRS 209.030 regarding the reporting of cases of abuse and neglect of adults as communicated by clients. The reporting of such cases shall also be in compliance with 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records."

(12) Exception. When the applicant is applying for a non-medical alcohol treatment and education center license for an education program, compliance with 902 KAR 6:120 shall suffice for meeting all of the standards set forth in within this client's rights section.

Section 2. 902 KAR 3:020, Client's rights, is repealed.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these client's rights standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; 12 day/night intensive outpatient treatment programs.

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

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: In the first year there may be some increase in paperwork as agencies document the policies and procedures required in these standards. In addition, there is the requirement that each client sign a client's rights statement and that this document be placed in the medical record.

(2) Effects on the promulgating administrative body: No impact.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:085. Physical plant, non-medical alcohol treatment and education center.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that the site, size and design of the property and building utilized by non-medical alcohol treatment and education center programs shall be adequate for the immediate and projected program.

Section 1. Special Requirements for Residential Facilities. (1) There shall be at least one (1) toilet, one (1) lavatory and one (1) shower or tub for each eight (8) residents.
(2) Each client shall be provided a bed and proper bedding.
(3) There shall be the provision of adequate lighting, heating, heated water, ventilation, living space, dining facilities and pest control.
(4) There shall be adequate laundry facilities for residents, adequate recreation area, lounge and visiting space and sleeping areas.
(5) There shall be appropriate space to house personal belongings and adequate linen closets.
(6) Clients shall have a receptacle where personal property can be secured.
(7) Proper housekeeping and sanitation procedures shall be observed at all times and the building shall be kept in good repair.

Section 2. Compliance with Building Codes. All facilities, both residential and non-residential, shall be in compliance with current fire, safety and health standards which are established by state and local laws and regulations, applicable to the particular facility.

Section 3. 902 KAR 3:040, Physical requirements, is repealed.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these physical plant standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; 12 day/night intensive outpatient treatment programs; and 14 education programs.
(a) Direct and indirect costs or savings to those affected: No impact
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: No impact.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:090. General program operations, non-medical alcohol treatment and education center.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that any agency offering the following non-medical alcohol treatment and education center programs: detoxification, residential treatment, residential transitional, outpatient and day/night intensive outpatient treatment have minimum policies and procedures governing clinical practices.

Section 1. General Program Operation. Each non-medical alcohol treatment program component addressed in 902 KAR 3:095 to 902 KAR 3:115 shall meet the following standards:

(1) Each licensed program shall have a written program description including philosophy, mission, objectives, lines of authority and staffing patterns.

(2) Each licensed program shall document that they have an evaluation system which measures the degree to which they meet current program goals and objectives.

(3) Admission, readmission, transfer, discharge and referral policies and procedures shall be established in writing. Such policies and procedures shall include the categories of individuals accepted and not accepted by the program.

(4) Programs shall have documented prearranged medical agreements for the provision of emergency medical care.

(5) Written procedures shall be established and implemented to ensure continuity of referrals between intake points and other service elements whether within or outside of the agency.

(6) Clients shall receive an orientation to the services they are to receive which includes information on the philosopy, purpose, clients' rights, the rules governing client's conduct and types of infractions that can result in disciplinary action or discharge, and information on all costs and fees for service and responsibility for payment of those fees.

(7) Treatment programs shall have a uniform client records system to document and monitor client care:

(a) A case record shall be maintained for each individual receiving services.

(b) Client records shall be retained a minimum of five (5) years after clients are terminated.

(c) Each treatment program shall have a written protocol describing records accessibility, security, storage, uniformity, authorized use and disposal.

(d) A client record shall contain, at a minimum, documentation of intake information, signed statement of client rights, psycho-social assessment, treatment plan, progress in treatment, review/revision of treatment plan, aftercare plan and discharge summary. In addition, programs shall document confidentiality agreements, referrals, medical services, and staffing/case consultation, as necessary.

(8) Any twenty-four (24) hour alcohol abuse treatment program and day/night intensive outpatient program shall implement specific policies and procedures on the use of medications by its clients while participating in the program. The policies and procedures shall include the following:

(a) A policy on self-administration of over-the-counter medications by clients.

(b) That all drugs and medication shall be locked in a secure location not accessible to clients.

(c) A policy on the self-administration of medication(s) which require a licensed physician's prescription. This policy shall address prescribed medications brought with the client upon admission to the program as well as those medications prescribed while a client is in the program. At a minimum this policy shall require that all prescriptions the client enters with are verified with a physician to assure there are no contraindications with the treatment plan.

(d) That medications shall be made available to clients only at the time they are to be taken.

(e) An entry shall be made into the client's medical record documenting the self-administration of medication and shall indicate:

1. The name appearing on the container of the medication being self-administered;

2. The date and time of self-administration;

3. Dosage or amount of medication self-administered;

4. Name of staff monitoring self-administration of medication by client.

(9) The program shall establish and implement controls over client labor within the program. These controls shall meet the following criteria:

(a) The work shall be part of the client's treatment plan.

(b) The work shall be performed voluntarily with full-written consent from the client.

(c) If the client is filling the function of a paid position within the program there shall be a written job description that includes length of time per day on the job, and the wages received. Such wages shall be commensurate with the economic value of the work.

(d) The work shall be in accordance with local, state and federal laws and regulations.

(10) Any twenty-four (24) hour alcohol abuse treatment program shall have a written plan describing the organization and delivery of dietetic services to include:

(a) Compliance with the Kentucky Food Service Code, 902 KAR 45:005; current state and local laws; and regulations applicable to the particular facility.

(b) Provisions for meeting needs of clients with special dietary requirements. Special dietetic treatment shall be documented in the client record.

(c) There shall be provisions for snacks.

(11) Exception. When the applicant is applying for a non-medical alcohol treatment and education center detoxification or residential transitional program license(s), compliance with 902 KAR 3:095, Section 1(3) and 902 KAR 3:105, Section 1(2), shall suffice for meeting the general program operation standard set forth in subsection (7)(d) of this section.

Section 2. 902 KAR 3:015, General program operation, and 902 KAR 3:045, Dietetic services, are repealed.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these general program operations standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; 12 day/night intensive outpatient treatment programs.
(a) Direct and indirect costs or savings to those affected: Minimal impact
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: In the first year there may be some increase in paperwork as agencies document the policies and procedures required in these standards. There will be a slight increase in paperwork on an on-going basis related to documenting client self-administration of medications.
(2) Effects on the promulgating administrative body: No significant impact.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:095. Detoxification.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that an agency offering a non-medical alcohol treatment and education center detoxification program has minimum policies and procedures governing its program operation.

Section 1. Detoxification. In addition to the applicable requirements of general program operation standards, 902 KAR 3:090, the following specific standards shall be met if a detoxification program is offered:
(1) Each client admitted to the social setting detoxification treatment program shall be assessed within twenty-four (24) hours of admission to determine whether there is a life-threatening emergency, distinguished between intoxification and withdrawal, estimate the severity of whichever is present, and determine insofar as possible, whether there are any other major problems (e.g., medical, psychiatric, etc.) that need immediate attention.
(2) When required, medical services shall be provided through referral or on-call arrangement with qualified medical organizations or physicians.
(3) A client record shall be kept on each client receiving detoxification services. Each record shall contain at a minimum the following pieces of information. Any reasons for the absence of such information shall be documented in the clinical record.
(a) Intake information completed within seventy-two (72) hours of admission and shall contain the presenting problem; alcohol/drug use and problem history; history of previous treatment; and history of medical problems including delirium tremens, seizures, heart disease, and liver disease.
(b) Signed statement of clients rights.
(c) An individualized detoxification services plan prepared and maintained on a current basis for each client. A treatment protocol may be used in lieu of an individualized service plan. Individual case exceptions to the treatment protocol shall be documented in the clinical record.
(d) A discharge summary that identifies referral arrangements for the client after he/she leaves the program.
(4) The pulse and blood pressure of each client shall be monitored and recorded at least three (3) times daily for at least the first seventy-two (72) hours after admission.
(5) Educational and counseling activities shall be conducted on a daily basis by an alcoholism counselor to motivate clients to continue in treatment beyond the detoxification services. Clients shall be involved in these activities as soon as warranted by his/her recovery process.
(6) Detoxification programs shall refer clients to an appropriate treatment resource upon completion of the detoxification process.
(7) The program shall be responsible for the referral of clients for services not provided by the agency. Such services may include housing, food, vocational rehabilitation, treatment or legal services.
(8) The total number of staff members shall include no less than five (5) staff and one (1) unit manager, at least two (2) of whom shall be on duty during hours of peak admission. To permit program flexibility, no specific staff/client ratio shall be required, however, the program shall provide assurance that staff is sufficient and appropriate to meet the needs of clients in the program.
(9) The program shall be staffed twenty-four (24) hours a day, seven (7) days a week.
(10) Training required.
(a) Each staff member shall have training in alcoholic emergency procedures and shall receive a minimum of twelve (12) hours of first-aid

training techniques, including a cardiopulmonary resuscitation, prior to working alone on the unit.

(b) Training in taking vital signs (blood pressure, pulse, respiration and temperature).

(c) Training in the recognition of alcoholism, assessment of the degree of intoxication and the physical and mental complications of these conditions.

(d) Training in the knowledge of local community referral sources.

(e) Within one (1) year of employment every staff member shall have received thirty (30) clock hours of training in alcohol or drug abuse.

(f) All training attended by the employee shall be documented in the employee's personnel file.

(11) Exception. Medical alcohol emergency detoxification services (MEADS), pursuant to 902 KAR 20:111 shall be exempt from meeting alcohol detoxification standards set forth in this section.

Section 2. 902 KAR 3:050, Specific program standards, is repealed.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that seven (7) detoxification programs will be impacted by these standards.

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

1. First year: There may be a small increase in cost related to staff obtaining the training required in the standards. In addition, during the first year there may be a small expenditure of funds in order to purchase blood pressure equipment.

2. Continuing costs or savings: Depending on staff turnover, there may be on-going training costs.

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

(b) Reporting and paperwork requirements: No significant impact.

(2) Effects on the promulgating administrative body: No significant impact.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:100. Residential treatment.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that an agency operating a non-medical alcohol treatment and education center residential treatment program has minimum minimum policies and procedures governing its program operation.

Section 1. Residential Treatment. In addition to the applicable requirements of the general program operation standards 902 KAR 3:090, the following specific standards shall be met if a residential treatment program is offered.

(1) Each program shall make available to its clients the following services: intake, psycho-social assessment, health status questionnaire, treatment planning, individual and group counseling, family counseling, educational services, spiritual counseling, recreational and leisure time activities, aftercare planning, referral, introduction to Alcoholics Anonymous, Al-Anon, Narcotics Anonymous and other voluntary self-help groups.

(2) Upon admission, each client shall be assigned to a specific staff person who will have primary responsibility for developing and implementing the client's treatment plan.

(3) There shall be documentation in the client record of the following:

(a) A treatment plan completed within five (5) calendar days of admission.

(b) Staff shall conduct case conferences to review client progress every two (2) weeks and the findings shall be documented in the client record.

(c) An aftercare plan shall be developed with the client's participation to plan for post discharge activities.

(4) When required, medical services shall be provided through referral or on-call arrangement with qualified medical organizations or physicians.

(5) Programs shall make available or arrange for provision of at least forty (40) hours of documented, structured activities per client each week, including weekends. These structured

activities shall be a combination of formal education, group and individual counseling, group discussions, self-help meetings and recreation activities. Of this forty (40) hours, ten (10) hours shall be used solely for the provision of treatment and counseling services.

(6) There shall be written procedures describing a family treatment component.

(7) There shall be written policies and procedures governing the use of alcohol and other drugs by clients in the residential program.

(8) Films, audio cassettes and literature shall be available to the client.

(9) The program shall provide an area in which clients can meet with outside community service providers and self-help groups (e.g. AA, Al-Anon, etc.) who assist in fulfilling the goals and objectives of his/her treatment plan.

(10) If the program serves only adolescent clients the following additional standards shall be met:

(a) Documentation of attempts to obtain the active participation of the adolescent's family or family surrogate in the treatment process.

(b) The program shall assure that the client receives educational services to meet the schooling needs of the client while residing in the residential program.

(c) Provision of treatment, literature, lectures, etc., which shall be age appropriate.

(d) The program shall provide recreational activities which shall be planned to develop constructive leisure time activity skills and shall be documented in each client's treatment plan.

(e) Development of an aftercare plan which shall reflect consideration of aftercare issues unique to adolescents.

(11) The program shall have a full-time staff of at least ten (10) persons including the unit manager per forty (40) clients. This staffing pattern may be reduced by one (1) staff for every reduction per ten (10) residents.

(12) An interim manager with similar qualifications to the resident manager shall assume responsibility in the manager's absence.

(13) The program shall be staffed twenty-four (24) hours a day, seven (7) days a week.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that 10 residential treatment programs will be impacted by these standards.

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

1. First year: With the repeal of 902 KAR 3:050, the requirement of providing physical examinations to all clients within a residential treatment program and its corresponding cost will be eliminated. These programs may also experience a small increase in personnel cost in order to provide required services to family members.

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

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

(b) Reporting and paperwork requirements: In the first year there may be an increase in paperwork as agencies document the policies and procedures required in these standards.

(2) Effects on the promulgating administrative body: No significant impact.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:105. Residential transitional treatment.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that an agency operating a non-medical alcohol treatment and education center residential transitional treatment progam has minimum policies and procedures governing its program operation.

Section 1. Residential Transitional Treatment. In addition to the applicable requirements of the general program operation standards 902 KAR 3:090, the following specific standards shall be met if a residential transitional program is offered.

(1) The provision of individual and group counseling either directly or through cooperative arrangements.

(2) The program shall maintain an individual

clinical record for each client which contains:
(a) Intake information;
(b) A signed statement of client rights.
(c) A treatment plan which shall be completed within seven (7) days of admission and shall be reviewed by the house manager and the client at least monthly.
(d) A weekly summary of progress.
(e) An updated treatment plan, as appropriate.
(f) A discharge plan and date of discharge.
(3) The program shall document that all clients are either gainfully employed, actively pursuing employment, or participating in vocational educational/rehabilitation activities.
(4) There shall be written policies and procedures governing the use of alcohol and other drugs by clients.
(5) Provision shall be made for the utilization of community resources to provide the following support services as needed when they cannot be provided by the transitional service:
(a) Psychiatric supervision and consultation.
(b) Emergency medical and dental care.
(c) Social services to include inter-agency coordiantion, family services, referral for financial assistance, etc.
(d) Rehabilitiation services to include vocational guidance, counseling, job placement and coordination of vocational program information and activities.
(e) Dietary supervision and consultation.
(f) Recreation which shall include a program of creative activities for residents and the availability of recreational materials.
(6) Prior to the time of discharge clients shall receive assistance, if necessary, in establishing alternative living arrangements and scheduling outpatient counseling or other treatment activities. The final arrangements shall be noted in the discharge summary.
(7) Provision shall be made for an area where clients can meet with outside community service providers and self-help groups (e.g. AA, Al-Anon, etc.), who assist in fulfilling the goals and objectives of his/her treatment plan.
(8) Residential transitional programs shall include at least the following permanent staff:
(a) Unit manager who shall be responsible for the day-to-day management of the program, for implementation of program policies and procedures, include planning, coordination, and supervision of residence affairs.
(b) A relief person who can assume management responsibilities in the absence of the regular manager. This shall include vacation periods, sick leave, and normal off-duty hours.
(c) The program shall be staffed twenty-four (24) hours a day, seven (7) days a week.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that 7 residential transitional programs will be impacted by these standards.
(a) Direct and indirect costs or savings to those affected: Minimal impact
1. First year: In order to meet these standards there may be a small increase in cost related to the purchase of recreational equipment.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: No significant impact.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:110. Outpatient treatment.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that an agency offering a non-medical alcohol treatment and education center outpatient treatment program has minimum policies and procedures governing its operation.

Section 1. Outpatient Treatment. In addition to the applicable requirements of the general program operation standards 902 KAR 3:090, the following specific standards shall be met if an outpatient treatment program if offered.
(1) The program shall include, but not be limited to client assessment procedures, crisis intervention, individual and group therapy, family counseling, alcohol information, referral to other community resources, and follow-up.

