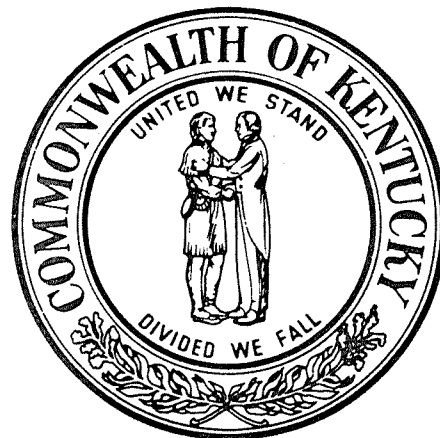


of Kentucky Administrative Register

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

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FRIDAY, APRIL 1, 1988



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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 tentatively scheduled on April 14, 1988. See tentative agenda on pages 1885-1886 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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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA

April 14, 1988

(Rm. 107, Capitol Annex - 1 hour before session begins)
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103 KAR 18:140. Twice-monthly filing and payment of withholding of individual income tax.

Sales and Use Tax; Registration and Collection

103 KAR 25:130. Twice-monthly filing and payment of sales and use taxes.
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Board of Occupational Therapy

201 KAR 28:010. Definitions and abbreviations.

201 KAR 28:120. Applications by foreign trained O.T.R.s and O.T.A.s.

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Department for Environmental Protection

Division for Air Quality

General Administrative Procedures

401 KAR 50:010. Definitions and abbreviations. (Amended After Hearing)

401 KAR 50:015. Documents incorporated by reference. (Not Amended After Hearing)

401 KAR 50:035. Permits. (Not Amended After Hearing)

New Source Requirements; Nonattainment Areas

401 KAR 51:010. Attainment status designations. (Not Amended After Hearing)

401 KAR 51:017. Prevention of significant deterioration of air quality. (Not Amended After Hearing)

401 KAR 51:052. Review of new sources in or impacting upon nonattainment areas. (Amended After Hearing)

Ambient Air Quality

401 KAR 53:005. General provisions. (Not Amended After Hearing)

401 KAR 53:010. Ambient air quality standards. (Not Amended After Hearing)

Emergency Episodes

401 KAR 55:005. Significant harm criteria. (Not Amended After Hearing)

401 KAR 55:010. Episode criteria. (Not Amended After Hearing)

New Source Standards

401 KAR 59:010. New process operations. (Not Amended After Hearing)

401 KAR 59:050. New storage vessels for petroleum liquids. (Not Amended After Hearing)

401 KAR 59:052. New volatile organic liquid storage vessels. (Not Amended After Hearing)

401 KAR 59:236. New rubber tire manufacturing industry. (Repeals 401 KAR 59:235) (Not Amended After Hearing)

Existing Source Standards

401 KAR 61:020. Existing process operations. (Not Amended After Hearing)

401 KAR 61:170. Existing blast furnace casthouses. (Amended After Hearing)

CORRECTIONS CABINET

Office of the Secretary

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

501 KAR 6:030. Kentucky State Reformatory.

501 KAR 6:040. Kentucky State Penitentiary.

501 KAR 6:050. Luther Luckett Correctional Complex.

501 KAR 6:060. Northpoint Training Center.

501 KAR 6:080 & E. Corrections Cabinet manuals.

501 KAR 6:120. Blackburn Correctional Complex.

501 KAR 6:130. Western Kentucky Farm Center.

501 KAR 6:140 & E. Bell County Forestry Camp.

TRANSPORTATION CABINET

Department of Vehicle Regulation

Division of Motor Carriers

601 KAR 1:115. Taxicabs. (Deferred since October meeting)

Department of Highways

Traffic

603 KAR 5:120. Access control of highways. (Amended After Hearing)

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Local Services

School Terms, Attendance and Operation

702 KAR 7:090. Requirements for coaches and other personnel staffing interscholastic athletic programs. (Not Amended After Hearing) (Deferred from March meeting)

Office of Instruction

Elementary and Secondary Education Act

704 KAR 10:022. Elementary, middle and secondary schools standards. (Agency requests deferral until May)

Teacher Education

704 KAR 15:080. Paraprofessional employees and volunteer personnel. (Not Amended After Hearing) (Deferred from March meeting)

PUBLIC PROTECTION & REGULATION CABINET
State Racing Commission

Thoroughbred Racing Rules

810 KAR 1:018 & E. Medication; testing procedures.

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 20:008. License procedures and fee schedule.

902 KAR 20:250. Specialized medical technology services. (Amended After Hearing)

902 KAR 20:260. Special health clinics. (Amended After Hearing)

902 KAR 20:270. Mobile health services. (Amended After Hearing)

Department for Social Insurance

Public Assistance

904 KAR 2:016 & E. Standards for need and amount; AFDC.

Department for Social Services

Child Welfare

905 KAR 1:180. DSS policy and procedures manual.

REGULATION REVIEW PROCEDURE

Filing and Publication

Administrative bodies shall file with the Regulations Compiler all proposed administrative regulations, public hearing information, tiering statement, regulatory impact analysis, fiscal note, and the federal mandate comparison. Those regulations received by the deadline required in KRS 13A.050 shall be published in the Administrative Register. Following publication in the Register, all regulations shall be referred by the LRC to the appropriate subcommittee for review.

Public Hearing

The administrative body shall schedule a public hearing on proposed administrative regulations to be held not less than twenty (20) nor more than thirty (30) days following publication. 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 and the Compiler of the cancellation. 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.

Review Procedure

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

EMERGENCY REGULATIONS NOW IN EFFECT

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

STATEMENT OF EMERGENCY

The proposed amended regulation, 302 KAR 20:055E, sets forth the requirements for vaccination of calves for brucellosis and sets forth the requirements for testing of and/or branding eligible heifers not vaccinated as well as establishing who may perform vaccinations, testing, branding, and individual animal identification. Brucellosis presents a very serious threat to the cattle industry of Kentucky. Kentucky strongly desires to be brucellosis free by 1990. The United States Department of Agriculture strongly supports this effort. The proposed regulation is needed to go into effect as soon as possible. Ordinary regulations would be too long in promulgating. Therefore, an emergency exists and an emergency regulation is needed. This regulation will be followed by an ordinary regulation.