(2) Upon admission, each client shall be assigned to a specific person who will have primary responsibility for developing and implementing a client's treatment plan.
(3) There shall be a written, individualized treatment plan completed by the third client visit.
(4) Staff shall conduct case conferences to review client progress every six (6) months and shall update the treatment plan if needed. The findings shall be documented in the client record.
(5) Exception. When the applicant for a non-medical alcohol treatment and education center license is a community mental health center, compliance with 902 KAR 20:091 shall suffice for meeting outpatient treatment standards set forth in this section.

DENNIS D. BOYD, Commissioner
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that 3 outpatient treatment programs will be impacted by these standards.
(a) Direct and indirect costs or savings to those affected: Minimal impact. Please see the RIA for 902 KAR 3:060 in regards to the impact of licensure fees.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: No significant impact.
(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: Please see the RIA for 902 KAR 3:060.
(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: KAR 20:091 duplicates much of the content of Section 1(1) through (6) of this regulation. This potential for duplication was removed by waiving the need for programs covered under 902 KAR 20:091 to comply with this regulation.
(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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:115. Day/night intensive outpatient treatment.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230
NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that an agency offering a non-medical alcohol treatment and education center day/night intensive outpatient treatment program has minimum policies and procedures governing its operation.

Section 1. Day/Night Intensive Outpatient Treatment. In addition to the applicable requirements of the general program operation standards 902 KAR 3:090, the following specific standards shall be met if a day/night intensive outpatient treatment program is offered.
(1) The program shall include, but not be limited to client assessment procedures, crisis intervention, individual and group therapy, family counseling, alcohol information, referral to other community resources, and follow-up.
(2) Upon admission, each client shall be assigned to a specific person who will have primary responsibility for developing and implementing a client's treatment plan.
(3) There shall be a written policy describing the typical phases of treatment, the amount of time involved and the therapeutic, rehabilitative activities included in each phase.
(4) There shall be written procedures describing a family treatment component.
(5) There shall be a written individualized treatment plan completed within five (5) calendar days of admission.
(6) Staff shall conduct case conferences to review client progress every two (2) weeks. The findings shall be documented in the case record.
(7) Educational services shall be provided for clients which give information about alcohol abuse and its effects, family involvement in the illness, coping and interpersonal relationship skills.
(8) Outpatient treatment programs serving adolescents shall meet day/night intensive outpatient treatment standards set forth in subsections (1) through (7) of this section in addition to the following:
(a) Documentation of attempts to obtain the active participation of the adolescent's family or family surrogate in the treatment process.
(b) Provision of treatment, literature, lectures, etc., which shall be age appropriate.
(c) The program shall provide recreational activities which shall be planned to develop

constructive leisure time activity skills and shall be documented in each client's treatment plan.

(d) Development of an aftercare plan which shall reflect consideration of aftercare issues unique to adolescents.

(9) Day/night intensive outpatient treatment programs utilizing host families. With the addition of specific standards set forth in the paragraphs below, all rules applying to day/night intensive outpatient treatment programs under subsections (1) through (8) of this section apply to day/night intensive outpatient treatment programs utilizing host families:

(a) A host family shall already have been the recipient of the program's education and/or treatment services prior to serving as a host family.

(b) Day/night intensive outpatient treatment programs utilizing host families shall establish standards for such homes. Such standards shall be approved by the cabinet and include at a minimum the following:

1. All homes shall be inspected initially and at least annually thereafter by the sponsoring program to assure that the physical condition and facilities within the home provide a sanitary and safe environment for the client. All homes shall be reinspected if there is a lapse in time when the home was not being used as a host family.

2. The host family shall provide on-site supervision to ensure care and maintenance of the health, safety and welfare of the client.

3. Provide timely and nutritious meals.

4. The maintenance of regular communication with the sponsoring program and the program shall be notified immediately in the event of an emergency or incident.

5. In the case of an emergency the host family may use physical restraint or seclusion on a client only if absolutely necessary to protect the client from injuring himself or others, but shall not use physical restraint or seclusion as punishment for the convenience of the host family, or as a substitute for activities. When such an incident occurs the sponsoring program shall be notified as soon as possible. The incident shall be documented in the client's record describing the reasons that physical restraint or seclusion was used, the clinical interventions utilized and the final resolution to the situation. All incidences of the alleged use of physical restraint or seclusion by the host family shall be fully investigated by program staff.

6. The sponsoring program shall be informed as soon as possible if the client leaves the host family without permission of the host parents or sponsoring program staff.

(c) The program shall provide all host families a phone number where in the event of an emergency, staff can be reached on a twenty-four (24) hour basis.

(d) A written agreement between the day/night intensive outpatient treatment program and the host family, signed by both parties, shall be executed, stating the responsibilities and liabilities of each party, including the requirements set forth in paragraph (b) of this subsection. The name, address and phone number of the host family shall be included in the agreement.

(e) The sponsoring program shall make available upon request, to designees of the Cabinet for Human Resources, records for each host family home utilized. These records shall contain at a minimum:

1. An agreement between the program director and the head of the host family, signed by both.

2. A copy of the host family home standards established by the sponsoring program.

3. Copies of the completed inspection reports signed by the sponsoring program inspector and the head of the host family.

(10) Exception. When alcohol abusers are receiving services within the type of program described in 902 KAR 20:091, Section 4, subsection (4)(a), compliance with said regulation shall suffice for meeting day/night intensive outpatient treatment standards set forth in this section.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that 12 day/night intensive outpatient treatment programs will be impacted by these standards.

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

1. First year: There is the potential for some increase in personnel costs for those programs that must meet the host families standards found in this regulation. This additional cost may be needed to address the requirements that the program inspect all homes for health and safety reasons that will be utilized as host familieis. Because this is a new licensure category additional licensure fees may be paid. However, as indicated in the RIA for 902 KAR 3:060 if such a day/night intensive outpatient treatment has already been licensed as a drug abuse treatment and education (DATE) center, it will not be required to pay a second set of licensure fees to be licensed as a non-medical alcohol treatment and education center.

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

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

(b) Reporting and paperwork requirements: Because this is a new program licensure category there will be a slight increase in paperwork initially as program policies are developed and documented in writing.

(2) Effects on the promulgating administrative body: Minimal impact.

(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: Because this is a new program licensure category there will be a slight increase in paperwork for licensing and regulation staff within the Cabinet for Human Resources related to documenting the findings of their licensure reviews as well as maintaining an updated directory of licensed service sites.

(3) Assessment of anticipated effect on state and local revenues: Because this is a new licensure category additional fees may be generated. However, as indicated in the RIA for 902 KAR 3:060 if such a day/night intensive outpatient treatment program has already been licensed as a drug abuse treatment and education (DATE) center, it will not be required to pay a second set of licensure fees to be licensed as a non-medical alcohol treatment and education center.

(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: There was the potential for duplication with 902 KAR 20:091, Section 4(4)(a) governing outpatient partial hospitalization services. This potential for duplication was eliminated by waiving the need for such programs covered under 902 KAR 20:091, Section 4(4)(a) to comply with this regulation.

(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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:120. Education.

RELATES TO: KRS 222.210 to 222.310
PURSUANT TO: KRS 194.050, 222.230

NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish licensure standards to assure that an agency offering a non-medical alcohol treatment and education center education program has minimum policies and procedures governing its program operation.

Section 1. Education. (1) For each alcohol abuse education program rendered there shall be documentation of the learning goals and objectives to assure that the program content is relevant to the needs of the target population.

(2) There shall be written policies and procedures for determining an individual or agency's suitability for participation in an education program.

(3) There shall be a mechanism for evaluating changes in the participant's knowledge and attitudes as a result of an alcohol abuse education program.

(4) Fee collection policy and procedures shall be written and posted.

(5) Participants shall be informed of his/her rights to confidentiality in compliance with federal regulations 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records."

(6) There shall be on-going training and supervision plan for education program staff that supports the attainment of the goals and objectives of the education programs.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that 14 education programs will be impacted by these standards.

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

1. First year: Because this is a new licensure category, additional licensure fees may be paid. However, as indicated in the RIA for 902 KAR 3:060 if such an education program has already been licensed as a drug abuse treatment and education (DATE) center, it will not be required to pay a second set of licensure fees to be licensed as a non-medical alcohol treatment and education center.

2. Continuing costs or savings: Minimal impact. Same as above in first year.

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

(b) Reporting and paperwork requirements: Because this is a new program licensure category there will be a slight increase in paperwork initially as program policies are developed and documented in writing.

(2) Effects on the promulgating administrative body: No significant impact.

(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: Because this is a new licensure category, additional fees may be generated. However, as indicated in the RIA for 902 KAR 3:060 if such an education program has already been licensed as a drug abuse treatment and education (DATE) center, it will not be required to pay a second set of licensure fees to be licensed as a non-medical alcohol

treatment and education center.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, rule, regulation or governmental 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:205. Definitions for drug abuse treatment and education (DATE) centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)
PURSUANT TO: KRS 194.050, 210.620
NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to define terms that are used in regulations adopted by the cabinet regarding facility standards for the operation of drug abuse treatment and education (DATE) center.

Section 1. Definitions. As pertaining to the cabinet's regulations regarding drug abuse treatment and education (DATE) centers unless the content otherwise requires:
(1) "Agency" means a legal entity that operates a drug abuse treatment and education (DATE) center.
(2) "Cabinet" means the Cabinet for Human Resources.
(3) "Client" means any individual that receives treatment services rendered in a drug abuse treatment and education (DATE) center such as residential rehabilitation or non-residential day care. Such an individual shall have a medical record that documents the nature of the services they are receiving.
(4) "Communication center or rap house" means a primary prevention program oriented toward youth with the goal of prevention of drug dependency. Such a center may make referrals to appropriate treatment facilities.
(5) "DATE center" means a drug abuse treatment and education center and includes the following: residential rehabilitation center, non-residential day care center, educational information center and communication center or rap house.
(6) "Day/night intensive outpatient treatment program" means the process of providing a structured program of services in an outpatient setting. Services shall be planned to be comprehensive in nature and intensive in the amount of time where client contact is prescribed. The day/night intensive outpatient treatment program shall offer therapeutic, educational and rehabilitative activities to individuals and their families experiencing problems involving drug abuse and dependency. The purpose of a day/night intensive outpatient treatment program shall be to provide a variety of diagnostic and treatment services according to a prescribed plan in an outpatient setting to drug abusers and their families, whose physical and emotional status allows them to function in their natural environment.
(7) "Detoxification program" means a residential facility providing short-term, supervised, non-medical withdrawal from drug induced intoxication. The purpose of such a detoxification program shall be to provide a supportive setting to help persons recover from acute withdrawal from drugs, wherein the motivation level of drug dependent persons can be raised to promote continued involvement in the recovery process. A detoxification program serves detoxification needs of persons without known serious physical or immediate psychiatric complications requiring medical attention. A detoxification program provides an opportunity to conduct an assessment of the client's need for further care resulting in a referral(s) to appropriate community resources for continued help with problems, for treatment, and for greater utilization of supportive community health agencies.
(8) "Drug" means any substance, not including alcohol, that when ingested into the human body has a psychoactive effect on the central nervous system.
(9) "Education program" means a structured learning process directed at increasing awareness, imparting knowledge, and changing attitudes and behaviors which involves a didactic exchange of information to individuals or groups regarding drug use and abuse. The purpose of an education program shall be to develop or increase competence of individuals, their families, service providers and others to make healthy decisions and help themselves or others in relation to drug abuse problems.
(10) "Educational information center" means an information center facility which offers education and information programs to drug dependent persons, their families, and to the general community, but which engages in no direct treatment. Such a center may make referrals to appropriate treatment facilities.
(11) "Host family" means a family unit other than an individual's natural family that is utilized by a licensed drug abuse treatment and education (DATE) center program to temporarily house an individual who is receiving non-medical drug treatment services in his/her program.
(12) "Non-residential day care center" means a facility offering therapeutic out-patient programs operated by trained professionals and para-professionals for treatment of drug dependent persons who are able to live in their own homes in the community.
(13) "Outpatient treatment program" means the process of providing non-residential drug abuse treatment services on both a scheduled and non-scheduled basis. Outpatient treatment offers therapeutic services for the treatment and rehabilitation of individuals with problems involving drug abuse. The purpose of outpatient treatment shall be to provide a variety of diagnostic and primary drug abuse treatment services. These services shall be provided in an outpatient setting according to a prescribed plan for persons abusing drugs and their families, whose physical and emotional status

allows them to function in their natural environment.

(14) "Primary prevention program" means a set of planned strategies directed to the general populaton and specifically identified groups for whom measures can be taken to avoid the onset of drug abuse related problems and to enhance his/her level of health. The purpose of a primary prevention program is to provide individuals with the information and skills necessary to make healthy decisions regarding the use/non-use of drugs as well as to influence environmental factors such as social policies and norms which will support healthy lifestyles.

(15) "Resident" means a person in a twenty-four (24) hour treatment facility.

(16) "Residential rehabilitation center" means a live-in facility operating twenty-four (24) hours a day, seven (7) days a week, staffed by professional and para-professional persons offering therapeutic programs for drug dependent persons. A residential rehabilitation center may include one (1) or more of the following types of twenty-four (24) hour programs: detoxification, residential and residential transitional period.

(17) "Residential transitional program" means a facility providing long-term residential accommodations in a therapeutic group setting for persons recovering from drug abuse and dependency. Programs of this nature shall be designed as a transition for persons recovering from drug abuse and dependency who are attempting social and vocational adjustments prior to returning to family or independent living within the community. Room and board are provided twenty-four (14) hours a day, seven (7) days a week.

(18) "Residential treatment program" means a program that provides a twenty-four (24) hour, seven (7) days a week structured environment for individuals with drug abuse problems. The program provides the structure necessary for the drug abuser to acquire the tools needed to function independently when returned to his/her natural environment and to maintain an abstinent lifestyle. The purpose of such a residential treatment program shall be to facilitate the rehabilitation of the drug abuser by placing him/her in an organized therapeutic environment in which he may receive diagnostic services, counseling, and peer support. Such programs shall also offer support services to a resident's family members in order to treat the problems of co-dependency. A residential treatment program enables drug abusers and their family members to change feelings, attitudes, and behavior in the direction of more effective and rewarding patterns of living.

Section 2. 902 KAR 3:200, Drug abuse treatment and education (DATE) centers, is repealed.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be eligible for drug abuse treatment and education (DATE) center licenses:
a. Seven detoxification programs;
b. Ten residential treatment programs;
c. Seven residential transistional programs;
d. Three outpatient treatment programs;
e. Twelve day/night intensive outpatient treatment programs;
f. Fourteen educational information centers; and
g. Sixteen communication centers - primary prevention program.

(a) Direct and indirect costs or savings to those affected: No impact. These definitions only provide clarifying information regarding the terms utilized throughout the drug abuse treatment and education (DATE) center regulations.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: No impact.

(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: No impact.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable

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

TIERING: Was tiering applied? No. Not applicable.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services

902 KAR 3:210. Licensing procedures, (DATE) centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)
PURSUANT TO: KRS 194.050, 210.620
NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines, and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to establish

standards for determining what types of programs must have a drug abuse treatment and education (DATE) center license to operate and the procedures for obtaining and maintaining such a license.

Section 1. Licensing and Approval Procedures. Applications for licensing, or waivers requesting exemptions from licensure standard(s) shall be obtained from and submitted to the Cabinet for Human Resources, Department for Mental Health and Mental Retardation Services, Division of Substance Abuse, 275 East Main Street, Frankfort, Kentucky 40601.

(1) Application for licensure shall be filed by all agencies operating a drug abuse treatment and education (DATE) center in the Commonwealth with the following exceptions:

(a) Group meetings organized among drug abusers, recovering addicts or drug abusers, families and others, held on a non-residential basis and without professional staff intervention, for the purpose of discussing problems related to use of drugs where no fee is involved.

(b) Transportation Cabinet, Alcohol Driver Education, pursuant to: KRS Chapter 189A and 601 KAR 13:050.

(c) Programs conducted in a facility established and maintained by a licensed hospital; nursing homes; and department, agency or institution of the federal government or the Commonwealth.

(d) All chemical dependency treatment services and facilities licensed under 902 KAR 20:160.

(2) The Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation shall conduct all licensure surveys to determine whether an agency's drug abuse treatment and education (DATE) center is in compliance with the applicable licensure standards.

(3) The cabinet shall notify the applicant agency for a drug abuse treatment and education (DATE) center license of any pending licensure action taken, and shall provide written reports citing observed deficiencies as they relate to the standards. A copy of this report shall be forwarded to the applicant agency. Upon receipt of this report the applicant agency must submit an acceptable plan of correction for cited deficiencies to the cabinet within ten (10) days.

(4) Licensure is not transferable. Both the license holder and the new operator shall be responsible to notify the cabinet when the agency possessing the drug abuse treatment and education (DATE) center license changes ownership or control or undergoes a major change in its capacity or in the category(ies) of programs offered, with disclosure of all factors involved in the change. If it is the decision of the cabinet that a reapplication is in order the applicant shall apply within twenty (20) days of notification by the cabinet. Failure to comply with these provisions shall result in loss of license.

(5) The cabinet shall be notified in writing prior to the merger of the agency possessing a drug abuse treatment and education (DATE) center license with another agency and an immediate request for licensure be filed with the cabinet. The merged agency's drug abuse treatment and education (DATE) center shall be surveyed within one (1) year of such notification. For the purposes of licensure, a merged agency shall be a legal entity with a single governing body, a single administration, a single staff, and, where applicable, a single set of bylaws, rules and regulations.

(6)(a) A certificate of licensure shall be provided to the agency operating the drug abuse treatment and education (DATE) center. The certificate shall specify all the programs provided by the agency surveyed, their location, and the year in which the license is granted.

(b) An agency may be provided additional certificates for its drug abuse treatment and education (DATE) center upon payment of the cost of reproduction. The certificate and all copies shall remain the property of the cabinet and shall be returned to the cabinet if the agency is issued a new certificate reflecting a change in name or programs for which it is licensed, or if the license is revoked for any cause.

(7) The cabinet shall publish on an annual basis a list of licensed drug abuse treatment and education (DATE) centers identifying types of programs and their locations and shall make it available to the public upon request.

(8) Licenses granted to agencies deemed responsible and suitable to carry out drug abuse treatment and education (DATE) center programs shall meet applicable standards and requirements for a period not exceeding one (1) year and renewable for a like period, and subject to revocation for cause.

(9) A drug abuse treatment and education (DATE) center license shall be issued to an agency that meets the required program standards. Such a license shall identify the type of drug abuse treatment and education (DATE) center licensed such as: residential rehabilitation center, non-residential day care center, educational information center and communication center for which they have been approved to provide. Each agency licensed shall receive a certificate indicating its approved status.

(10) Hearing procedures involving licenses shall be conducted in accordance with KRS 222.230(6).

(11) Licensure fees per drug abuse treatment and education (DATE) center shall be paid in accordance with KRS 210.620, Section 4. This statute requires that applications for a permit to operate a drug abuse treatment and education (DATE) center shall be accompanied by a fee of $100 and shall, excepting conditional permits, be renewable upon expiration and reapplication when accompanied by a renewal fee of fifty (50) dollars.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these licensing procedures: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; 12 day/night intensive outpatient treatment programs; 14 educational information centers; and sixteen communication centers - primary prevention programs.

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

1. First year: Minimal impact. It is estimated that the community mental health system statewide will experience an increase in licensure fees of $2,725. This cost increase occurs from several factors offsetting one another: a) the community mental health centers will be applying (as applicable) for licenses in the three new program categories of day/night intensive outpatient treatment program, educational information center and communication center; and b) that the community mental health centers will no longer need to obtain a drug abuse treatment and education (DATE) center license for outpatient services because they are already complying with 902 KAR 20:091.

Programs licensed as DATE centers other than the community mental health centers will experience no impact as a result of these licnesing procedures.

2. Continuing costs or savings: Minimal impact. In subsequent years the cost increase to the community mental health center systems statewide will be approximately $775 in licensure fees. The cost increase will be less in subsequent years because licensing renewal fees are only $50 as opposed to the initial licensing fee of $100.

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

(b) Reporting and paperwork requirements: A slight increase. Most community mental health centers will be applying for additional program licenses in the area of day/night intensive outpatient treatment program, educational information center and communication center. This will result in a slight increase in paperwork related to applying for the program licenses.

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Slight increase in paperwork related to community mental health centers applying for additional DATE licenses.

(3) Assessment of anticipated effect on state and local revenues: Minimal impact. There will be approximately $2,725 increase in revenue from licensure fees the first year and a $775 increase in the second and subsequent years.

(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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services

902 KAR 3:215. Organization and administration, (DATE) centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)

PURSUANT TO: KRS 194.050, 210.620

NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to establish licensure standards to assure that agencies offering drug abuse treatment and education (DATE) center programs have a governing authority, organizational structure, and minimum policies and procedures for administering such a program.

Section 1. Organization and Administration. (1) Every agency shall be organized so that overall fiscal and program responsibility shall be clearly established and this responsibility shall be vested in specifically designated individuals with authority to carry out such administrative duties. The source of this authority shall be documented.

(2) The governing authority shall provide written documentation of its source of authority through charter, constitution and bylaws and, where required, its state license.

(3) The governing authority shall exercise general direction and establish policies concerning the operation of the program. There shall be documentation of the methods and procedures used by the governing authority to exercise general direction and establish policies concerning the operation of the program. This documentation shall include the means by which the governing authority provides for the election or appointment of its officers and the appointment of committees necessary to affect the discharge of its responsibilities. The governing authority shall document the adoption of a schedule of meetings, attendance requirements, and minutes of all meetings.

(4) There shall be documentation verifying that the policies of the governing authority shall be reviewed and updated at least every two (2) years and that the policies shall be distributed to all staff.

(5) The governing authority shall document the delegation of authority and responsibility to an executive officer for the management of the agency.

(6) The governing authority or the chief officer shall provide a policy manual which describes the regulations, principles and guidelines that determine the agency's operation. There shall be documentation

verifying that this policy manual shall be reviewed and updated at least every two (2) years and shall be available to all staff.

(7) Exception. When the applicant for a drug abuse treatment and education (DATE) center license is a community mental health center, compliance with 902 KAR 6:030 and 902 KAR 20:091 shall suffice for meeting organization and administration standards set forth in subsections (1) through (6) of this section.

(8) Orientation and training for governing board members shall be provided annually on drug abuse treatment, education and primary prevention and documented in the minutes of the governing board meeting(s).

(9) Where drug abuse treatment and education and primary prevention programs are provided in the context of a general mental health agency, it shall be documented that within the governing board there are members whose primary interest is the treatment and education of drug abusers and the primary prevention of drug abuse.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these organization and administration standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; 12 day/night intensive outpatient treatment programs; 14 educational information centers; and 16 communication centers - primary prevention program.

(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: In the first year there may be some increase in paperwork as agencies document the policies and procedures required in these standards.

(2) Effects on the promulgating administrative body: No impact

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 902 KAR 6:030 and 902 KAR 20:091 duplicate Section 1, subsections (1) to (6) of this regulation. In order to reduce duplication, community mental health centers have been waived from complying with Section 1, subsections (1) to (6) of this regulation.

(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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and
Mental Retardation Services

902 KAR 3:220. Personnel policies, (DATE) centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)
PURSUANT TO: KRS 194.050, 210.620
NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to establish licensure standards to assure that agencies offering drug abuse treatment and education (DATE) center programs have minimum policies and procedures governing personnel operations.

Section 1. Personnel. (1) Policies shall be developed assuring that no employee or prospective employee shall be discriminated against solely on the basis of race, color, creed, sex, age, national origin, or prior history of substance abuse.

(2) There shall be written job descriptions for all positions setting forth the qualifications, reporting supervisor, positions supervised and duties.

(3) The written personnel policies and practices shall describe methods and procedures for the supervision of all personnel, including volunteers.

(4) The written personnel policies and practices shall include a mechanism consistent with due process for suspension and dismissal of an employee for cause.

(5) There shall be documentation of an employee's qualification for his/her position in the individual personnel file.

(6) The agency shall have documentation that all personnel meet applicable local, state, or federal requirements for credentialing, licensing, and/or registration in his/her profession.

(7) Exception. When the applicant for a drug abuse treatment and education (DATE) center license is a community mental health center, compliance with 902 KAR 6:030 and 902 KAR 20:091 shall suffice for meeting personnel standards set forth in subsections (1) to (6) of this

section.
(8) The program shall have a written policy and procedure for employees who have behavioral problems which interfere with acceptable job performance. The policy and procedure shall meet the following criteria:
(a) The policy and procedure shall specify the sequence of steps to be taken when unresolved performance problems arise.
(b) The policy and procedure shall identify the resources and time frames to be used in assisting an employee to deal with a personal/behavioral problem which interferes with job performance.
(c) There shall be documentation that these policies are distributed to all staff.
(9) There shall be policies and procedures governing employee access to his/her personnel file.
(10) Each employee shall receive an annual performance evaluation which shall be documented in his/her personnel file.
(11) All training attended by the employee shall be documented in the employee's personnel file.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these personnel standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; 12 day/night intensive outpatient treatment programs; 14 educational information centers; and 16 communication centers - primary prevention programs.
(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: There may be a minimal increase in paperwork primarily in the first year due to the development of personnel policies and procedures and documentation of training attended by employees.
(2) Effects on the promulgating administrative body: No impact
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 902 KAR 6:030 and 902 KAR 20:091 duplicate Section 1, subsections (1) to (6) of this regulation. In order to reduce duplication, community mental health centers have been waived from complying with Section 1, subsections (1) to (6) of this regulation.
(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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:225. Quality assurance, (DATE) centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)
PURSUANT TO: KRS 194.050, 210.620
NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to establish licensure standards to assure that agencies offering drug abuse treatment and education (DATE) center programs have minimum policies and procedures for reviewing quality of client care, and assuring staff competency.

Section 1. Quality Assurance. Every program shall have written policies and procedures for assuring the quality of services delivered. These policies and procedures shall address methods for reviewing appropriateness of client care and staff competency. Included in these policies and procedures shall be the following:
(1) There shall be written policies and procedures for periodic review of each service staff's caseload. These policies and procedures must at a minimum address the following:
(a) The quality of services shall be evaluated by members of the staff directly responsible for providing services.
(b) These procedures shall at a minimum have the capability to assess the appropriateness and clinical necessity of admissions as well as the accuracy, completeness and appropriateness of the treatment plan and outcome.
(c) The client care review shall occur at regularly scheduled intervals.
(d) A written record of such reviews shall be generated identifying inappropriate patterns of service and the recommended action for correcting the problem(s). Such report shall be submitted to an individual with overall responsibility within the agency for the

program's treatment services.

(e) Follow-up studies related to the corrective actions taken shall be completed within a reasonable period of time and the findings documented.

(2) There shall be staff development policies which assure that drug abuse counseling staff are provided on-going training and clinical supervision opportunities necessary to support his/her ability to carry out his/her expected job duties.

(3) Each drug abuse treatment and education (DATE) center treatment program shall have a designated clinical services supervisor who meets one (1) of the following sets of qualifications. Such qualifications will be documented in the personnel file of the clinical services supervisor.

(a) A person with a masters degree or greater in psychiatry, psychology, social work, nursing with a specialty in psychiatric/mental health nursing or other mental health program plus eighty (80) clock hours of training in chemical dependency treatment within a maximum of four (4) years prior to his/her employment. If the clinical services supervisor does not have the eighty (80) clock hours or any portion thereof, prior to his/her employment, he/she shall obtain the eighty (80) clock hours within two (2) years from the date of his/her employment. The clinical services supervisor shall maintain on an annual basis twenty (20) clock hours of continuing education in chemical dependency treatment.

(b) A person with less than a masters degree in:

1. Psychology;
2. Social work;
3. Nursing with specialty in psychiatric/ mental health nursing; or
4. Other mental health counseling program shall be either a certified chemical dependency counselor or have registered as a trainee with the intent to obtain the credential by May of 1991. Documentation of registration as a trainee is in the form of a certificate from the organization recognized by the Cabinet for Human Resources as the official certification body for chemical dependency counselors in Kentucky.

(4) All staff who have primary responsibility for developing and implementing treatment plans for drug abuse clients in residential treatment programs, licensed under residential rehabilitation, and all programs licensed under non-residential day care center shall meet one (1) of the following sets of qualifications. Such qualifications shall be documented in individual staff members personnel file.

(a) A person with a masters degree or greater in psychiatry, psychology, social work, nursing with a specialty in psychiatric/mental health nursing or other mental health program plus eighty (80) clock hours of training in chemical dependency treatment within a maximum of four (4) years prior to his/her employment. If the employee does not have the eighty (80) clock hours or any portion thereof, prior to his/her employment, he/she shall obtain the eighty (80) clock hours within two (2) years from the date of his/her employment. The employee shall maintain on an annual basis twenty (20) clock hours of continuing education in chemical dependency treatment.

(b) A person with less than a masters degree in:

1. Psychology;
2. Social work;
3. Nursing with a specialty in psychiatric/ mental health nursing; or
4. Other mental health counseling program shall be either a certified chemical dependency counselor or have registered as a trainee his/her intent to obtain the credidial. Documentation of registration as a trainee shall be in the form of a certificate from the organization recognized by the Cabinet for Human Resources as the official certification body for chemical dependency counselors in Kentucky plus documentation of training and supervision updated annually.

(5) Exception. When the applicant is applying for a drug abuse treatment and education (DATE) center license for an educational information center or communication center or rap house, compliance with 902 KAR 3:255 and 902 KAR 3:260 respectively shall suffice for meeting all of the standards set forth within this quality assurance section.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these quality assurance standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; and 12 day/night intensive outpatient treatment programs.

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

1. First year: It is estimated that approximately 90 program personnel in the affected programs, would fall into the category of having less than a masters degree. Approximately 20 percent are already certified chemical dependency counselors. In order for personnel to meet the standards, it is estimated that a total of approximately $78,000 would be spent on meeting training requirements and approximately $3,500 would be spent on trainee, certification application and renewal fees. The expenses related to training do not necessarily represent an increase over what is presently being spent to train staff. The expenses related to applying for certification would represent an increase for those staff who are not presently certified. These expenses may be absorbed by either individual staff members, the agency or both depending on agency policy.

It is estimated that approximately 70 program personnel in the affected programs would fall

into the category of having a masters degree or greater. In order for personnel to meet the standards, it is estimated that a total of $22,000 would be spent on meeting training requirements.

2. Continuing costs or savings: It is estimated that for those staff having less than a masters degree that during the second and subsequent years a greater number of staff will already be certified. Therefore, it is estimated that training costs will be somewhat less at approximately $56,000 per year. However, certification fees are estimated to be slightly more at $3,600 per year due to increased numbers paying renewal fees.

It is also estimated that for staff with a masters degree or greater that during the second and subsequent years a greater number will have already met the initial training requirements. Therefore, it is estimated that training costs will be somewhat less at approximately $19,000 per year.

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

(b) Reporting and paperwork requirements: There will be some increase in paperwork related to documenting staff credentials and training within the personnel files.

(2) Effects on the promulgating administrative body: No significant impact.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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: Please note that the cost impact related to certification and training for the quality assurance regulation in these drug abuse treatment and education (DATE) center standards as well as in the non-medical alcohol treatment and education center standards should only be viewed as a single impact. This results from the fact that staff covered under alcohol and drug programs are essentially the same individuals.

TIERING: Was tiering applied? No. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services

902 KAR 3:230. Client's rights, DATE centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)

PURSUANT TO: KRS 194.050, 210.620

NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to establish licensure standards to assure that agencies offering drug abuse treatment and education (DATE) center programs have minimum policies and procedures which protect an drug client's basic rights while enrolled in the program(s).

Section 1. Client's Rights. There shall be written policies and procedures designed to assure the human rights of all clients and to protect his/her right to receive confidential treatment. These written policies and procedures shall include but not be limited to the following standards:

(1) No client shall be unlawfully discriminated against in determining eligibility for treatment services.

(2) During a program's intake procedures, clients shall be given written documentation of his/her legal and human rights. These rights shall include but not be limited to the following:

(a) To give informed consent to treatment;

(b) To have input into his/her treatment plan and be informed of its content;

(c) To receive individualized treatment;

(d) To submit grievances, recommendations and opinions regarding his/her treatment;

(e) To give informed written consent regarding participation in human subject research;

(f) To receive confidential treatment in compliance with federal regulations 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records" and all pertinent state laws and regulations.