WALLACE G. WILKINSON, Governor
WARD "BUTCH" BURNETTE, Commissioner

DEPARTMENT OF AGRICULTURE

302 KAR 20:055E. Brucellosis vaccination, testing and branding requirements.

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

PURSUANT TO: KRS 257.020, 257.030

EFFECTIVE: February 26, 1988

NECESSITY AND FUNCTION: To specify the requirements for vaccination against the disease brucellosis, and to define the requirements for testing and/or branding for eligible heifers not vaccinated.

Section 1. General Provisions. (1) All eligible animals as defined in Section 2 of this regulation shall be handled according to the procedural requirements outlined in Section 3 of this regulation.

(2) All eligible female animals which comply by vaccination with this regulation shall be vaccinated with an approved Brucella vaccine, following the vaccination protocol set forth by the state veterinarian's office.

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

Section 2. Eligible Animals. (1) Female bovine animals [born after July 1, 1985 and] four (4) months to ten (10) months of age [or older,] which enter the Commonwealth of Kentucky for feeding or breeding purposes. Animals going to one (1) state or federally approved livestock market, or to an approved livestock assembly facility or directly to slaughter or spayed animals that have been branded with "open spade" brand or animals for exhibition purposes only are exempt. Eligible female animals entering the state shall move to only one (1) market or approved livestock assembly facility and one (1) additional approved assembly point, for the purposes of complying with this regulation and

the Kentucky entry regulation, 302 KAR 20:040, when said animals are to remain in Kentucky. If the eligible female animals are to move out of state the animals shall comply with the specific entry requirements of their ultimate state of destination.

(2) Female bovine animals[, born after July 1, 1985 and] four (4) months to ten (10) months of age [or older,] purchased at a Kentucky livestock market, must be vaccinated, "F" branded on the hip or tail head or tested at the market with a quarantine for retest at sixty (60) to 120 days afterward, to move to a farm in Kentucky. Females[, born after July 1, 1985,] younger than four (4) months of age, may, if in compliance with Kentucky entry regulation above, move to a farm in Kentucky under quarantine pending compliance with this regulation at four (4) months of age.

(3) Female bovine animals[, born after July 1, 1985 and] four (4) months to ten (10) months of age [or older,] which are presented for change of ownership by private treaty must comply with one of the listed vaccination, testing, or branding procedural requirements as outlined in Section 3 of this regulation. The farm of origin, with the individual animal identification ear tag number must appear on the forms (vaccination, branding, or testing) utilized to effect compliance with the state of destination requirements. The above shall be completed prior to the animals being moved from the seller's premise and no animals shall be moved without permanent ear tag identification. The above requirements are the seller's responsibility. Eligible females under four (4) months of age may move to the purchaser's premise in Kentucky and comply under quarantine at four (4) months of age. Eligible female animals changing ownership to be moved out of state must meet the entry requirements of the state of destination and must be accompanied by a certificate of veterinary examination or "health certificate" verifying compliance. This shall be the purchaser's responsibility.

Section 3. Procedural Requirements. (1) Eligible animals which are vaccinated must be officially vaccinated between four (4) and ten (10) months of age and identified by a vaccination tattoo in the ear and an official vaccination ear tag, or, in the case of registered cattle, by an identification tattoo.

(a) A vaccination tattoo in the ear shall legibly identify the quarter of the year, shield and the calendar year of vaccination.

(b) An official vaccination ear tag shall identify the animal according to the state of origin, official vaccinate status and individual identification number.

(2) Eligible animals must be vaccinated, "F" branded, or tested by a licensed, accredited veterinarian or an authorized agent of the board (i.e., includes "S" branding).

(3) Official documentations of the above listed procedures will be promptly conveyed to the office of the state veterinarian on appropriate forms provided by same.

(4) Animals on Kentucky farms or changing ownership on a Kentucky farm can be vaccinated

breeding swine. The minimum percentage allowed for receiving a PS card will be the monitoring formula (see Section 1(4) of this regulation). Complete herd testing (Section 1(3) of this regulation) will be initiated simultaneously with this regulation for statewide swine validated brucellosis free status. The blood samples taken in this federally funded program will also be utilized for pseudorabies serology to qualify herd owners for issuance of their pseudorabies surveillance cards.

(2) The specific steps to be taken to accomplish the issuance of the pseudorabies surveillance card and the manner in which the PS cards shall be used in marketing feeder pigs are as follows:

(a) The herd owner will contact his veterinarian and request testing of his breeding swine. The owner shall direct the veterinarian as to the number of his breeding swine desired to be tested as follows:

1. When the herd owner selects pseudorabies monitoring testing (Section 1(4) of this regulation), payment for the veterinarian's farm call and the charges for obtaining the blood samples are the owner's responsibility.

2. When the herd owner selects complete herd testing (all breeding swine) (Section 1(3) of this regulation), federal fee basis funds and state funds will, upon availability, pay the veterinarian for the farm call and the sample collections from the animals.

(b) The veterinarian will then submit the samples and the necessary documentation on submission forms supplied by the state veterinarian and signed by the veterinarian and the herd owner. The number of animals bled and the total number of breeding swine (boars and sows) on the premise will be clearly stated on the sample submission forms as well as the individual animal identification numbers of all swine bled. The samples will be sent (serum only) to a state diagnostic laboratory for brucellosis and pseudorabies testing.

(c) The test results will be mailed to the state veterinarian's office by the diagnostic laboratory.

(d) Simultaneous with the mailing of the serum samples to the diagnostic laboratory, the veterinarian and the herd owner shall complete the pseudorabies surveillance card request form (these will be issued to participating practicing veterinarians on request) and mail same, with both signatures, to the state veterinarian's office.

(e) The pseudorabies surveillance cards will be issued directly from the state veterinarian's office to the herd owner when all requirements have been met.

(f) The PS cards will be used by herd owners to market feeder pigs within Kentucky and to move feeder pigs into other states requiring surveillance testing or monitoring for pseudorabies. At livestock markets in Kentucky, individual groups of feeder pigs will be identified by metal ear tags when herd owners (sellers) present their PS cards.

(g) The PS cards will expire one (1) year from the date the swine are bled.

Section 5. Other Movements. (1) Licensed livestock dealers may purchase feeder pigs for resale provided that original pseudorabies surveillance and individual feeder pig identification can be maintained. At no time

shall pigs purchased in accordance with this section be kept on premises with pigs from herds without pseudorabies surveillance.

(2) Feeder pigs purchased pursuant to this section shall be marketed no sooner than twenty-eight (28) [thirty (30)] days after the original purchase, as prescribed in 302 KAR 20:070. Dealers shall present invoices with the original pseudorabies surveillance card numbers or other valid means of identification when presenting their feeder pigs to markets.