(3) Adults and juveniles admitted to treatment shall sign an informed consent to treatment.

(4) Twenty-four (24) hour residential programs shall have written documentation of a client's right to exercise civil duties (e.g., vote) in addition to those set forth in subsection (2) of this section.

(5) The document outlining client's rights shall be signed by each client indicating that they have reviewed and understood his/her rights. This signed document shall be placed in each client's medical record.

(6) When the exercising of a client right(s) is contraindicated by the client's condition, there shall be documentation in the client's medical record of the reasons for the restriction(s) imposed and of an explanation to the client.

(7) There shall be written policies and procedures regarding client access to his/her medical record.

(8) There shall be written policies and procedures regarding clients receiving or refusing visitors, phone calls or written communications while residing in the program. The client shall be informed of these policies and procedures in writing at the time of admission to the program.

(9) There shall be written policies and procedures for reviewing and responding to grievances, recommendations and opinions regarding a client's treatment and specifically includes mechanisms for review and disposition of allegations of neglect and abuse of clients. The policies and procedures shall include but not be limited to the following standards:

(a) Such communications and their disposition shall be documented in writing and placed in an

incident file;
(b) Such communications will be responded to in a timely manner and conveyed to an appropriate decision making level within the organization which has authority to take corrective action if indicated;
(c) Such policies and procedures shall be posted for client review.
(10) The program shall comply with KRS 620.030 regarding the reporting of cases of abuse or neglect of minors as communicated by clients. The initial reporting of cases of neglect and abuse for minors shall also be in compliance with Public Law 99-401. Requests for information beyond the initial report shall also be in compliance with federal regulations 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records."
(11) The program shall comply with KRS 209.030 regarding the reporting of cases of abuse and neglect of adults as communicated by clients. The reporting of such cases shall also be in compliance with 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records."
(12) Exception. When the applicant is applying for a drug abuse treatment and education (DATE) center license for an educational information center or communication center or rap house, compliance with 902 KAR 3:255 and 902 KAR 3:260 respectively shall suffice for meeting all of the standards set forth within this client's rights section.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these client's rights standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; and 12 day/night intensive outpatient treatment programs.
(a) Direct and indirect costs or savings to those affected: Minimal impact
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: In the first year there may be some increase in paperwork as agencies document the policies and procedures required in these standards. In addition, there is the requirement that each client sign a client's rights statement and that this document be placed in the medical record.
(2) Effects on the promulgating administrative body: No impact.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and
and Mental Retardation Services

902 KAR 3:235. Physical plant, DATE centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)
PURSUANT TO: KRS 194.050, 210.620
NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to establish licensure standards to assure that the site, size and design of the property and building utilized by drug abuse treatment and education (DATE) center programs shall be adequate for the immediate and projected program.

Section 1. Special Requirements for Residential Facilities. (1) There shall be at least one (1) toilet, one (1) lavatory and one (1) shower or tub for each eight (8) residents.
(2) Each client shall be provided a bed and proper bedding.
(3) There shall be the provision of adequate lighting, heating, heated water, ventilation, living space, dining facilities and pest control.
(4) There shall be adequate laundry facilities for residents, adequate recreation area, lounge and visiting space and sleeping areas.
(5) There shall be appropriate space to house personal belongings and adequate linen closets.
(6) Clients shall have a receptacle where personal property can be secured.
(7) Proper housekeeping and sanitation procedures shall be observed at all times and the building shall be kept in good repair.

Section 2. Compliance with Building Codes. All facilities, both residential and non-residential, shall be in compliance with current fire, safety and health standards which are established by state and local law and regulations, applicable to the particular facility.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these physical plant standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; 12 day/night intensive outpatient treatment programs; and 14 educational information centers; 16 communication center - primary prevention programs.
(a) Direct and indirect costs or savings to those affected: No impact
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: No impact.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:240. General program operations, DATE centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)
PURSUANT TO: KRS 194.050, 210.620

NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to establish licensure standards to assure that any agency offering programs within a residential rehabilitation center or non-residential day care center have minimum policies and procedures governing clinical practices.

Section 1. General Program Operation. Each residential rehabilitation center and non-residential day care center program component addressed in 902 KAR 3:245 to 902 KAR 3:250 shall meet the following standards:
(1) Each licensed program shall have a written program description including philosophy, mission, objectives, lines of authority and staffing patterns.
(2) Each licensed program shall document that they have an evaluation system which measures the degree to which they meet current program goals and objectives.
(3) Admission, readmission, transfer, discharge and referral policies and procedures shall be established in writing. Such policies and procedures shall include the categories of individuals accepted and not accepted by the program.
(4) Programs shall have documented prearranged medical agreements for the provision of emergency medical care.
(5) Written procedures shall be established and implemented to ensure continuity of referrals between intake points and other service elements whether within or outside of the agency.
(6) Clients shall receive an orientation to the services they are to receive which includes information on the philosopy, purpose, clients' rights, the rules governing clients' conduct and types of infractions that can result in disciplinary action or discharge, and information on all costs and fees for service and responsibility for payment of those fees.
(7) Treatment programs shall have a uniform client records system to document and monitor client care:
(a) A case record shall be maintained for each individual receiving services.
(b) Client records shall be retained a minimum of five (5) years after clients are terminated.
(c) Each treatment program shall have a written protocol describing records accessibility, security, storage, uniformity, authorized use and disposal.
(d) A client record shall contain, at a minimum, documentation of intake information, signed statement of client rights, psycho-social assessment, treatment plan, progress in treatment, review/revision of treatment plan, aftercare plan and discharge summary. In addition, programs shall document confidentiality agreements, referrals, medical services, and staffing/case consultation, as necessary.
(8) Any twenty-four (24) hour drug abuse treatment and education (DATE) center treatment program and day/night intensive outpatient program shall implement specific policies and procedures on the use of medications by its clients while participating in the program. The policies and procedures shall include the

following:
(a) A policy on self-administration of over-the-counter medications by clients.
(b) That all drugs and medications shall be locked in a secure location not accessible to clients.
(c) A policy on the self-administration of medication(s) which require a licensed physician's prescription. This policy shall address prescribed medications brought with the client upon admission as well as those medications prescribed while a client is in the program. At a minimum this policy shall require that all prescriptions the client enters the program with are verified with a physician to assure there are no contraindications with the treatment plan.
(d) That medications shall be made available to clients only at the time they are to be taken.
(e) An entry shall be made into the client's medical record documenting the self-administration of medication and shall indicate:
1. The name appearing on the container of the medication being self-administered;
2. The date and time of self-administration;
3. Dosage or amount of medication self-administered;
4. Name of staff monitoring self-administration of medication by client.
(9) The program shall establish and implement controls over client labor within the program. These controls shall meet the following criteria:
(a) The work shall be part of the client's treatment plan.
(b) The work shall be performed voluntarily with full, written consent from the client.
(c) If the client is functioning in a paid position within the program there shall be a written job description that includes length of time per day on the job, and the wages received. Such wages shall be commensurate with the economic value of the work.
(d) The work shall be in accordance with local, state and federal laws and regulations.
(10) Any twenty-four (24) hour drug abuse treatment and education (DATE) center treatment program shall have a written plan describing the organization and delivery of dietetic services to include:
(a) Compliance with the Kentucky Food Service Code, 902 KAR 45:005; current state and local laws; and regulations applicable to the particular facility.
(b) Provisions for meeting needs of clients with special dietary requirements. Special dietetic treatment shall be documented in the client record.
(c) There shall be provisions for snacks.
(11) Exception. When the applicant is applying for a residential rehabilitation center license for a detoxification or residential transitional program, compliance with 902 KAR 3:245, Sections 1(3) and 3(2) shall suffice for meeting the general program operation standard set forth in subsection (7)(d) of this section.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
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PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by the general program operations standards: 7 detoxification programs; 10 residential treatment programs; 7 residential transitional programs; 3 outpatient treatment programs; and 12 day/night intensive outpatient treatment programs.
(a) Direct and indirect costs or savings to those affected: Minimal impact
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: In the first year there may be an increase in paperwork as agencies document the policies and procedures required in these standards. There will be a slight increase in paperwork on an on-going basis related to documenting client self-administration of medications.
(2) Effects on the promulgating administrative body: No significant impact.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:245. Residential rehabilitation centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)
PURSUANT TO: KRS 194.050, 210.620
NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse

treatment and education (DATE) centers. The purpose of this regulation is to establish licensure standards to assure that an agency operating a residential rehabilitation center has minimum policies and procedures governing the program operations of one (1) or more of the following twenty-four (24) hour programs: detoxification, residential and residential transitional.

Section 1. Detoxification. In addition to the applicable requirements of general program operation standards, 902 KAR 3:240, the following specific standards shall be met if a detoxification program is offered:

(1) Each client admitted to the social setting detoxification treatment program shall be assessed within twenty-four (24) hours of admission to determine whether there is a life-threatening emergency, distinguished between intoxification and withdrawal, estimate the severity of whichever is present, and determine insofar as possible, whether there are any other major problems (e.g., medical, psychiatric, etc.) that need immediate attention.

(2) When required, medical services shall be provided through referral or on-call arrangement with qualified medical organizations or physicians.

(3) A client record shall be kept on each client receiving detoxification services. Each record shall contain at a minimum the following pieces of information. Any reasons for the absence of such information shall be documented in the clinical record.

(a) Intake information completed within seventy-two (72) hours of admission and shall contain the presenting problem; alcohol/drug use and problem history; history of previous treatment; and history of medical problems including delirium tremens, seizures, heart disease, and liver disease.

(b) Signed statement of client rights.

(c) An individualized detoxification services plan prepared and maintained on a current basis for each client. A treatment protocol may be used in lieu of an individualized service plan. Individual case exceptions to the treatment protocol shall be documented in the clinical record.

(d) A discharge summary that identifies referral arrangements for the client after he/she leaves the program.

(4) The pulse and blood pressure of each client shall be monitored and recorded at least three (3) times daily for at least the first seventy-two (72) hours after admission.

(5) Educational and counseling activities shall be conducted on a daily basis by a drug counselor to motivate clients to continue in treatment beyond the detoxification services. Clients shall be involved in these activities as soon as warranted by his/her recovery process.

(6) Detoxification programs shall refer clients to an appropriate treatment resource upon completion of the detoxification process.

(7) The program shall be responsible for the referral of clients for services not provided by the agency. Such services may include housing, food, vocational rehabilitation, treatment or legal services.

(8) The total number of staff members shall include no less than five (5) staff and one (1) unit manager, at least two (2) of whom shall be on duty during hours of peak admission. To permit program flexibility, no specific staff/client ratio shall be required, however, the program shall provide assurance that staff is sufficient and appropriate to meet the needs of clients in the program.

(9) The program shall be staffed twenty-four (24) hours a day, seven (7) days a week.

(10) Training required.

(a) Each staff member shall have training in drug emergency procedures and shall receive a minimum of twelve (12) hours of first-aid training techniques, including cardiopulmonary resuscitation, prior to working alone on the unit.

(b) Training in taking vital signs (blood pressure, pulse, respiration and temperature).

(c) Training in the recognition of drug abuse, assessment of the degree of intoxication and the physical and mental complications of these conditions.

(d) Training in the knowledge of local community referral sources.

(e) Within one (1) year of employment every staff member shall have received thirty (30) clock hours of training in alcohol or drug abuse.

(f) All training attended by the employee shall be documented in the employee's personnel file.

Section 2. Residential Treatment. In addition to the applicable requirements of the general program operation standards, 902 KAR 3:240, the following specific standards shall be met if a residential treatment program is offered:

(1) Each program shall make available to its clients the following services: intake, psycho-social assessment, health status questionnaire, treatment planning, individual and group counseling, family counseling, educational services, spiritual counseling, recreational and leisure time activities, aftercare planning, referral, introduction to Narcotics Anonymous, Alcoholics Anonymous, Al-Anon and other voluntary self-help groups.

(2) Upon admission, each client shall be assigned to a specific staff person who will have primary responsibility for developing and implementing the client's treatment plan.

(3) There shall be documentation in the client record of the following:

(a) A treatment plan completed within five (5) calendar days of admission.

(b) Staff shall conduct case conferences to review client progress every two (2) weeks and the findings shall be documented in the client record.

(c) An aftercare plan shall be developed with the client's participation to plan for post discharge activities.

(4) When required, medical services shall be provided through referral or on-call arrangement with qualified medical organizations or physicians.

(5) Programs shall make available or arrange for provision of at least forty (40) hours of documented, structured activities per client each week, including weekends. These structured activities shall be a combination of formal education, group and individual counseling, group discussions, self-help meetings and recreation activities. Of this forty (40) hours, ten (10) hours shall be used solely for the provision of treatment and counseling services.

(6) There shall be written procedures describing a family treatment component.

(7) There shall be written policies and procedures governing the use of alcohol and other drugs by clients in the residential program.

(8) Films, audio cassettes and literature shall be available to the client.

(9) The program shall provide an area in which clients can meet with outside community service providers and self-help groups (e.g., Narcotics Anonymous, AA, etc.) who assist in fulfilling the goals and objectives of his/her treatment plan.

(10) If the program serves only adolescent clients the following additional standards shall be met:

(a) Documentation of attempts to obtain the active participation of the adolescent's family or family surrogate in the treatment process.

(b) The program shall assure that the client receives educational services to meet the schooling needs of the client while residing in the residential program.

(c) Provision of treatment, literature, lectures, etc., which shall be age appropriate.

(d) The program shall provide recreational activities which shall be planned to develop constructive leisure time activity skills and shall be documented in each client's treatment plan.

(e) Development of an aftercare plan which shall reflect consideration of aftercare issues unique to adolescents.

(11) The program shall have a full-time staff of at least ten (10) persons including the unit manager per forty (40) clients. This staffing pattern may be reduced by one (1) staff for every reduction per ten (10) residents.

(12) An interim manager with similar qualifications to the resident manager shall assume responsibility in the manager's absence.

(13) The program shall be staffed twenty-four (24) hours a day, seven (7) days a week.

Section 3. Residential Transitional Treatment. In addition to the applicable requirements of the general program operation standards, 902 KAR 3:240, the following specific standards shall be met if a residential transitional program is offered:

(1) The provision of individual and group counseling either directly or through cooperative arrangements.

(2) The program shall maintain an individual clinical record for each client which contains:

(a) Intake information.

(b) A signed statement of client rights.

(c) A treatment plan which shall be completed within seven (7) days of admission and shall be reviewed by the house manager and the client at least monthly.

(d) A weekly summary of progress.

(e) An updated treatment plan, as appropriate.

(f) A discharge plan and date of discharge.

(3) The program shall document that all clients are either gainfully employed, actively pursuing employment, or participating in vocational educational/rehabilitation activities.

(4) There shall be written policies and procedures governing the use of alcohol and other drugs by clients.

(5) Provision shall be made for the utilization of community resources to provide the following support services as needed when they cannot be provided by the transitional service:

(a) Psychiatric supervision and consultation.

(b) Emergency medical and dental care.

(c) Social services to include inter-agency coordination, family services, referral for financial assistance, etc.

(d) Rehabilitation services to include vocational guidance, counseling, job placement and coordination of vocational program information and activities.

(e) Dietary supervision and consultation.

(f) Recreation which shall include a program of creative activities and the availability of recreational materials.

(6) Prior to the time of discharge clients shall receive assistance, if necessary, in establishing alternative living arrangements and scheduling outpatient counseling or other treatment activities. The final arrangements shall be noted in the discharge summary.

(7) Provision shall be made for an area where clients can meet with outside community service providers and self-help groups (e.g., Narcotics Anonymous, AA, etc.), who assist in fulfilling the goals and objectives of his/her treatment plan.

(8) Residential transitional programs shall include at least the following permanent staff:

(a) Unit manager who shall be responsible for the day-to-day management of the program, for implementation of program policies and procedures, including planning, coordination, and supervision of residence affairs.

(b) A relief person who can assume management responsibilities in the absence of the regular manager. This shall include vacation periods, sick leave, and normal off-duty hours.

(c) The program shall be staffed twenty-four (24) hours a day, seven (7) days a week.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that the following types and numbers of programs will be impacted by these residential rehabiliation standards: 7 detoxification programs; 10 residential treatment programs; and 7 residential transitional programs.