Section 6. Quarantine. (1) Any breeding swine which acts as a titer to a pseudorabies screening test shall be quarantined until released by the state veterinarian. The farm premise and herd from which the infected swine originated shall be quarantined. All swine which has been quarantined may move directly to slaughter, to an approved livestock market and then to an approved slaughter facility or may remain on the quarantined premises. A quarantined herd or quarantined premise may be released from quarantine by the state veterinarian when:

(a) The herd has been depopulated for at least thirty (30) days and the premises cleaned and disinfected in a manner approved by the state veterinarian. If the premises are repopulated all replacement swine must be negative to a screening test for pseudorabies at entry and the entire herd shall be tested for pseudorabies thirty (30) to sixty (60) days after the herd is on the premise.

(b) There have been two (2) negative tests for all swine in the herd over six (6) months of age. The first test must be at least thirty (30) days after the removal of all reactors. The second test must be at least sixty (60) days from the removal of the last reactor from the herd or premise.

(2) All retesting of suspects and testing of quarantined animals shall be at the owner's expense.

Section 7. The person operating a stockyard or assembly facility shall provide separate pens for isolating pseudorabies infected swine. Said pens are to be permanently identified as quarantined and spelled as such on the gate. The pens shall be constructed so as to facilitate easy cleaning and disinfecting after each use. The pens must have concrete floors and complete walls so as to have no contact with adjacent animals. Any watering troughs or feed equipment in the quarantine pens will be located so no other livestock in the market can access them at any time. All infected swine shall be secure in said quarantine pen and sold last and identified on all invoices as infected animals.

WARD "BUTCH" BURNETTE, Commissioner
APPROVED BY AGENCY: February 24, 1988
FILED WITH LRC: February 26, 1988 at 4 p.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Corrections Cabinet in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected policies must be revised immediately to allow the cabinet's Division of

Probation and Parole to bring its operating policies into conformance with American Correctional Association (ACA) standards and preparation for an upcoming ACA national accreditation audit. Additionally, these revised policies will allow the cabinet to expand the pool of inmates from which they can select to fill beds in their community centers.

Finally, these revisions will allow the cabinet to immediately correct a policy which was contrary to statute concerning the method for reimbursing correctional institutional duty officer.

This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on February 12, 1988 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

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

RELATES TO: KRS Chapters 196, 197, 439

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

EFFECTIVE: February 25, 1988

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 February 12, 1988 [December 4, 1987] and hereinafter should be referred to as Corrections Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

- 1.1 Legal Assistance for Corrections Staff
- 1.2 News Media
- 1.6 Extraordinary Occurrence Reports
- 1.9 Institutional Duty Officer (Amended 2/12/88)
- 1.11 Population Counts and Reporting Procedures
- 1.12 Operation of Motor Vehicles by Corrections Cabinet Employees
- 2.1 Inmate Canteen
- 2.10 Surplus Property
- 3.1 Code of Ethics
- 3.2 Inclement Weather and Emergency Conditions Policy
- 3.3 Holding of Second Jobs by Bureau Employees
- 3.7 Employment of Relatives
- 3.10 Staff Clothing and Personal Appearance
- 3.12 Institutional Staff Housing
- 3.14 Corrections Cabinet Payroll Deduction Policy and Procedure
- 4.1 Attendance at Professional Meetings
- 4.2 Staff Training and Development
- 4.3 Firearms and Chemical Agents Training
- 4.4 Educational Assistance Program
- 6.1 Open Records Law
- 7.2 Asbestos Abatement
- 8.4 Emergency Preparedness
- 9.1 Use of Force

- 9.3 Transportation of Convicted Offenders
- 9.4 Transportation of Inmates to Funerals or Bedside Visits
- 9.5 Return of Escapees by Automobile
- 9.6 Contraband
- 9.7 Storage, Issue and Use of Weapons Including Chemical Agents
- 9.8 Search Policy
- 9.9 Transportation of Inmates
- 9.10 Security Inspections
- 9.11 Tool Control
- 9.15 Institutional Entry and Exit Policy and Procedures
- 9.18 Informants
- 9.19 Found Lost or Abandoned Property
- 10.2 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 (Amended 2/12/88)
- 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 (Amended 2/12/88)
- 14.3 Marriage of Inmates (Amended 2/12/88)
- 14.4 Legal Services Program
- 14.6 Inmate Grievance Procedures
- 15.1 Hair and Grooming Standards
- 15.2 Offenses and Penalties (Amended 2/12/88)
- 15.3 Meritorious Good Time
- [15.4 Governor's Meritorious Good Time Award (Deleted 2/12/88)]
- 15.5 Restoration of Forfeited Good Time (Amended 2/12/88)
- 15.6 Adjustment Procedures and Programs
- 16.1 General Inmate Visiting Procedure
- 16.2 Inmate Correspondence
- 16.3 Telephone Calls
- 16.4 Inmate Packages
- 17.1 Inmate Personal Property (Amended 2/12/88)
- 17.2 Assessment Center Operations
- 17.3 Controlled Intake of Inmates
- 18.4 Classification of the Inmate
- 18.5 Custody/Security Guidelines
- 18.6 Classification Document
- 18.7 Transfers
- 18.8 Guidelines for Transfers Between Institutions
- 18.9 Out-of-State Transfers
- 18.10 Preparole Progress Reports
- 18.11 Kentucky Correctional Psychiatric Center Transfer Procedures (Amended 2/12/88)
- 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 Prerelease
- 25.4 Inmate Furloughs
- 25.6 Community Center Program (Amended 2/12/88)
- 25.7 Expedient Release
- 25.8 Extended Furloughs
- 27.2 Risk/Needs Administration
- 27.10 Preliminary Revocation Procedures