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

1. First year: There may be a slight increase in costs for detoxification programs related to staff obtaining the training required in those standards. In addition, during the first year there may be a small expenditure of funds to purchase equipment for taking blood pressure.

There may be a small increase in personnel

cost for residential treatment programs in order to provide required services to family members.

With the repeal of 902 KAR 3:050, the requirement of providing physical examinations to all clients within a residential treatment program and its corresponding cost will be eliminated.

There may be a small increase in cost related to the purchase of recreational equipment to meet standards in residential transitional programs.

2. Continuing costs or savings: Most of the costs or savings will be on-going with the exception of the equipment costs previously discussed.

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

(b) Reporting and paperwork requirements: In the first year there may be an increase in paperwork as agencies document the policies and procedures required in these standards.

(2) Effects on the promulgating administrative body: No significant impact.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:250. Non-residential day care centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)

PURSUANT TO: KRS 194.050, 210.620

NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. the purpose of this regulation is to establish licensure standards to assure that an agency offering a non-residential day care center has minimum policies and procedures governing the operations of outpatient programs.

Section 1. Outpatient Treatment. In addition to the applicable requirements of the general program operation standards, 902 KAR 3:240, the following specific standards shall be met if an outpatient treatment program is offered:

(1) The program shall include, but not be limited to client assessment procedures, crisis intervention, individual and group therapy, family counseling, drug information, referral to other community resources, and follow-up.

(2) Upon admission, each client shall be assigned to a specific staff person who will have primary responsibility for developing and implementing the client's treatment plan.

(3) There shall be a written, individualized treatment plan completed by the third client visit.

(4) Staff shall conduct case conferences to review client progress every six (6) months and shall update the treatment plan if needed. The findings shall be documented in the client record.

(5) When such a program includes the provision of methadone, the program must also comply with federal regulation 21 CFR 291.505.

(6) Exception. When the applicant for a drug abuse treatment and education (DATE) center license is a community mental health center, compliance with 902 KAR 20:091 shall suffice for meeting outpatient treatment standards set forth in this section.

Section 2. Day/night Intensive Outpatient Treatment Program. In addition to the applicable requirements of the general program operation standards, 902 KAR 3:240, the following specific standards shall be met if a day/night intensive outpatient treatment program is offered:

(1) The program shall include, but not be limited to client assessment procedures, crisis intervention, individual and group therapy, family counseling, drug information, referral to other community sources, and follow-up.

(2) Upon admission, each client shall be assigned to a specific staff person who will have primary responsibility for developing and implementing the client's treatment plan.

(3) There shall be a written policy describing the typical phases of treatment, the amount of time involved and the therapeutic, rehabilitative activities included in each phase.

(4) There shall be written procedures describing a family treatment component.

(5) There shall be a written individualized treatment plan completed within five (5) calendar days of admission.

(6) Staff shall conduct case conferences to review client progress every two (2) weeks. The findings shall be documented in the case record.

(7) Educational services shall be provided for clients which give information about drug abuse and its effects, family involvement in the illness, coping and interpersonal relationship skills.

(8) Outpatient treatment programs serving adolescents shall meet day-night intensive outpatient treatment standards set forth in subsections (1) to (7) of this section in addition to the following:

(a) Documentation of attempts to obtain the active participation of the adolescent's family or family surrogate in the treatment process.

(b) Provision of treatment, literature, lectures, etc., which shall be age appropriate.

(c) The program shall provide recreational activities which shall be planned to develop constructive leisure time activity skills and shall be documented in each client's treatment plan.

(d) Development of an aftercare plan which shall reflect consideration of aftercare issues

unique to adolescents.

(9) Day/night intensive outpatient treatment programs utilizing host families. With the addition of specific standards set forth in this section, all rules applying to day/night intensive outpatient treatment programs under subsections (1) to (8) of this section apply to day/night intensive outpatient treatment programs utilizing host families:

(a) A host family shall already have been the recipient of the program's education and/or treatment services prior to serving as a host family.

(b) Day/night intensive outpatient treatment programs utilizing host families shall establish standards for such homes. Such standards shall be approved by the cabinet and include at a minimum the following:

1. All homes shall be inspected initially and at least annually thereafter by the sponsoring program to assure that the physical condition and facilities within the home provide a sanitary and safe environment for the client. All homes shall be reinspected if there is a lapse in time when the home was not being used as a host family.

2. The host family shall provide on-site supervision to ensure care and maintenance of the health, safety and welfare of the client.

3. Provide timely and nutritious meals.

4. The maintenance of regular communication with the sponsoring program and the program shall be notified immediately in the event of an emergency or incident.

5. In the case of an emergency the host family may use physical restraint or seclusion on a client only if absolutely necessary to protect the client from injuring himself or others, but shall not use physical restraint or seclusion as punishment for the convenience of the host family, or as a substitute for activities. When such an incident occurs the sponsoring program shall be notified as soon as possible. The incident shall be documented in the client's record describing the reasons that physical restraint or seclusion was used, the clinical interventions utilized and the final resolution to the situation. All incidences of the alleged use of physical restraint or seclusion by the host family shall be fully investigated by program staff.

6. The sponsoring program shall be informed as soon as possible if the client leaves the host family without permission of the host parents or sponsoring program staff.

(c) The program shall provide all host families a phone number where in the event of an emergency, staff can be reached on a twenty-four (24) hour basis.

(d) A written agreement between the day/night intensive outpatient treatment program and the host family, signed by both parties, shall be executed, stating the responsibilities and liabilities of each party, including the requirements set forth in paragraph (b) of this subsection. The name, address and phone number of the host family shall be included in the agreement.

(e) The sponsoring program shall make available upon request, to designees of the Cabinet for Human Resources, records for each host family home utilized. These records shall contain at a minimum:

1. An agreement between the program director and the head of the host family, signed by both.

2. A copy of the host family home standards established by the sponsoring program.

3. Copies of the completed inspection reports signed by the sponsoring program inspector and the head of the host family.

(10) Exception. When drug abusers are receiving services within the type of program described in 902 KAR 20:091, Section 4(4)(a), compliance with said regulation shall suffice for meeting day/night intensive outpatient treatment standards set forth in this section.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend

(1) Type and number of entities affected: It is estimated that 3 outpatient treatment programs and 12 day/night intensive outpatient treatment programs will be impacted by these standards.

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

1. First year: There is the potential for some increase in personnel costs for those programs that must meet the host family standards found in Section 2 of this regulation. This additional cost may be needed to address the requirements that the program inspect all homes for health and safety reasons that will be utilized as host families. For information on the impact of fees for this licensure category, please see the regulatory impact analysis for 902 KAR 3:210.

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

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

(b) Reporting and paperwork requirements: In the first year there may be an increase in paperwork as agencies document the policies and procedures required in these standards.

(2) Effects on the promulgating administrative body: Minimal impact.

(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: The day/night intensive outpatient treatment program discussed in Section 2 of this regulation is a new program category. Because it is new, there will be a slight increase in paperwork for the licensing and regulation staff within the Cabinet for Human Resources related to documenting the findings of their licensure reviews as well as maintaining an updated directory of licensed service sites.

(3) Assessment of anticipated effect on state

and local revenues: Please see the regulatory impact analysis for 902 KAR 3:210.
(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: 902 KAR 20:091 duplicates much of the content of Section 1(1) to (6) of this regulation. This potential for duplication was removed by waiving the need for programs covered under 902 KAR 20:091 to comply with this regulation. There is also the potential for Section 2 of this regulation duplicating 902 KAR 20:091, Section 4(4)(a) governing outpatient partial hospitalization services. This potential for duplication was eliminated by waiving the need for such programs covered under 902 KAR 20:091, Section 4(4)(a) to comply with this regulation.
(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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and and Mental Retardation Services

902 KAR 3:255. Educational information centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)
PURSUANT TO: KRS 194.050, 210.620
NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to establish licensure standards to assure that an agency offering an educational information center has minimum policies and procedures governing the operations of an education program.

Section 1. Educational Information Center Standards. (1) For each drug abuse education program rendered there shall be documentation of the learning goals and objectives to assure that the program content is relevant to the needs of the target population.
(2) There shall be written policies and procedures for determining an individual or agency's suitability for participation in an education program.
(3) There shall be a mechanism for evaluating changes in the participants knowledge and attitudes as a result of a drug abuse education program.
(4) Fee collection policy and procedures shall be written and posted.
(5) Participants shall be informed of his/her rights to confidentiality in compliance with federal regulations 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records."
(6) There shall be a written on-going training and supervision plan for drug abuse education staff that supports the attainment of the goals and objectives of the education programs.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that 14 education programs will be impacted by these standards.
(a) Direct and indirect costs or savings to those affected: Minimal impact.
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: In the first year there may be an increase in paperwork as agencies document the policies and procedures required in these standards.
(2) Effects on the promulgating administrative body: Minimal impact.
(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: It is anticipated that there will be an increase in programs applying for this licensure category. Therefore, licensing and regulation staff within the Cabinet for Human Resources may experience a slight increase in paperwork related to documenting the findings of their program reviews as well as maintaining an updated directory of licensed service sites.
(3) Assessment of anticipated effect on state and local revenues: Please see regulatory impact anlaysis for 902 KAR 3:210.
(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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and
and Mental Retardation Services

902 KAR 3:260. Communication centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)
PURSUANT TO: KRS 194.050, 210.620
NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to establish licensure standards to assure that an agency offering communication center services has minimum policies and procedures governing the operations of a primary prevention program.

Section 1. Primary Prevention. (1) There is an identifiable administrative unit responsible for provision of prevention services which meet the following criteria:
(a) Lines of authority for personnel utilized in these services are clearly defined.
(b) A staff member has been clearly designated as responsible for the prevention program.
(2) The prevention program has written policies and procedures governing the activities and services to include: mechanism for assessing community needs; the program planning procedure; involvement of other community groups and agencies, including procedures for responding to requests and coordinating efforts with other community groups and agencies.
(3) There shall be written policies and procedures for determining an individual or agency's suitability for participation in a primary prevention program.
(4) The prevention program has a written program plan which addresses at a minimum community needs assessment, program philosophy and mission, goals and objectives, identified target populations and program methodology.
(5) The prevention program has a written plan for working with relevant community groups, agencies, and volunteers to assist them in developing and implementing prevention programs to allow for internalization and continuity of prevention efforts within the community.
(6) The prevention program has written procedures for evaluating the overall effectiveness of its services.
(7) The prevention program shall maintain standardized records for evaluation purposes.
(8) There shall be a written on-going training and supervision plan for drug abuse primary prevention staff that supports the attainment of the goals and objectives of the primary prevention programs.

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 8, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for August 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 August 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: Michael E. Townsend
(1) Type and number of entities affected: It is estimated that 16 communiation center - primary prevention programs will be impacted by these standards.
(a) Direct and indirect costs or savings to those affected: Minimal impact
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: During the first year in particular there may be an increase in paperwork as agencies document the policies and procedures required in these standards. Some paperwork will be continuous, such as updating the prevention program plan and maintaining standardized records for evaluation purposes. Such on-going paperwork requirements are necessary for quality assurance purposes.
(2) Effects on the promulgating administrative body: Minimal impact.
(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: It is anticipated that there will be an increase in programs applying for this licensure category. Therefore, licensing and regulation staff within the Cabinet for Human Resources may experience a slight increase in paperwork related to documenting the findings of their program reviews as well as maintaining an updated directory of licensed service sites.
(3) Assessment of anticipated effect on state and local revenues: Please see the regulatory impact analysis for 902 KAR 3:210.
(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. There is no disproportionate impact on any class of those regulated. Each and every requirement is necessary to meet the intent of the regulations.

CABINET FOR HUMAN RESOURCES
Department for Employment Services

903 KAR 6:060. Confidentiality of records of the Department for Employment Services.

RELATES TO: KRS 195.020, 195.040
PURSUANT TO: KRS 194.050, 194.060
NECESSITY AND FUNCTION: The Cabinet for Human Resources is authorized by KRS 194.060 to develop and to adopt regulations to protect the confidential nature of records and reports which directly or indirectly identify a client or

former client of programs administered by the cabinet. The function of this regulation is to designate certain records of the cabinet's Department for Employment Services as confidential in order to encourage full disclosure of information on the part of job applicants and employers and to provide guidelines to employment service personnel in responding to requests for information.

Section 1. The following documents and records pertaining to the cabinet's implementation of the Job Training Partnership Act (JTPA) in Kentucky are deemed confidential and not subject to disclosure by the Department for Employment Services:
(1) JTPA-1, application form.
(2) JTPA-20, verification of eligibility form and related source documents.

Section 2. Department for Employment Services Records other than JTPA. The Cabinet for Human Resources, Department for Employment Services has determined the following records to be confidential and not subject to disclosure:
(1) ES-507, temporary application form for selected employers.
(2) ES-508, job referral card.
(3) ES-511, application card.
(4) ES-514, job order form.
(5) ES-518, test record card.
(6) ES-519, test record card.
(7) ES-614, counseling record and employability plan.

Section 3. Access to records of the Division of Unemployment Insurance shall be governed by the provision of KRS 341.190.

Section 4. Sharing of Information as Authorized by Law. Nothing in this regulation shall prohibit the sharing of confidential information in accordance with KRS 194.060(2) and 341.190.

JAMES P. DANIELS, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 7, 1987
FILED WITH LRC: July 14, 1987 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on August 21, 1987 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by August 16, 1987: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Commissioner James P. Daniels
(1) Type and number of entities affected: All job applicants and employers placing job orders (undetermined number). All department personnel (approximately 1200).
(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: None
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements:
(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: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments:
TIERING: Was tiering applied? No. N/A

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Program Management

905 KAR 1:200. Alternative to detention shelters - non-secure facilities operated as child caring agencies or institution.

RELATES TO: KRS 199.640 through 199.670
PURSUANT TO: KRS 194.050, 199.645
NECESSITY AND FUNCTION: This regulation implements minimum standards for alternatives to detention shelters. KRS 199.645 directs the Cabinet for Human Resources to implement regulations which specifically address child-caring facilities and child-placing agencies that provide non-secure care for children during the pre-adjudication phase. The function of this regulation is to establish policies and procedures to carry out this mandate.

Section 1. Definitions. (1) "Alternative to detention shelter" means a facility operated as a child-caring agency or institution which provides non-secure residential care on a twenty-four (24) hour basis for children, not related by blood, adoption or marriage to the person maintaining the facility, during the pre-adjudication and predisposition phases of proceedings under the Unified Juvenile Code.
(2) "Cabinet" means the Cabinet for Human Resources.
(3) "Child" means any person who has not reached his 18th birthday.
(4) "Executive director" means the agency and/or facility administrator who may be entitled "administrator," "manager," "superintendent," and the like.
(5) "Advisory committee" means a group, association or committee which counsels or recommends regarding the institution's or agency's services and programs.
(6) "Board of directors" means that group which is by law or charter delegated with the responsibility for governing and overall supervision of the agency or facility.

Section 2. Administration. (1) Applications for a license shall be submitted to the Division of Licensing and Regulation within the cabinet.
(2) An alternative to detention shelter

facility shall provide the following information when applying for a license, and annually thereafter (if there are any changes) as a part of the annual required inspection:

(a) The name, address, and telephone number of the agency or facility.

(b) The geographic area to be served.

(c) The maximum number of children for whom care will be provided.

(d) A copy of the articles of incorporation for all private agencies or a copy of the statute authorizing creation of any public agency.

(e) A copy of the constitution and bylaws.

(f) A statement of the purposes, objectives, scope of services to be provided, intake policy specifying kinds of children to be accepted for care, and conditions under which a child will be discharged or transferred.

(g) A list of officers, board members, and advisory committee members if any, including addresses and professions or occupations.

(h) A financial statement for the previous fiscal year plus a budget for the coming year.

(i) A list of all staff including position titles, qualifications and salary scale.

(3) Every facility shall comply with all applicable federal and state regulations in regard to program operations. Application for licensure shall be made to the cabinet.

(4) The number for which the facility is licensed shall be based on available space, adequacy of program, staff, and equipment. At no time shall the number of children served, including any children in residence other than clients of the alternatives to detention shelter program, exceed the number for which the facility is licensed, except for emergency situations not to exceed one (1) week. Census shall not exceed licensed capacity by more than twenty-five (25) percent in such situations.

(5) Each license shall be issued for a specific physical location and for operation by a designated executive director and/or sponsoring organization.