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27-02-01	Duties of Probation and Parole Officers [(Added 12/4/87)]	27-24-02	Reinstatement of Clients to Active Supervision [(Added 12/4/87)]
27-03-01	Workload Formula Supervisor/Staff Ratio [(Added 12/4/87)]	27-25-01	Application for Final Discharge from Parole [(Added 12/4/87)]
27-05-01	Testimony, Court Demeanor and Availability of Legal Services [(Added 12/4/87)]	27-26-01	Assistance to Former Clients and Dischargees [(Added 12/4/87)]
27-06-01	Availability of Supervision Services [(Added 12/4/87)]	27-27-01	Restoration of Civil Rights [(Added 12/4/87)]
27-06-02	Equal Access to Services [(Added 12/4/87)]	<u>27-28-01</u>	<u>Firearms/Explosives: Application for Relief from Disability</u> (Added 2/12/88)
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27-09-01	Kentucky Community Resources Directory [(Added 12/4/87)]	28-01-02	Probation and Parole Investigation Reports (Administrative Responsibilities) [(Added 12/4/87)]
27-11-01	Intensive Supervision [(Added 12/4/87)]	28-01-03	Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure) [(Added 12/4/87)]
27-12-01	Supervision: Case Classification [(Added 12/4/87)]	28-01-04	Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules) (Amended 2/12/88) [(Added 12/4/87)]
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27-12-05	Releasee's Report [(Added 12/4/87)]	28-01-06	Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts) [(Added 12/4/87)]
27-12-06	Grievance Procedures for Offenders [(Added 12/4/87)]	28-01-07	Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule) [(Added 12/4/87)]
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27-12-08	Supervision Plan [(Added 12/4/87)]	<u>28-02-01</u>	<u>Expedient Release Program</u> (Amended 2/12/88) [(Added 12/4/87)]
27-12-09	Casebook [(Added 12/4/87)]	<u>28-03-01</u>	<u>Parole Plans/ Halfway Houses/ Extended Furlough/ Sponsorship/ Gradual Release</u> (Added 2/12/88)
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27-12-11	Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority [(Added 12/4/87)]	<u>28-05-01</u>	<u>Out-of-state Investigations</u> (Added 2/12/88)
27-12-12	Other Financial Obligations (Not Ordered by Releasing Authority) [(Added 12/4/87)]		
27-12-13	Community Service Work [(Added 12/4/87)]		
27-12-14	Client Travel Restrictions [(Added 12/4/87)]		
27-12-15	Advanced Supervision [(Added 12/4/87)]		
27-13-02	Alcohol Detection [(Added 12/4/87)]		
27-14-01	Interstate Compact Transfers [(Added 12/4/87)]		
27-14-02	Interstate Compact Out-of-state Probation and Parole Violation [(Added 12/4/87)]		
27-15-01	Supervision Report; Violations, Unusual Incidents [(Added 12/4/87)]		
27-17-01	Absconder Procedures [(Added 12/4/87)]		
27-18-01	Probation and Parole Issuance of Detainer/Warrant [(Added 12/4/87)]		
<u>27-19-01</u>	<u>Preliminary Revocation Hearing</u> (Added 2/12/88)		
<u>27-20-01</u>	<u>Division of Probation and Parole Controlled Intake Program</u> (Added 2/12/88)		
<u>27-20-02</u>	<u>Prisoner Intake Notification</u> (Added 2/12/88)		
<u>27-20-03</u>	<u>Prisoner Status Change</u> (Added 2/12/88)		
27-21-01	Apprehension and Transportation of Probation and Parole Violators [(Added 12/4/87)]		
27-22-01	Fugitive Unit - Apprehensions [(Added 12/4/87)]		
27-22-02	Fugitive Unit - Transportation of Fugitives [(Added 12/4/87)]		
27-23-01	In-state Transfer [(Added 12/4/87)]		

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 12, 1988
FILED WITH LRC: February 25, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Kentucky Corrections Cabinet in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected cabinet policies must be revised immediately to allow for modifications to the cabinet's inmate classification manual. These revisions will allow the Corrections Cabinet to more appropriately and accurately classify inmates when they are received at our state correctional institutions. This emergency

regulation will be replaced by the ordinary administrative regulation filed with LRC on February 12, 1988 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:080E. Corrections Cabinet Manuals.

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

EFFECTIVE: February 25, 1988
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 February 12, 1988 [June 12, 1987] and hereinafter should be referred to as Corrections Cabinet Manuals. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

Offender Records Manual - None.
Stock Procedure Manual - None.
Food Services Manual - Yes.
Classification Manual - Yes [Yes Completely Revised.]

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 12, 1988
FILED WITH LRC: February 25, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Bell County Forestry Camp in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be added immediately to allow the Bell County Forestry Camp to implement a series of new policies to prepare the institution for an upcoming national accreditation audit. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on February 12, 1988 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:140E. Bell County Forestry Camp.

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

EFFECTIVE: February 25, 1988
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 February 12, 1988 [November 13, 1987] and hereinafter should be referred to as Bell County Forestry Camp 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.

BCFC 01-02-01 Organization and Assignment of Responsibility
BCFC 01-04-02 Extraordinary Occurrence Procedure
BCFC 01-05-01 Procedures Office: Duties and Responsibilities
BCFC 01-08-01 Public Information and Inmate Access to News Media
BCFC 01-09-01 Staff Participation in Professional Organization and Conferences; Provision for Leave and Reimbursement for Expenses
BCFC 01-11-01 Institutional Duty Officer's Responsibilities
BCFC 02-01-02 Fiscal Management: Accounting Procedures
BCFC 02-01-03 Fiscal Management: Agency Funds
BCFC 02-01-04 Fiscal Management: Insurance
BCFC 02-01-05 Fiscal Management: Budget
BCFC 02-01-06 Fiscal Management: Audit
BCFC 02-02-01 Inmate Accounts
BCFC 02-02-02 Inmate Control of Personal Funds
BCFC 02-02-03 Storage and Disposition of Inmate Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
BCFC 02-03-01 Purchase Orders
BCFC 02-04-01 Processing of Invoices
BCFC 02-05-01 BCFC Materials Receiving Procedure
BCFC 02-06-01 Property Inventory
BCFC 04-01-01 Employee Training and Development
BCFC 05-01-01 Information System [(Added 11/13/87)]
BCFC 06-01-01 Offender Records [(Added 11/13/87)]
BCFC 06-02-01 Storage of Expunged Records [(Added 11/13/87)]
BCFC 06-03-01 Court Trips [(Added 11/13/87)]
BCFC 06-03-02 Receipt of Order of Appearance [(Added 11/13/87)]
BCFC 08-02-01 Fire Prevention [(Added 11/13/87)]
BCFC 08-03-01 Fire Procedures [(Added 11/13/87)]
BCFC 08-03-02 Fire Extinguishers and Their Use [(Added 11/13/87)]
BCFC 08-09-01 Guidelines for the Control and Use of Flammable, Toxic, and Caustic Substances [(Added 11/13/87)]
BCFC 09-06-01 Search Policy/Disposition of Contraband [(Added 11/13/87)]
BCFC 09-14-01 Bell County Forestry Camp - Restricted Area [(Added 11/13/87)]
BCFC 10-01-01 Special Management Inmates (Added 2/12/88)
BCFC 11-01-01 Food Services: General Guidelines [(Added 11/13/87)]
BCFC 11-02-01 Food Service: Security [(Added 11/13/87)]
BCFC 11-03-01 Dining Room Guidelines [(Added 11/13/87)]

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BCFC 11-04-01	Food Service: Meals [(Added 11/13/87)]	BCFC 13-16-01	Specialized Health Services [(Added 11/13/87)]
BCFC 11-04-02	Food Service: Menu, Nutrition and Special Diets [(Added 11/13/87)]	BCFC 13-17-01	Vision Care/Optometry Services [(Added 11/13/87)]
BCFC 11-05-02	Health Requirements of Food Handlers [(Added 11/13/87)]	BCFC 14-01-01	Inmate Rights and Responsibilities
BCFC 11-06-01	Food Service: Inspection and Sanitation [(Added 11/13/87)]	BCFC 14-02-01	Legal Services Program
BCFC 11-07-01	Food Service: Purchasing, Storage and Farm Products [(Added 11/13/87)]	BCFC 14-03-01	Inmate Grievance Procedure
BCFC 11-08-01	Staff/Visitor Meals [(Added 11/13/87)]	BCFC 14-04-01	Inmate Participation in Authorized Research
BCFC 12-01-01	Sanitation, Living Conditions Standards, and Clothing Issues [(Added 11/13/87)]	BCFC 15-01-01	Due Process/Disciplinary Procedures <u>(Amended 2/12/88)</u> [(Added 11/13/87)]
BCFC 12-01-02	Bed Areas, Assignments/Conditions Standards <u>(Amended 2/12/88)</u> [(Added 11/13/87)]	BCFC 16-01-01	Inmate Visiting [(Added 11/13/87)]
BCFC 12-02-01	Issuance of Clean Laundry and Receiving of Dirty Laundry [(Added 11/13/87)]	BCFC 16-02-01	Telephone Communications [(Added 11/13/87)]
BCFC 12-03-01	Personal Hygiene Items: Issuance and Placement Schedule [(Added 11/13/87)]	BCFC 16-03-01	Mail Regulations [(Added 11/13/87)]
BCFC 12-03-02	Barbership Services and Equipment Control [(Added 11/13/87)]	BCFC 16-03-02	Inmate Packages [(Added 11/13/87)]
BCFC 12-04-01	Institutional Inspections [(Added 11/13/87)]	BCFC 17-01-01	Assessment/Orientation Procedure [(Added 11/13/87)]
BCFC 12-05-01	Fire Safety and Use of Noncombustible Receptacles [(Added 11/13/87)]	BCFC 17-02-01	Inmate Reception Process [(Added 11/13/87)]
BCFC 12-06-01	Pest Control [(Added 11/13/87)]	BCFC 17-03-01	Inmate Personal Property and Property Control <u>(Amended 2/12/88)</u> [(Added 11/13/87)]
BCFC 13-01-01	Organization of Health Services [(Added 11/13/87)]	BCFC 17-04-01	Unauthorized Items [(Added 11/13/87)]
BCFC 13-02-01	Health Maintenance Services: Sick Call and Pill Call [(Added 11/13/87)]	BCFC 17-05-01	Inmate Canteen [(Added 11/13/87)]
BCFC 13-03-01	Dental Policy/Sick Call [(Added 11/13/87)]	BCFC 18-01-01	Institutional Classification Committee [(Added 11/13/87)]
BCFC 13-04-01	Inmate Medical Screenings and Health Evaluations [(Added 11/13/87)]	BCFC 18-02-01	Classification Document [(Added 11/13/87)]
BCFC 13-05-01	Licensure and Training Standards [(Added 11/13/87)]	BCFC 18-03-01	Classification Process [(Added 11/13/87)]
BCFC 13-06-01	Suicide Prevention and Intervention Program [(Added 11/13/87)]	BCFC 18-03-02	Classification Program Planning [(Added 11/13/87)]
BCFC 13-06-02	First Aid/CPR Training Program [(Added 11/13/87)]	BCFC 18-03-03	Population Category Status [(Added 11/13/87)]
BCFC 13-06-03	Emergency Medical/Dental Care Services [(Added 11/13/87)]	BCFC 18-04-01	Instructions for Six Month Review [(Added 11/13/87)]
BCFC 13-07-01	Health Records [(Added 11/13/87)]	BCFC 18-05-01	Transfers to Other Minimum Security Institutions [(Added 11/13/87)]
BCFC 13-08-01	Special Diets [(Added 11/13/87)]	BCFC 19-01-01	Job and Vocational Program Assignments [(Added 11/13/87)]
BCFC 13-09-01	Notification of Inmate, Family in the Event of Serious Illness, Surgery, or Inmate Death [(Added 11/13/87)]	BCFC 19-02-01	Government Service Details [(Added 11/13/87)]
BCFC 13-10-01	Health Education/Special Health Programs [(Added 11/13/87)]	BCFC 20-01-01	Academic/Vocational School [(Added 11/13/87)]
BCFC 13-11-01	Informed Consent [(Added 11/13/87)]	BCFC 20-01-02	Testing and Verification Procedure [(Added 11/13/87)]
BCFC 13-12-01	Mental Health/Provision of Psychiatric Services by KCPC [(Added 11/13/87)]	BCFC 20-02-01	Educational Program Planning [(Added 11/13/87)]
BCFC 13-12-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center (KCPC) [(Added 11/13/87)]	BCFC 20-03-01	Academic and Vocational Curriculum [(Added 11/13/87)]
BCFC 13-13-01	Identification of Special Needs Inmates [(Added 11/13/87)]	BCFC 20-04-01	Educational Personnel Practices [(Added 11/13/87)]
BCFC 13-14-01	Use of Pharmaceutical Products [(Added 11/13/87)]	BCFC 21-01-01	Library Services [(Added 11/13/87)]
BCFC 13-15-01	Medical Restraints [(Added 11/13/87)]	BCFC 22-01-01	Recreation and Inmate Activities [(Added 11/13/87)]
		BCFC 22-02-01	Inmate Clubs and Organizations [(Added 11/13/87)]
		BCFC 22-02-02	Conducting Inmate Organizational Meetings and Programs [(Added 11/13/87)]
		BCFC 22-03-01	Privilege Trips [(Added 11/13/87)]
		BCFC 23-01-01	Religious Service [(Added 11/13/87)]
		BCFC 23-02-01	Visitors for Religious Programs [(Added 11/13/87)]
		BCFC 23-03-01	Marriage of Inmates [(Added 11/13/87)]
		BCFC 24-01-01	Social Services and Counseling Program [(Added 11/13/87)]