(6) Licenses are not transferable.

(7) If any circumstances covered by the license as enumerated above change, such change shall be reported promptly to the cabinet.

(8) Every facility shall post its license in a conspicuous place.

(9) Every alternative to detention shelter except those operated by state or local government, shall have a board of directors consisting of a minimum of five (5) members, the majority of whom must be residents of Kentucky; and they shall reflect a broad cross-section of the area served.

(10) The board of directors shall meet at least quarterly in every calendar year. Minutes of these meetings shall be taken and kept in written form.

(11) At least one (1) board of directors' meeting shall be held at the facility in every calendar year.

(12) The facility shall be required to maintain the following records relating to financial affairs:

(a) An annual budget which shall reflect anticipated needs and goals as well as resources for meeting these needs and goals.

(b) An annual audit by an independent accounting firm or certified public accountant.

(13) Financial reports shall be submitted to the board, or governing body, at least quarterly.

(14) All fiscal policies shall be written and shall be in conformance with a standard and acceptable system of internal fiscal controls.

(15) All staff and board members having responsibility for funds of the facility shall be bonded in an amount equal to the gross funds handled in a three (3) month period.

(16) There shall be a written policy for cash disbursements. This shall include what amounts of money may be expended in cash, who shall authorize such payments, and what reporting is necessary to account for such expenditures.

(17) The facility shall be required to keep work sheets or time schedules for all employees.

(18) Each facility shall maintain written policies on purchasing and receiving procedures. This shall include a listing of persons authorized to purchase and those authorized to sign for deliveries.

(19) Each facility shall have a written policy for inventory control and methods of conducting inventory. Primarily, this shall cover how items are accounted for within the facility.

(20) The facility shall have a means of meeting financial responsibility for liability. This shall cover all children, visitors, and employees of the facility.

(21) The facility shall have an employee who shall be designated executive director.

(22) The executive director of the facility shall have a combination of at least four (4) years of college, in social work, sociology, psychology, education or a related field, and of experience in child welfare, with a minimum of two (2) years of college. The executive director shall be of good moral character attested to by three (3) written references at the time of employment.

(23) The duties of the executive director shall be determined by the board of directors and shall include, but shall not be limited to the following responsibilities:

(a) Select, employ, and terminate staff;

(b) Plan and coordinate all phases of the program and services within the framework of functions and policies established by the board of directors;

(c) Provide professional help to the board of directors in carrying out their responsibilities, interpreting to them the needs of the children, making recommendations when a change of policy seems desirable and assisting them in periodic evaluation of the facility's or agency's service;

(d) Supervise the preparation of an annual budget for board consideration.

(e) Keep the board informed of financial needs;

(f) Operate within the established budget;

(g) Attend board meetings;

(h) Provide orientation for all new employees and continuing training for all staff; and

(i) Delegate appropriate duties to other staff.

(24) Incident reports shall be completed and filed on all unusual events such as injuries, accidents, uncontrollable behavior, runaways, alleged or possible child abuse.

(25) Incidents of alleged or possible child abuse shall be reported to the Department for Social Services, pursuant to KRS Chapter 620.

Section 3. Personnel and Volunteers. (1) Staff members, including both paid employees and volunteers, shall be at least eighteen (18) years of age unless under direct supervision of other staff.

(2) There shall be a sufficient number of staff to perform effectively the tasks required by the program and services of the facility.

(3) Each member of the staff shall be selected on the basis of both written and oral information. Such information obtained by oral means shall be written into that employee's record for future reference. Criteria to be used for selection are:

(a) Education, training, and experience required to perform the particular job. Direct child care staff shall meet the minimum educational requirement of a high school diploma or G.E.D.

(b) Age as it affects physical energy and the capacity to learn.

(c) Willingness to work with others and to share responsibility.

(d) Mental and physical ability to provide good care, maintain responsibile supervision and stimulate normal development.

(4) Staff shall have current practical knowledge of first aid and CPR.

(5) Volunteers who perform similar functions as paid staff shall meet the same requirements and qualifications.

(6) There shall be a certification of freedom from communicable diseases for each employee and volunteer prior to employment or service.

(7) A personnel record shall be maintained on each employee which shall contain the name of the employee, date, and place of birth, education, training, Social Security number, health record, positions(s) and name of previous employers, date or current employment, a signed withholding tax form, present home address, an annual written job evaluation made by the immediate supervisor, and if terminated the date and reason for termination.

(8) The facility shall maintain such written information as job descriptions, qualifications for each position, salary ranges, the basis upon which increments are given, work schedules, policy regarding vacations, sick leave, and educational leave, method of hiring, promotion, resignation, suspension, leave of absence, termination, grievance procedures, and lines of authority and shall make these available to all employees.

(9) The facility shall insure, insofar as possible, that no person is employed who has previously been convicted of a felony related to child abuse or neglect or who is currently under indictment for or legally charged with felonious conduct which may affect his relationship with children adversely, and any employee under indictment or legally charged with felonious conduct which may affect their relationship with children shall be immediately removed from any contact with children within the facility until such time the person is cleared of the charge.

(10) When an alternative to detention shelter operates under the auspices of a licensed facility or agency also operating a child caring or child placing program, the executive director of that facility or agency may also be the director of the alternative to detention shelter provided that there is evidence that the duties delineated herein have been adequately performed.

(11) Minimum staff to child ratios during the children's non-sleeping hours, and when children are present in the facility or on its grounds, shall be:

(a) One (1) staff person in attendance for each six (6) children (or less) in a group of children six (6) years of age or older.

(b) There shall be at least one (1) staff member awake and on duty during the children's sleeping hours. At no time shall children be left without supervision.

(12) The facility shall make provisions for relief personnel. No staff member shall work more than six (6) consecutive days without at least twenty-four (24) consecutive hours off.

Section 4. Training and Staff Development. (1) The facility shall have a staff development program for the administrative, professional, volunteer, and support personnel.

(2) Records of attendance at workshops, conferences, and academic sources related to work responsibilities shall be kept on all employees.

(3) Staff development programs shall reflect training in programmatic aspects of the facility and shall contribute toward the preparation of personnel for greater responsibility and promotions.

(4) The staff development program shall be under the supervision of a designated staff member, who is qualified by training and/or experience to adequately carry out this responsibility.

Section 5. Intake, Classification, Admission Procedures, Recordkeeping, Programs and Services. (1) Every facility shall maintain individual case records on each child.

(a) All records and reports regarding clients shall be current and complete insofar as possible.

(b) All available identifying data shall be placed on an intake form. Changes in a client's identifying data shall be made as is appropriate.

(c) Written communications with appropriate courts and community workers shall be maintained in the case record.

(2) Client case records shall be kept in locked files.

(3) Counseling services as needed or appropriate are provided through agreements or arrangements with local resources.

(4) Any report required by the cabinet or any information necessary to compile reports by the cabinet shall be kept and the information made available to the cabinet upon request.

(5) All information concerning children, their parents, relatives or guardian shall be kept in strict confidence by th staff, except for sharing information with individuals who are personally or professionally responsible for the well-being of the child.

(6) Intake service shall be provided twenty-four (24) hours daily and seven (7) days per week.

Section 6. Programs and Services. (1) Daily program activities shall be provided with emphasis on the child's physical, intellectual, emotional, and social growth. Individual needs and development needs and developmental levels of the children in care must be considered.

(2) Children shall not be made solely responsible for the day-to-day cleaning and maintenance functions of the facility but may assist in such work by individual assignments appropriate to age and functional level.

(3) Clothing.

(a) An adequate supply of clothing shall be provided for each child while living in the

facility.
(b) Donated clothing shall be selected with utmost care to avoid use of shoddy, soiled garments, or outmoded styles. Previously worn shoes shall not be used.
(4) Personal hygiene.
(a) Staff shall expect children to maintain acceptable standards of modesty and respect for the privacy of others.
(b) Each child shall be provided his own articles of personal hygiene such as toothbrush, comb, hairbrush, wash cloth, towel, razor, toothpaste, shaving cream and deodorant.
(5) Recreation, leisure and social life.
(a) Each child's birthday shall be celebrated.
(b) Traditional holidays shall be celebrated in a fitting manner.
(c) Children shall have access to reading materials suitable for the age group served.
(6) Religion.
(a) The religious beliefs and rights of children shall be respected.
(b) Children shall not be coerced to participate in religious activities.
(7) Education.
(a) All children of school age shall attend an accredited school, or be tutored by a certified teacher under the supervision of the local school system, in accordance with or as required by existing laws.
(b) Sufficient time and appropriate facilities shall be provided for quiet study after school hours.

Section 7. Medical and Health Services. (1) Each child on admission to an alternative to detention shelter shall have a medical screening, including communicable disease screening, using a form approved by a physician and administered by staff persons trained in its use.
(2) No child known to have, or suspected of having, a communicable disease shall be placed with other children unless there has been consultation with a physician who has determined that this can be done without hazard to the other children.
(3) A licensed physician shall be available to attend to acute and emergency medical needs of the children.
(4) All children remaining in the facility longer than three (3) working days shall have a physical examination made by, or under the supervision of, and countersigned by, a licensed physician within five (5) days of admission, unless the child within the previous thirty (30) days has had an examination, and the report of the examination is made available; and, provided that the child during this period of time has been continuously under the care or supervision of the Department for Social Services or a licensed child caring or child placing agency.
(5) All mediations administered by the staff shall be on orders of a physician and charted. Medications shall be kept in a locked cabinet or closet. Controlled substances must be double locked.

Section 8. Food Services. (1) All children shall be served nutritious meals meeting the dietary allowance of the Food and Nutrition Board of the National Research Council, which include foods from the four (4) basic food groups. Adequate amounts shall accommodate the needs of the children as to age, sex, and activity of each in care.
(2) Children shall be encouraged to eat the food served.
(3) All foods served to a child on a modified diet as prescribed by a physician shall in all other respects adhere to the dietary regulations as stated.
(4) At least three (3) meals a day shall be served at regular intervals except when children receive their morning and/or noon meal(s) at school.
(5) No more than fourteen (14) hours shall lapse between the evening and morning meals.
(6) Nourishing between-meal snacks, recorded on the menu, shall be provided and may be part of the daily food requirements, but shall not replace regular meals.
(7) In menu planning, provisions shall be made for religious, ethnic, and cultural differences of the children served.
(8) Sufficient time shall be allotted for meals so that the eating of meals is not hurried.
(9) No child shall be denied food which is necessary for daily nutritional requirements or forced to eat any food as a means of punishment.
(10) All milk and milk products utilized in the facility shall be obtained from sources approved by the Cabinet for Human Resources, and shall be pasteurized.
(11) Cool, potable drinking water shall be available to all children at all times.
(12) Foods shall be prepared by appropriate methods that will preserve their nutritive value and heighten their flavor and appearance.
(13) Children and staff members who eat with them shall be served the same food unless differences in age or special dietary needs are factors.
(14) Food service shall be planned to promote physical, social and mental development.
(a) Table service shall be provided for all those capable of eating at a table in a manner to best serve the interests of the children. Tables and chairs shall be at heights appropriate to the size of the children served. They shall be constructed of material that can be easily sanitized.
(b) Children who have not had opportunities to learn how to handle food with the usual table service shall be managed in such a way that they will not be embarrassed or subjected to the ridicule of other children.
(15) Menus shall be planned at least one (1) week in advance, dated, posted and kept on file for at least three (3) months. Any substitution that is made shall be recorded.
(16) Use of donated home processed foods is prohibited.

Section 9. Residents Rights and Communications. (1) Every admission to the facility shall be without regard to race, creed, color or national origin.
(2) Personal possessions.
(a) Each child shall be allowed to bring personal possessions with him to the facility, to the extent that storage space is available in the facility.
(b) If an allowance is given, it shall be scaled to the child's age and similar to what other children in the community receive. There shall be no restrictions placed on use of such monies.
(c) Such allowances shall not be withheld as punishment; however, reasonable deductions may

be made in such allowances in cases where damages have been caused by the child.

(3) Contacts between residents and their parents or guardians shall be encouraged and facilitated. Visiting hours shall be posted, with exceptions to be made by the person in charge for extenuating circumstances.

(4) A telephone shall be made accessible to residents for the purpose of contacting parents or guardians or representatives of social welfare agencies or court systems.

(5) Materials for written communications shall be made available to residents.

(6) Neither incoming or outgoing mail shall be read or censored without a court order.

(7) Promotional use of children.

(a) Exploitation of children for promotional purposes is prohibited.

(b) Children shall not be used in any manner in which they or their family could suffer discomfort or embarrassment.

(c) Children shall not be used personally for fund raising purposes for the facility.

(d) In the event pictures, slides, recordings, or other private and personal effects of children are utilized in fund raising or promotional efforts of facilities, written parental permission or a court order shall be obtained.

Section 10. Security and Control; Rules and Discipline. (1) Exterior doors may be locked at night to prevent unauthorized entry by uninvited members of the community, but all residents and staff must be able to open them from the inside without a key in the event of an emergency.

(2) Discipline. Disciplinary methods shall be designed and implemented through positive guidance to help the individual child develop self-control and assume responsibility for his acts. The facility shall:

(a) Establish simple and consistent rules both for children and staff that set the limits of behavior.

(b) The seclusion of a child in a locked room shall be prohibited.

(c) No child shall be separated from the group any longer than is required to produce a therapeutic effect.

(d) In no instance shall cruel, unusual punishment or demeaning and humiliating discipline be used. This includes the use of spanking, paddling, or slapping a child. Extreme misbehavior shall be dealt with in other more acceptable forms of discipline. The abuse statutes KRS 199.335, 208.020(4) and (5), and 208.990(5) and (6) or their successor statutes shall be observed. In no incidences shall the child be subjected to harsh or corporal physical discipline no shall any method of discipline be used that is threatening, shaming or frightening. Profane or abusive language shall not be used.

(e) Children shall not be denied food which is necessary for daily nutritional requirements or forced to eat any food as a means of discipline.

(f) No child shall be forced to participate in any group exercises or activities as a punitive measure.

(g) Children placed in time-out rooms or areas shall be in sight or sound of an adult at all times and shall be checked at regular intervals.

(h) Work or chore assignments shall not be used solely as a form of punishment.

Section 11. Physical Plant; Sanitation and Hygiene; Safety and Emergency Procedures. (1) The facility shall have access to schools, churches, shopping facilities, and other community resources, including local facilities and services of the court system.

(2) The facility shall be of sound construction, and suitable for residential use. It shall have at least six (6) but not more than twenty (20) beds for children.

(3) Each child shall have adequate personal living space in the sleeping area, exclusive of kitchen, hallways, offices, baths, living rooms, storage areas, recreation areas, and dining areas.

(4) The building shall be dry, adequately heated, ventilated, and lighted; windows, doors, stoves, heaters, furnaces, pipes, and ventilating fans shall be protected; screening shall be provided for windows which are opened to admit outside air and for doors which are left open in warm weather; and floors shall be free from splinters and easily cleaned. All types of gas heaters and stoves shall be properly ventilated.

(5) A recreation and activities area with comfortable furnishings in sufficient quantity to accommodate the number of children and adults using it at any one time shall be provided. An outside recreational area adjacent to the facility shall also be provided. This outside area shall be fenced, if there is through traffic on a street or streets adjoining the playground.

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

(7) There shall be separate sleeping quarters for boys and girls.

(8) There shall be separate toilet and bath facilities for boys and girls, or, in a small facility with only one (1) central toilet and bath, there shall be a posted plan or schedule for its use which provides for privacy and the separation of the sexes. Individual wash cloths, towels, toothbrushes and dentifrice shall be provided.

(9) All children shall be served at the same time. All tables used for food service shall have surfaces that are clean and free of cracks.

(10) The facilities and grounds shall be well maintained, in a clean, orderly and hazard-free manner.

(11) Existing buildings shall be brought into and maintained in compliance with administrative regulation 815 KAR 10:020, and with the applicable fire safety code.

(12) Plans and specifications for new construction or substantial alteration shall be approved prior to construction by health and fire safety officials having jurisdiction.

(13) Every facility or agency shall maintain a current written emergency fire plan and diagrams, including evacuation routes and procedures and locations of fire extinguishers, which shall be conspicuously posted and reviewed by all personnel and children at least quarterly. Emergency telephone numbers shall be conspicuously placed by the telephone(s).