BCFC 24-01-02 Casework Services [(Added 11/13/87)]
 BCFC 25-01-01 Release Preparation Program Description [(Added 11/13/87)]
 BCFC 25-02-01 Temporary Release/Community Center Release [(Added 11/13/87)]
 BCFC 25-02-02 Furloughs [(Added 11/13/87)]
 BCFC 25-03-01 Parole Progress Report [(Added 11/13/87)]
 BCFC 25-03-02 Parole Eligibility Dates [(Added 11/13/87)]
 BCFC 25-04-01 Inmate Discharge Procedure [(Added 11/13/87)]
 BCFC 26-01-01 Citizen Involvement and Volunteer Services Program [(Added 11/13/87)]

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: February 12, 1988

FILED WITH LRC: February 25, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

701 KAR 5:070 Section 4 currently requires that applicants for participation in the Commonwealth Institute for Teachers submit a signed partnership agreement with their applications. Several complaints from past applicants with respect to this requirement have been voiced, because partnerships change after attendance at the summer institute and because unsuccessful applicants feel it is unfair to negotiate an agreement with a specific outside entity and then not be allowed to participate. This change in regulation accomplishes the intent of the requirement for partnership agreements yet should satisfy past legitimate complaints relative to the current requirement. This change is necessary on an emergency basis because applications for the summer institute are now being disseminated. This emergency regulation will be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor

JOHN H. BROCK, Superintendent

EDUCATION AND HUMANITIES CABINET Department of Education Office of Superintendent

701 KAR 5:070E. Criteria for Commonwealth Institute for Teachers.

RELATES TO: KRS 156.097

PURSUANT TO: KRS 156.070, 156.097

EFFECTIVE: March 8, 1988

NECESSITY AND FUNCTION: KRS 156.097 requires that the State Board of Education develop regulations to establish a summer program of one (1) week educational institutes to be held at selected college campuses for teachers for the purpose of general improvement of instruction. The state board must, further, develop specific criteria relating to the selection of the eligible teachers, with an emphasis on selecting teachers with a demonstrated record of effective teaching, and participating teachers shall be reimbursed for their expenses and awarded a stipend in an amount to be determined by the state board. This regulation establishes the criteria for selection of the teachers, selection of the college campuses, and the amount of the stipend and expenses for the

participating teachers.

Section 1. The educational institutes mandated by KRS 156.097 shall be called the Commonwealth Institute for Teachers. Each institute shall be of one (1) week duration. Each institute may be followed by weekend sessions during the school year following the institute session.

Section 2. A theme shall be selected for each year's institute that is designed to emphasize academic excellence in the schools and to motivate personal, professional excellence among the participants. The theme shall contribute to the overall goal of the State Board of Education which is the creation of an academically excellent school system in every Kentucky school district.

Section 3. The institute shall be held on the campuses of Kentucky colleges or universities which are accessible and which can provide appropriate conference facilities, faculty and staff for the conduct of the institute. The state board shall make its selections of sites based on recommendations submitted by the Kentucky Department of Education and assurances of capability provided by the institutions, and experience with preceding institutes.

Section 4. Teachers shall apply, either individually or in teams of two (2) or three (3), to attend the Commonwealth Institute, and shall use forms supplied by the institute for the purpose. The applications shall include appropriate information about the applicant, and specifically, shall include an assurance that the applicant, within two (2) months following the summer session of the institute, will submit the name and address of at least one (1) private, public, nonprofit, commercial, business or industry entity within the applicant's community which is willing to cooperate, and indicates its willingness in writing, with the applicant in the action project to expand academic excellence in the school district, which is one (1) component of the institute's activities. Any institute participant failing, without just cause, to submit such an agreement shall be required by the Department of Education to return any stipend and expenses paid for participation in the institute.

Section 5. The Commonwealth Institute shall select outstanding teachers with a record of effective teaching which may be demonstrated as follows:

(1) Professional credentials, development, and experience;

(2) Honors, awards, and recognition achieved for effective teaching;

(3) Innovative teaching techniques such as effective curricula developed for use in the applicant's classroom, award-winning students taught by the applicant, and any other appropriate evidence the teacher may wish to include;

(4) Individual essays expressing initiative and reason for wishing to attend an institute.

Section 6. The selection committee will be named by the Superintendent of Public Instruction and will consist of three (3) institute alumni, two (2) faculty from the institute's host college(s) the preceding year,

two (2) faculty from the institute's host college(s) the coming year, and two (2) citizens having an interest in the institute. The Kentucky Department of Education will provide staff support to the selection committee.

Section 7. Each institute shall serve approximately 200 teachers.

Section 8. Each teacher shall be paid a stipend of \$400 for the week long seminar and follow-up sessions. Meals and lodging expenses shall be paid from the Department of Education appropriation for the Commonwealth Institute, and maximum expense allowance of fifty (50) per teacher per year may be paid to defray the cost of traveling to and from the institute sessions.

Section 9. An amount of ten (10) dollars per participant shall be set aside each year from institute resources to defray the expenses of a commonwealth institute alumni association. The amount shall be used for a network of institute participants for mutual support and sharing of information, experiences, and teaching techniques for further academic excellence. The association may supplement this amount with resources of its own.

Section 10. Teachers who have been selected and have attended a Commonwealth Institute, are not eligible to attend subsequent Commonwealth Institutes as participants eligible for stipends but may attend sessions as alumni. They may also serve as participants in institute programs or as resource consultants, and may receive any honorariums that may be appropriate in return for rendering specific services to the Commonwealth Institute.

Section 11. All Commonwealth Institutes shall include a study/action project component which shall require the participating teachers to develop and initiate within their home school and community a project for the advancement of academic excellence. The projects shall define the respective roles of the teacher/participants and the partner/sponsor supporting the teacher in carrying out the project. Project outcomes shall be reported and published by the Commonwealth Institute and disseminated throughout Kentucky.

Section 12. On behalf of the Commonwealth Institute, the Kentucky Department of Education shall request the cooperation and support of the Kentucky Educational Foundation, Inc. in obtaining the financial support necessary to enable teachers of private and parochial schools to attend the Commonwealth Institute and, in general, in obtaining the required private support for the Commonwealth Institute programs and purposes. In return, the foundation shall receive a cosponsorship of the Commonwealth Institute for Teachers. Financial support provided to the Institute by any other private enterprise or tax-exempt entity shall receive appropriate recognition by the Commonwealth Institute, the state board, and the Department of Education.

DR. JOHN BROCK, Superintendent

ADOPTED BY AGENCY: March 2, 1988

FILED WITH LRC: March 8, 1988 at 1 p.m.

STATEMENT OF EMERGENCY

Under KRS 13A the administrative body is required to implement this regulation in order to have sufficient authority to establish 1988 contribution rates for Kentucky employers under the Unemployment Insurance Program. These rates are spelled out in 903 KAR 5:290 and per KRS 341.270, are predicated on the trust fund balance as of December 31 of any calendar year. An emergency regulation is needed because this information is necessary in assigning rates for 1st quarter, 1988 contribution reports which are due before promulgation of a regulation through the normal process could occur. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS 13A.100.

WALLACE G. WILKINSON, Governor
HARRY J. COWHERD, M.D., Secretary

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

903 KAR 5:290E. Employer contribution rates.

RELATES TO: KRS 341.270

PURSUANT TO: KRS 194.050, 341.270

EFFECTIVE: March 10, 1988

NECESSITY AND FUNCTION: KRS 341.270 requires the Secretary for Human Resources to determine the rate schedule for employer's contributions. The rate schedule in effect for each calendar year is determined by the "trust fund balance" as of December 31, of the preceding year. This regulation applies the mathematical computation required by KRS 341.270 and sets forth the applicable rates to be in effect for the calendar year.

Section 1. Trust Fund Balance. The secretary finds the following to exist:

(1) The "trust fund balance" as of December 31, 1987 [1986], was \$251,483,024.34 [151,205,970.56].

(2) There was no outstanding loan from the Federal Unemployment Trust Fund as of December 31, 1987 [1986].

Section 2. Rate Schedule. On the basis of the findings in Section 1 of this regulation, and in accordance with KRS 341.270(3), Schedule C [D] of Table A shall be in effect for calendar year 1988 [1987], because the "trust fund balance" equals or exceeds \$250,000,000 but is less than \$275,000,000 [exceeded \$150,000,000, but was less than \$250,000,000], on December 31, 1987 [1986]. Rates listed in Schedule C [D] of Table A are listed below.

Employer Reserve Ratio	Rate Schedule
8.0% and over	<u>0.50</u> [0.60]%
7.0% but under 8.0%	<u>0.60</u> [0.80]%
6.0% but under 7.0%	<u>0.70</u> [0.90]%
5.0% but under 6.0%	<u>1.00</u> [1.20]%
4.6% but under 5.0%	<u>1.40</u> [1.60]%
4.2% but under 4.6%	<u>1.80</u> [2.10]%
3.9% but under 4.2%	<u>2.20</u> [2.40]%
3.6% but under 3.9%	<u>2.40</u> [2.60]%
3.2% but under 3.6%	<u>2.50</u> [2.70]%
2.7% but under 3.2%	<u>2.60</u> [2.80]%
2.0% but under 2.7%	<u>2.70</u> [2.90]%

1.3% but under 2.0%
0.0% but under 1.3%
-0.5% but under -0.0%
-1.0% but under -0.5%
-1.5% but under -1.0%
-2.0% but under -1.5%
-3.0% but under -2.0%
-4.0% but under -3.0%

2.80 [3.00]%
2.90 [3.10]%
7.00 [7.25]%
7.25 [7.50]%
7.50 [7.75]%
7.75 [8.00]%
8.00 [8.25]%
8.25 [8.50]%

-6.0% but under -4.0%
-8.0% but under -6.0%
Less than 8.0%

8.75 [9.00]%
9.00 [9.25]%
9.50 [9.75]%

JAMES P. DANIELS, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: March 8, 1988
FILED WITH LRC: March 10, 1988 at 9 a.m.

AS AMENDED BY SUBCOMMITTEE AND AGENCY AT MARCH 10, 1988 MEETING

GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(As Amended)

201 KAR 20:095. Inactive nurse licensure status.

RELATES TO: KRS 314.041(7), 314.051(7)

PURSUANT TO: KRS Chapter 314

EFFECTIVE: March 10, 1988

NECESSITY AND FUNCTION: To provide for administration of requirements for obtaining and maintaining inactive licensure status, and to establish requirements for changing licensure status from inactive to active.

Section 1. An individual may apply for inactive status in Kentucky by meeting the following requirements:

- (1) Complete application.
- (2) Pay current application fee for inactive status.
- (3) Hold or have held Kentucky nurse licensure.
- (4) Submit copy of an official name change document (court order, marriage certificate, divorce decree), if applicable.

Section 2. An individual who has been granted inactive status shall receive a license with such inactive status designated on the face of the license.

Section 3. An individual holding inactive licensure status for less than five (5) years who wishes to apply for active licensure may do so by meeting the following requirements:

- (1) Complete an active status application.
- (2) Pay current application [renewal] fee for change of licensure status from inactive to active [an active license].
- (3) Meet continuing education requirements as specified in 201 KAR 20:230, Renewal of licenses, Sections 3 and 4 as appropriate.

Section 4. An individual holding an active nurse license issued by another jurisdiction and who has held Kentucky inactive licensure status for less than five (5) years must complete an active status application, pay current application [renewal] fee for an active license, and show evidence of one (1) of the following before an active license will be issued:

- (1) Active nursing practice [in another state] of at least 500 hours [one (1) year] within the preceding five (5) years in another jurisdiction;
- (2) Completion of an [a board] approved refresher course in nursing within the previous two (2) years preceding the date of application for active Kentucky licensure status;
- (3) Completion of continuing education requirements as specified in 201 KAR 20:230,

Renewal of licenses, Sections 3 and 4 as appropriate.

Section 5. If an individual has held inactive licensure status in Kentucky for five (5) or more years, she shall complete an active status application, pay current application [renewal] fee for an active license, and show evidence of:

- (1) Active nursing practice [in another state] of at least 500 hours [one (1) year] within the preceding five (5) years in another jurisdiction; or
- (2) For applications for active status licensure filed on or before December 31, 1988, completion of fifteen (15) contact hours of continuing education, for each year since the last year of active licensure, to a maximum of forty-five (45) [150] contact hours, provided that at least thirty (30) contact hours shall have been earned within the twenty-four (24) months preceding the date of application [for active licensure status]. Continuing education earned more than ten (10) years preceding the date of application shall not be counted toward meeting this requirement. [, in addition to the continuing education requirement as specified in 201 KAR 20:230, Renewal of licenses.]