(14) Emergency plans shall consider suitable shelters in case of severe storm warnings, flash flooding and tornados.

(15) Toxic and combustible materials shall be

kept stored in accordance with National Fire Safety Codes and away from the youth.

(16) Sewage, electrical and plumbing installations and systems shall comply with applicable state and local codes and regulations.

(17) There shall be office space suitable to the needs of the program and services and one (1) or more rooms for private interviewing.

(18) The kitchen and all kitchen equipment shall be kept in a clean, orderly and sanitary manner, and in compliance with the relevant sections of the State Food Service Code.

(19) There shall be at least one (1) toilet for each eight (8) or less, children; one (1) lavatory for each six (6), or less, children; and, one (1) tub or shower for each ten (10), or less, children.

Section 12. Release Preparation and Transfer Plans. In the event a child is not removed from the facility within the period of time specified in the facility's intake policies, or within thirty (30) days, whichever is the shorter period of time, the facility director and the representative of the court shall advise the court and assist, as possible and appropriate, in making other plans for the child. These actions, and any plan developed, shall be made a part of the child's record at the facility.

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 2, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on August 21, 1987 at 9 a.m. in the Department for Health Services, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by August 16, 1987: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eugenia Jump

(1) Type and number of entities affected: All facilities caring for children who are licensed as an alternative to detention shelters - statewide.

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

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: Initial application for licensure and annual application for renewal of license.

(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: Will require annual inspections and issuance of licenses by Licensing and Regulation.

(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: Facilities may apply for licensure under this regulation as well as under 905 KAR 1:071 and 905 KAR 1:091 when providing more than one service.

(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. Applies statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Family Services

905 KAR 1:210. Alternative to detention; court resource home.

RELATES TO: KRS 199.645
PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: KRS 199.645 requires the cabinet to establish regulations and standards for non-secure alternatives to detention for children in pre-adjudicative status. The function of this regulation is to set minimum standards for all court resource homes.

Section 1. Scope of Operations and Services. Court resource homes, operated and maintained as alternatives to detention, provide temporary custodial care and supervision on a twenty-four (24) hour basis for children against whom public and/or status offense petitions are pending, and whose cases are awaiting disposition by district courts. Court resource homes may also be utilized by the court or law enforcement personnel for those children requiring emergency shelter, regardless of whether or not status and/or public offense petitions are pending against them. Services may include emergency medical and/or psychological care as required.

Section 2. Definitions. (1) "Children" means those persons under the age of eighteen (18) against whom a status and/or pubic offense petition is pending, and who are placed in a court resource home as an alternative to detention; or those persons under the age of eighteen (18) against whom status or public offense petitions may or may not be pending, who require emergency shelter, and are placed in a court resource home by law enforcement personnel as an alternative to detention.

(2) "Court resource home" means a private, single-family residence which meets the specifications contained herein and is approved by the agency.

(3) "House parents" means the adult persons living in the court resource home who meet the qualifications specified herein and are approved by the agency.

(4) "Applicant" means the adult(s) who has made application to the agency to operate a court resource home pursuant to the provisions contained herein.

(5) "Court" means the juvenile session of the district court including the court designated worker, with jurisdiction of children placed in a court resource home.

(6) "Administering agency" means the state agency responsible for developing a system of alternatives to detention: court resource homes. The administering agency may enter into agreements with local agencies for program supervision and monitoring.

(7) "Local agency" means the agency that approves, administers and monitors on a local level the application of court resource home regulations. This local agency could be the court designated worker, Cabinet for Human Resources, a local unit of government, other public or private agency, or other responsible person designated by the court who agrees to supervise children prior to the disposition of their case.

Section 3. Qualifications of House Parents. (1) House parents shall be persons of reputable character who possess personal qualities of maturity, stability, flexibility, ability to cope with stress, and the ability to give and receive affection relative to the children placed in their court resource home. They shall be willing and able to cooperate with the local agency and the court in providing proper care and supervision for children.

(2) Criminal records.

(a) Applicants and other adults residing in the household must authorize the release of criminal records to the local agency;

(b) Households having an adult family household member currently in prison, charged with a crime, or on parole/probation, will not be approved by the local agency;

(c) Applicants with felony convictions as adults will not be approved by the local agency;

(d) Applicants with misdemeanor offenses will not be approved. The local agency may make exceptions to this requirement, provided written documentation is placed in the record as to extenuating circumstances which make the applicants' household appropriate for the care of children; and

(e) Applicants will not be approved if children in the home (other than the children as defined herein) have petitions pending against them in district court, and/or if they have a history of involvement with the district court due to dependency, status, or public offense petitions. Exceptions to this requirement may be made by the local agency, provided written documentation is placed in the record as to extenuating circumstances which make the applicants' household appropriate for children.

(3) Age requirements. House parent applicants must be at least twenty-one (21) years of age. In studying the applicants, the local agency shall consider their ages as it affects their physical energy, flexibility, and ability to care for children.

(4) Income and employment.

(a) Applicants shall have sufficient income for maintaining their own family, so as to preclude dependence upon income generated by children placed in their home. Such income shall be sufficient to meet the family's needs and provide for its financial security. Exceptions may be made by the local agency, provided documentation justifying the exception is included in appropriate records;

(b) Applicants shall not care for unrelated adults on a commercial basis, nor be licensed and accepting children for day care, at the same time they are functioning as approved house parents; and

(c) At least one (1) house parent applicant shall not be employed outside the home. However, the local agency may make exceptions to this requirement, based on the ages and behavioral characteristics of the children to be placed in the home, hours worked by the applicants, and their ability to make suitable alternative plans for the care and supervision of the children placed in the home.

(5) Marital status.

(a) The local agency may approve single house parents if their circumstances are such as to justify approval. The local agency shall include written justification for the approval of single house parents in appropriate records;

(b) Married applicants shall have been married for at least one (1) year prior to their initial application to become house parents, and their relationship shall have been continuous and stable during this period of time. However, exceptions to this requirement may be made by the local agency if circumstances permit, and written justification for the exception is included in appropriate records;

(c) Single persons living together, but not married, cannot be approved as house parents. However, exceptions may be granted by the local agency, provided that written justification for the approval is included in appropriate records;

(d) Approved house parents shall immediately notify the local agency of any change in marital status; and

(e) The local agency, upon receipt of any notification made pursuant to paragraph (d) of this subsection, shall immediately conduct a review of the court resource home to determine if it continues to be approved for the care and supervision of children.

(6) Medical status.

(a) House parent applicants shall provide the local agency with the health history of each member of the household, including physical and mental health services received, and information regarding any household member taking psychotropic medication; and

(b) Applicants shall provide the local agency with a statement from a properly licensed physician verifying that each member of the household is free of any communicable diseases, specific illnesses, and/or any disabilities which may interfere with the applicant family's capability to care for children. The physician shall have examined members of the applicants' household during the year immediately preceding the date of application to become agency house parents.

Section 4. Application Process. (1) Applicants shall provide the local agency with three (3) personal references and one (1) credit reference. Personal references must attest to the applicants' character and ability to properly care for children.

(a) References shall include an immediate neighbor and a current or former employer, if possible; and

(b) No more than one (1) personal reference shall be a relative of the applicants.

(2) Applicants shall report to the local agency any history of child-care for unrelated children, or association with child-caring organizations, and provide the names of individuals who can serve as references regarding these associations, if the local

agency considers this information significant.

(3) The local agency shall conduct telephone or face-to-face interviews with references. If there is any question as to the propriety of applicants, then face-to-face interviews shall be conducted with references, if possible.

(4) Adult children of applicants shall be interviewed face-to-face by the local agency if they reside in the community. If they reside outside the community, they may be interviewed by telephone.

Section 5. Selection of House Parents. (1) The local agency shall be responsible for approving the applicants' home as acceptable for children based upon a study made of the home. The study shall be conducted by planned interviews and home visits by a local agency worker.

(2) Applicants must provide information to the local agency in regard to any history of reports of child abuse/neglect made regarding family members, as well as reports of spouse abuse.

(3) The home study shall include personal interviews with all members of the applicants' household.

(4) To be approved by the local agency, house parent applicants shall meet all the requirements contained in Section 3, and elsewhere, of this regulation.

(5) Children shall not be placed by the local agency court, or law enforcement personnel in court resource homes which have not received the local agency's prior approval.

Section 6. Agency Contract with Approved House Parents. The local agency shall have a written agreement, signed by the approved house parents and by a designated agency representative, prior to placing a child into the court resource home. The agreement shall clearly delineate the respective responsibilities and expectations of the local agency and the house parents, and shall specify the rate at which the house parents are to be reimbursed by the local agency. It should be understood that this agency agreement does not preclude the court resource home from developing a contract or written agreement with a fiscal court for funding at an established rate by other sources for other children.

Section 7. Agency Evaluation and Supervision of Approved Court Resource Homes. (1) All approved court resource homes shall be evaluated at least annually by the local agency. The local agency shall maintain the results of these evaluations in files maintained on each approved court resource home. These files shall be available for periodic review by the administering agency.

(2) The local agency shall maintain continuing supervision of court resource homes and the children placed in them, and shall assure that children are receiving the care, supervision, and services they require.

(3) Once applicants have been approved, any subsequent change in their circumstances will require the local agency to review the court resource home to determine if it continues to be appropriate for children. These changes include, but are not limited to, marital status, significant decrease in income, etc.

(4) The local agency shall submit a summary of its findings in regard to the reviews and evaluations required by this section to courts utilizing the court resource homes as alternatives to detention. Such reports to the courts shall include any information required to keep the court informed as to the status of the court resource homes.

(5) House parents shall cooperate with the local agency in the agency's ongoing monitoring and supervision of their court resource homes, and the children placed in them.

(6) Court resource homes may be closed at the discretion of the local agency. Reasons for closure may include, but are not limited to:

(a) Sexual abuse or exploitation;

(b) Physical or emotional injury or abuse;

(c) Consistent lack of affection, care, or supervision;

(d) Court resource home environment not conducive to acceptable standards of child-care; and

(e) Consistent violation of agency court resource home policies.

(7) The local agency shall conduct a review of a court resource home as soon as practicable in the event of any of the following:

(a) Death or disability of a family member;

(b) Separation, divorce, or marriage of house parent(s);

(c) Substantial decrease in, or loss of, income; and

(d) Birth of a child; and

(e) Allegation(s) of abuse/neglect of child(ren) of which the agency is aware.

(8) Courts utilizing the court resource homes as an alternative to detention shall be notified by the local agency as soon as practicable of their closure or of any other circumstances which may effect the judges' use of the home.

Section 8. House Parent Reimbursement. The local agency shall devise policies and procedures which provide for timely payment of house parents by the local agency at the rate(s) specified in the written agreement required by Section 6 of this regulation, including special payments for children's clothing and personal toilet/grooming articles.

Section 9. Physical Facilities. (1) The court resource homes shall present no hazards to the safety of children. Physical standards shall be sufficient to assure the safety and well-being of all occupants.

(2) Court resource homes shall be accessible to schools, recreational facilities, medical facilities, and any other resources required by children.

(3) Court resource homes shall be comparable in condition and style to other homes in the immediate area in which they are located.

(4) Court resource homes shall have properly functioning and maintained plumbing, including at least one (1) flush toilet, one (1) wash basin with running water, and one (1) bath or shower with hot and cold running water, which affords privacy.

(5) Court resource homes shall have at least two (2) doors which provide unrestricted exits in case of fire emergency. Occupied bedrooms shall not be locked from the outside.

(6) House parents shall develop fire emergency procedures, approved by the local agency, including unrestricted means of egress in the event of fire emergencies. House parents shall brief all children on the emergency fire procedures and the identified means of egress.

(7) Court resource homes shall have sufficient living or family room space, comfortably furnished, and accessible to all family members, including children placed in the home.

(8) The bedroom or sleeping areas of children placed in the court resource homes shall not be in an attic or basement, unless the attic or basement has been properly renovated, and the house parents or their natural children have a bedroom in these areas. The local agency may make exceptions to this requirement, with documentation in appropriate records as to the rationale for granting the exception(s).

(9) The court resource home shall have sufficient bedroom or sleeping space to allow children adequate living space. No more than four (4) children may share a bedroom, and they shall be of the same gender.

(10) Each child placed in the court resource home shall have his/her individual place to sleep that is appropriate to his/her height and weight, including all appropriate bedding, which shall be maintained in a state of repair and cleanliness.

(11) House parents shall have a bedroom separate from those of children placed in their home, but not so far removed as to prevent adequate supervision of children.

Section 10. Sanitation and Hygiene. (1) Housekeeping and cleanliness standards of the court resource home shall be acceptable to the local agency.

(2) Physical standards of court resource homes shall be those which are generally accepted as necessary for occupants' health and safety, including:

(a) A continuous supply of clean safe drinking water;

(b) An adequate supply of hot water for bathing and dishwashing purposes; and

(c) A premises free of rodents, insects, and other vermin.

(3) House parents shall provide children placed in their homes with items necessary for personal hygiene and grooming.

(4) Court resource homes shall be well-ventilated and adequately heated, with provisions for adequate cooling in summer months, either with air conditioners, fans or other means of providing proper circulation of fresh air.

Section 11. Safety and Emergency Requirements. (1) The house parents shall have a properly maintained and functioning telephone, and shall post in a clearly visible location near the telephone, emergency telephone numbers, including, but not limited to, fire and police departments, ambulance and rescue services, designated local agency staff, poison control centers, etc.

(2) All poisonous chemicals and cleaning materials, and other dangerous materials, shall be properly stored.

(3) Firearms and ammunition shall be kept in separate locked locations accessible only to the house parents or other responsible adults in the household.

(4) First aid supplies shall be available and stored in a location readily accessible to occupants of the court resource home.

(5) The court resource home shall be free from fire hazards, such as faulty electrical cords and appliances, unsafe fireplaces, stoves, and chimneys, and accumulations of clutter and refuse.

(6) Court resource homes shall have operating smoke alarms within ten (10) feet of each bedroom or sleeping area, and a Class ABC fire extinguisher in the cooking area.

(7) Combustible items shall be stored away from sources of heat.

(8) Mobile homes shall be properly anchored to assure their structural integrity in high winds.

(9) All vehicles used to transport children shall be maintained and operated in a proper manner and in compliance with all applicable motor vehicle laws, including insurance requirements. All drivers of such vehicles shall have a valid and current driver's license, including proper insurance coverage.

(10) House parents shall notify the local agency as soon as practicable of illness, accidents, injury, or any unusual circumstances affecting the health, safety, physical and emotional well-being of children placed in their home. Upon receipt of this information, the local agency shall notify the judge with jurisdiction of the child(ren).

Section 12. Food Service. (1) House parents shall provide children with nutritious meals adequate to meet their daily nutritional requirements.

(2) House parents shall provide for any special dietary needs of children placed in their homes.

Section 13. Training of House Parents. Ongoing pre-service and in-service training programs for court resource homes shall be provided by the local agency, or if available, by the administering agency. Such training shall be designed to teach house parents to properly care for and supervise children from diverse backgrounds and races, and with varying problems, on a short-term basis, and shall include training in first-aid procedures and techniques. Records of all pre-service and in-service training shall be maintained for each house parent.

Section 14. Medical and Health Services. (1) Upon admission of a child to a court resource home, the house parents shall immediately complete a health screening procedure as specified by the local agency. The house parents will immediately notify the local agency or court of any serious health problems identified.

(2) Within one (1) week of placement of a child into a court resource home, the local agency shall cause the child to be thoroughly examined by a properly licensed physician, if indicated.

(3) House parents shall report to the local agency all encounters of children placed in their homes with medical providers and any corrective or follow-up medical/dental care required.

(4) House parents shall give medications to children placed in their homes only with a physician's prescription or authorization and shall dispense only the exact amount of any medications prescribed or authorized.

(5) House parents shall keep all medications, prescribed or "across-the-counter," securely locked in a location accessible only to responsible adults in the household.

Section 15. Recordkeeping. (1) The local agency shall keep a written record of the findings of its court resource home study and the evidence upon which these findings are based.

(2) The local agency shall maintain records of all evaluations and re-evaluations of its court resource homes, including non-routine reviews of specific court resource homes.

(3) The local agency shall maintain records on each child placed in court resource homes. Copies of all correspondence relating to children placed in court resource homes shall also be maintained by the local agency.

(4) The date of discharge of children from court resource homes, and the name and address of the person(s) and/or organization to which the children are released shall be recorded and maintained by the local agency, or the house parents.

(5) The local agency shall maintain the confidentiality of all case records.

(6) House parents and members of their households shall treat personal information regarding children placed in their home and these children's natural families in a confidential manner.

(7) House parents shall maintain records, in accordance with local agency requirements, on the children placed in their home. The records shall include any information specified by the local agency.

Section 16. Admissions/Intake Procedures. (1) Placement of any child in a court resource home approved by the local agency shall require the prior approval of the local agency or a court of competent jurisdiction, except that court or law enforcement personnel may place children requiring emergency shelter into a court resource home without prior approval. In the event of such placements, the house parents shall notify the court or local agency of the placement as soon as practicable, but no later than the next working day, if the child was placed on a holiday or weekend.

(2) Approval of house parent applicants by the local agency shall not guarantee the placement of any child in their court resource home.

(3) At no time shall the total number of children in a court resource home, including the house parents' own children, exceed six (6).

(4) The actual number of children placed in a court resource home shall be determined by the stamina, capacities, and skills of the house parents, the home's physical accommodations and the effect of a child's placement upon the stability of the court resource home.

Section 17. Programs and Services. (1) House parents, in collaboration with the local agency, shall arrange for the provision of any services immediately required by children placed in court resource homes, including but not limited to, medical services, psychological services, social services, etc.

(2) House parents may assign chores to children placed in their home which are appropriate for their ages and abilities and which are commensurate with chores assigned to their own children.

(3) Children shall be directly supervised by a house parent or other responsible adult in the court resource home at all times unless the child is at school, with local agency staff, or otherwise under the direct supervision of some other responsible adult approved by the local agency. The local agency may grant exceptions to this requirement in regard to specific children. The reason(s) for the exception shall be in writing and shall be maintained in the child's record.

(4) The local agency and the house parents shall cooperate in assuring the continuity of children's education to the extent practicable.

Section 18. Communication: Mail, Visitation, and Telephone. (1) Visitation between children placed in court resource homes and their families and appropriate others, as well as telephone contacts, are permitted at recommended hours, unless otherwise ordered by a court.

(2) Written correspondence to or from children placed in court resource homes shall not be opened, read, or withheld from them, except on the basis of a court order.

(3) House parents shall cooperate fully with children's attorneys in arranging for interviews at reasonable times and in locations with a reasonable degree of privacy.

Section 19. Rights. (1) The rights and best interests of children shall be paramount, with due regard for the interests of the community.

(2) No applicant for house parent status and no child needing a court resource home as an alternative to detention shall be denied approval or placement solely or primarily on the basis of age, race, sex, marital status, religion, or national origin, except as provided herein.

(3) The local agency shall assure that the rights of children placed in court resource homes, their natural parents, and house parents are protected.

(4) Natural parents have the following rights:

(a) To maintain meaningful contact with their children through visitation, phone calls, and letters, except as provided in this regulation;

(b) To provide and consent to medical care for their children;

(c) To file formal complaints with the agency; and

(d) To receive protection of confidentiality in their personal affairs.

(5) Children have the following rights:

(a) Adequate food, clothing, and shelter; and

(b) To be free from physical, sexual, and emotional injury, exploitation and abuse.

(6) Personal belongings.

(a) House parents shall allow children to bring and acquire appropriate personal belongings and shall send all personal belongings with children when they depart the court resource home, as appropriate; and

(b) House parents shall not accept any part of a child's earned or unearned income without prior written agreement of the local agency and the child placed in their home.

(7) Religious and ethnic heritage.

(a) House parents shall respect children's religious beliefs and shall not coerce them to participate in any religious activities; and

(b) House parents shall demonstrate respect for children's natural families and their ethnic heritage.

Section 20. Rules and Discipline. (1) House parents shall establish well-defined and consistently enforced rules, which set clear expectations and limits to the behavior of

children.
(2) Discipline and guidance of children shall emphasize praise and encouragement for proper behaviors, as opposed to punishment for undesirable behaviors.
(3) House parents shall not subject the children placed in their home to verbal abuse, derogatory remarks about themselves or their natural families, nor to threats of removal from the court resource home.
(4) Children shall not be isolated from others for undue periods of time and shall not be placed in locked areas in the court resource home. House parents may place them apart from other family members for brief "cooling off" periods, but shall remain near to facilitate proper supervision.
(5) House parents shall not administer the following forms of discipline:
(a) Cruel, severe, bizarre, or humiliating actions;
(b) Denial of food, clothing, or shelter;
(c) Denial of visits, telephone usage, or written contacts with members of the natural family and appropriate others, except as provided herein; and
(d) Assignment of exercise or work as punishment.
(6) House parents shall not punish children placed in their home for bedwetting.
(7) House parents shall not permit children to discipline other children.

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: July 2, 1987
FILED WITH LRC: July 2, 1987 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on August 21, 1987, at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by August 16, 1987: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eugenia Jump
(1) Type and number of entities affected: All facilities caring for children who are licensed as an alternative detention-court resource home statewide.
(a) Direct and indirect costs or savings to those affected: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Initial application.
(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: Will require annual evaluations and records kept on all children placed in the home.
(3) Assessment of anticipated effect on state and local revenues:
(4) Assessment of alternative methods; reasons why alternatives were rejected:
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? No

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the July 1-2, 1987 Meeting

The July meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, July 1, 1987 at 2 p.m. and on Thursday, July 2, 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 Representative Bruce, seconded by Representative Meyer, the minutes of the June 8-9, 1987 meeting were approved.

Present were:

Members: Representative Mark D. O'Brien, Chairman; Senators Harold Haering and Pat McCuiston; Representatives Jim Bruce, Ronny Layman and Joe Meyer.

Guests: Jim Critchfield, Jeff Fryman, Dale Fugate, Auditor of Public Accounts; Jim Ahler, Martin Glazer, KY Board of Accountancy; Nancy Brinly, KY Board of Physical Therapy; Jane Brake, Robert V. Bullock, Cherry Owens Calligan, Dave Nicholas, KY Board of Examiners of Psychology; Pete Pfeiffer, John Phillips, Lauren Schaaf, Tom Young, Department of Fish & Wildlife Resources; Sara Bell, Commerce Cabinet; James Hale, George Risk, Natural Resources and Environmental Protection Cabinet; Roy Crouch, A. Jack May, Justice Cabinet; Michael Bradley, Corrections Cabinet; Mel Jenkins, Sandra G. Pullen, Jerry Ross, Transportation Cabinet; Gary Bale, Terrance Hibpshman, Dean M. Hite, Department of Education; Judith G. Walden, Department of Housing, Buildings & Construction; Jayne M. Arnold, Karen Doyle, John P. Draper, Eva Ellis, Ruth Friedheim, Louise Greeman, Anne Hager, N. Clifton Howard, Angie Scott, Larry Taylor, Jim Judy, KY Association of Health Care Facilities.

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Donna Valencia, and Carla Arnold.

The Administrative Regulation Review Subcommittee met on July 1 and 2, 1987, and submits the following report:

The Subcommittee determined that the following regulations, as amended, complied with KRS Chapter 13A:

General Government Cabinet: Board of Accountancy

201 KAR 1:062 (Certification standards.) Chairman O'Brien asked board personnel if part-time experience was acceptable for licensure. Board personnel stated that, of the two year requirement, one year of part-time experience was acceptable for licensure, but that the other year must have been in full-time employment. It was pointed out that, as the regulation presently reads, credits for admission to the uniform CPA examination would be accepted only if they could be transferred to the Universities of Kentucky or Louisville. The regulation was amended to provide that if the credits would be acceptable for transfer by any state college or university in the Commonwealth, they would be accepted.

Board of Examiners of Psychologists

201 KAR 26:140 (Procedures for disciplinary hearings.) Technical amendments were made to correct the grammar.

201 KAR 26:190 (Requirements for supervised professional experience.) Technical amendments were made to correct the grammar.

201 KAR 26:200 (Definitions of terms used by the Board of Examiners of Psychologists for meeting educational requirements.) Technical amendments to correct grammar and a substantive amendment to provide for additional required coursework in diagnosis, assessment and counseling.

General Government Cabinet: Board of Physical Therapy

201 KAR 22:135 (Fees.) A technical amendment was made by moving the last two sentences of the Necessity and Function section to the end of Section 1 because those sentences related to substantive matter that must be contained within the body of the regulation. Chairman O'Brien pointed out that Section 3 did not list a specific charge for the examination, that KRS Chapter 13A required the specific charge, and that when the charge was increased the agency could accomplish this by filing an emergency regulation. Agency personnel agreed to list the charge when the regulation was next amended.

Justice Cabinet: Telecommunicators

Representative Meyer asked cabinet personnel if any requirement relating to these regulations appeared in policies and procedures rather than in regulatory form. Cabinet personnel replied that they were instructed not to include certain requirements relating to training and to the schools in the regulations. The subcommittee requested agency personnel to forward copies of these policies and procedures for review by the subcommittee.

500 KAR 4:020 (Training: qualifications; application.) Technical amendments to incorporate reference material were made.

500 KAR 4:030 (Certification of schools.) Technical amendments to incorporate reference material were made. In addition, an amendment relating to certification of school personnel and to compliance with fire safety standards was added.

500 KAR 4:040 (Approval of course curriculums.) Technical amendments to incorporate reference material were made. Section 4 was amended to provide information requirements to enable the council to determine whether or not a curriculum or course amendment met requirements.

500 KAR 4:050 (Certification of instructors.) Technical amendments to incorporate reference material were made. Section 10, providing for an emergency certification of an instructor because a scheduled instructor could not teach the class, was deleted in its entirety. Agency personnel stated that such emergency certification should not be granted.

500 KAR 4:060 (Basic training; graduation requirements; records.) Technical amendments to remove redundant material were made. Section 1 was amended to include specific basic training course requirements.

500 KAR 4:070 (In-service training: graduation requirements; recognized courses; records.) Technical amendments were made to correct grammar. Subsection (4) of Section 1 was added to preclude recertification after an inservice course if the time in which a telecommunicator was decertified exceeded two years.

Transportation Cabinet: Traffic

603 KAR 5:096 (Highway classifications.) A technical amendment was made in Section 4 to change "state primary road system" to "state-maintained system of roads" for consistency.

Education and Humanities Cabinet: Department of Education: Office of Local Services: Pupil Transportation

702 KAR 5:080 (Bus drivers' qualifications; responsibilities.) A technical amendment was made to Section 34 to clarify that the use of "other drugs" means "illegal drugs or other drugs as provided in Section 2 of this regulation."

Cabinet for Human Resources: Department for Employment Services: Unemployment Insurance

903 KAR 5:250 (Recoupment and recovery.) Complying with objections raised by the subcommittee when this regulation was first considered, this regulation was amended to delete Section 2, relating to department actions that would be considered departmental error in order to comply with the decision of the Kentucky Supreme Court in the Murphy case (714 S.W.2d 488, 1986). Section 1 was amended to clarify that errors made by personnel rather than mechanical errors would be considered a departmental error.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

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 1:068 (Quality enhancement program.) Chairman O'Brien asked board personnel to explain the necessity for this program. He asked whether other professions are required to be reviewed. Board personnel stated that, other than the medical profession, they were unsure whether this requirement existed. Chairman O'Brien stated that he felt that this was a requirement only if a question were raised on a

specific procedure or doctor.

Board of Physical Therapy
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.)

Board of Examiners of Psychologists
201 KAR 26:130 (Complaint procedure.) Representative Meyer pointed out that Sections 1 and 2 required complaints be in writing, contain evidence of a specific violation and be signed by the complainant before a complaint would be investigated unless "exceptional circumstances" existed. He stated that this would in effect preclude the investigation of many claims and would prevent those who might have reason not to sign a complaint from filing a complaint. He also added that "exceptional circumstances" is not defined and would appear to leave its definition strictly up to the recipient of the complaint or the board. Board personnel stated that this was not the intention and gave several examples of "exceptional circumstances." Implementation of this regulation would be reviewed and if these problems arose, the regulation could be amended.
201 KAR 26:180 (Requirements for granting licensure or certification in psychology by reciprocity.)

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.)

Commerce Cabinet: Department of Economic Development: Economic Development
306 KAR 1:010 (Definitions.)
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.)
Performance Standards for Underground Mining Activities
405 KAR 18:060 (General hydrologic requirements.)
405 KAR 18:190 (Backfilling and grading.)

Justice Cabinet: Telecommunicators
500 KAR 4:010 (Definitions.)
500 KAR 4:080 (Review of council and school decisions; appeal to circuit court.)

Corrections Cabinet: Office of the Secretary
501 KAR 6:020 (Corrections policies and procedures.)
501 KAR 6:030 (Kentucky State Reformatory.)
501 KAR 6:040 (Kentucky State Penitentiary.)
501 KAR 6:120 (Blackburn Corrections Complex.)

Transportation Cabinet: Mass Transportation
603 KAR 7:010 (Loans.)
603 KAR 7:020 (Nonurbanized public transportation program.)

Education and Humanities Cabinet: Department of Education: Office of Local Services: Pupil Transportation
702 KAR 5:030 (Superintendents' 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 & Regulation Cabinet: 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.)

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.)
Certificate of Need and Licensure
902 KAR 20:006 (Certificate of need process.)
Food and Cosmetics
902 KAR 45:080 (Salvage.) Representative Meyer and Senator Haering asked if this regulation would place an undue burden on charitable organizations that distribute food products to poor and homeless. Agency personnel stated that "distressed" in Section 3 would include goods that are short-weighted and that charitable organizations would have to relabel such goods to indicate the actual weight and content. Agency personnel also stated that such correction could be accomplished by a marker or a photostat copy attached to the product and that no complaints had been received by any of the affected organizations. It was pointed out that this regulation was required by KRS Chapter 217.
902 KAR 45:100 (Vending machines; food and beverages.)
Department for Social Insurance: Public Assistance
904 KAR 2:006 (Technical requirements, AFDC.)
904 KAR 2:022 (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.)

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.)
Kentucky Athletic Commission
201 KAR 27:017 (Promoters to tender compensation for officials prior to commencement of match or exhibition.)

Commerce Cabinet: Department of Agriculture: Ginseng
302 KAR 45:010 (Ginseng, general provisions.)

Public Protection & Regulation Cabinet: Department of Insurance: Trade Practices and Frauds
806 KAR 12:110 (Merged gender mortality tables for life insurance.)
Health Maintenance Organizations
806 KAR 38:060 (Cancellation of enrollees' coverage.)
806 KAR 38:080 (Health maintenance organizations' reserve funds.)

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.)

The Subcommittee had no objections to emergency regulations which had been filed.

Other Business:

Chairman O'Brien requested staff to examine current procedures for initial staff review and report to the subcommittee.

The Subcommittee adjourned at 10:45 a.m. until August 4, 1987.

CUMULATIVE SUPPLEMENT

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KRS Index.....B5

Subject Index to Volume 14.....B8

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
45 KAR 1:020		
Amended	2016	7-2-87
201 KAR 1:035		
Amended	2019	7-2-87
201 KAR 1:062	2157	(See "Volume 14")
201 KAR 1:068	2159	7-2-87
201 KAR 8:006	1859	
201 KAR 8:390	1860	
201 KAR 22:031		
Amended	2020	7-2-87
201 KAR 22:040		
Amended	2022	7-2-87
201 KAR 22:106		
Amended	2023	7-2-87
201 KAR 22:110		
Amended	2024	7-2-87
201 KAR 22:135	2161	7-2-87
201 KAR 23:040		
Amended	2025	(See "Volume 14")
201 KAR 23:060		
Amended	2026	(See "Volume 14")
201 KAR 23:070		
Amended	2027	(See "Volume 14")
201 KAR 26:130	2162	7-2-87
201 KAR 26:140	2162	7-2-87
201 KAR 26:180	2166	7-2-87
201 KAR 26:190	2166	7-2-87
201 KAR 26:200	2168	7-2-87
201 KAR 27:017	2169	
301 KAR 1:031		
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Amended	1713	
306 KAR 1:010		
Amended	2035	7-2-87
306 KAR 1:020		
Amended	2036	7-2-87
306 KAR 1:030		
Amended	2037	7-2-87
306 KAR 1:040		
Amended	2038	7-2-87
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