- (3) For applications for active status licensure filed on or after January 1, 1989, completion of fifteen (15) contact hours of continuing education for each year since the last year of active licensure, to a maximum of 150 contact hours, provided that at least thirty (30) contact hours shall have been earned within the twenty-four (24) months preceding the date of application. Continuing education earned more than ten (10) years preceding the date of application shall not be counted toward meeting this requirement.

Section 6. For individuals who change licensure status from inactive to active during the last ten (10) months of a biennial contact hour earning period, contact hour earning which meets or exceeds the contact hour requirement for the upcoming licensure renewal may be accepted as evidence of earning for both current and upcoming licensure periods.

Section 7. An individual who has been granted inactive status in Kentucky is prohibited from being employed in this state as a registered nurse or licensed practical nurse or from functioning in the capacity of a nurse while maintaining the inactive status. An individual who is employed or who practices as a nurse in this state while on inactive status shall be considered to be practicing without a license and in violation of KRS 314.031 and subject to the penalties in KRS Chapter 314.

[Section 8. The board may require retaking of the licensure examination and achievement of a passing score by a nurse or applicant for licensure who previously has successfully taken the examination, but whose license has been on Kentucky inactive status for more than five (5) years, and the nurse or applicant for licensure has not held a current active license in another jurisdiction and practiced as a nurse for a period of time as required in this regulation.]

SHARON M. WEISENBECK, Executive Director
APPROVED BY AGENCY: January 15, 1988
FILED WITH LRC: January 15, 1988 at 10 a.m.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(As Amended)

904 KAR 2:116. Low income home energy assistance program.

RELATES TO: KRS 194.050
PURSUANT TO: KRS 194.050
EFFECTIVE: March 10, 1988

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility as prescribed by Public Law 97-35 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981 as amended) to administer a program to provide assistance for eligible low income households within the Commonwealth of Kentucky to help meet the costs of home energy. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the eligibility and benefits criteria for each of two (2) components of energy assistance, subsidy and crisis under the Home Energy Assistance Program (HEAP).

Section 1. Application. Each household or authorized representative of the household requesting assistance shall be required to complete an application and provide such information as may be deemed necessary to determine eligibility and benefit amount in accordance with the procedural requirements prescribed by the cabinet. An "authorized representative" is that person applying on behalf of a household who presents to the cabinet or its representative a written statement signed by the appropriate household member authorizing that person to apply on the household's behalf. An application shall not be considered completed until all information necessary to determine eligibility and benefit amount is received.

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

(1) "Principal residence" is that place where a person is living voluntarily and not on a temporary basis; the place he/she considers home; the place to which, when absent, he/she intends to return; and such place is identifiable from other residences, commercial establishments, or institutions.

(2) "Energy" is defined to include electricity, gas, and any other fuel such as coal, wood, oil, bottled gas, etc., that is used to sustain reasonable living conditions.

(3) "Household" means any individual or group

of individuals who are living together in the principal residence as one (1) economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(4) "Economic unit" is one (1) or more persons sharing common living arrangements.

(5) "Subsidy component" is that portion of benefits reserved as energy assistance for heating.

(6) "Crisis component" is that component administered by local organizations under contract with the cabinet to provide fuel, heaters, blankets and/or sleeping bags, vouchers to purchase these items, or minor repair of the heating system to eligible households who are without heat, or will be without fuel within five (5) days, or receive a notice of disconnection of service, or require a heat system repair to obtain adequate heat.

(7) "Life threatening situation" is defined as without heat or will be without heat within forty-eight (48) hours and temperatures at a dangerous level for household members.

Section 3. Eligibility Criteria. (1) A household must meet the following conditions of eligibility for receipt of a HEAP payment under the subsidy and crisis components:

(a) For purposes of determining eligibility, the amount of continuing and noncontinuing earned and unearned gross income including lump sum payments received by the household during the calendar month preceding the month of application will be considered. Income received on an irregular basis will be prorated.

(b) Gross income for the calendar month preceding the month of application must be at or below the applicable amount shown on the income scale for the appropriate size household. Excluded from consideration as income are payments received by a household from a federal, state, or local agency designated for a special purpose and which the applicant must spend for that purpose, payments made to others on the household's behalf, loans, reimbursements for expenses, incentive payments (WIN and JTPA) normally disregarded in AFDC, federal payments or benefits which must be excluded according to federal law, and Supplemental Medical Insurance premiums.

Income Scale

Family Size	Monthly	Yearly
1	\$ 504	\$ 6,050
2	678	8,140
3	852	10,230
4	1,027	12,320
5	1,201	14,410
6	1,375	16,500

(c) For each household member more than six (6), the above income eligibility limitation for six (6) will be increased by \$174 monthly or \$2,090 yearly for each additional household member.

(d) The household must have total liquid assets at the time of application of not more than \$5,000. Excluded assets are cars, household or personal belongings, principal residence, cash surrender value of insurance policies, prepaid burial policies, real property, and cash on hand or in a bank account if said cash is income considered under paragraph (a) of this

subsection.

(e) Applicants for the crisis component must be without heat, or will be without fuel within five (5) days, or have received a notice of disconnection of service, or require a heat system repair to obtain adequate heat.

(2) Households are eligible to receive benefits under the subsidy component once and under the crisis component not to exceed the maximum amount of benefits.

Section 4. Benefit Levels. Payment amounts for the subsidy and crisis components are set at a level to serve a maximum number of households while providing a reasonably adequate benefit relative to energy costs. In the subsidy component, the highest level of assistance will be provided to households with lowest incomes and highest energy costs in relation to income, taking into account family size.

(1) Payments to eligible households under the subsidy component will be made for the full benefit amount based on type of energy for heating, monthly household income, and household size as specified in the following benefit scales.

**Benefit Scales
Subsidy Component**

Scale A.

Energy Sources: Electricity

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or More
\$ 0 - \$400	\$123	\$135
\$401 - \$800	\$105	\$117
Over \$800	---	\$101

Scale B.

Energy Sources: LP Gas (Propane), Fuel Oil, Kerosene, Natural Gas

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or More
\$ 0 - \$400	\$113	\$125
\$401 - \$800	\$ 95	\$107
Over \$800	---	\$ 88

Scale C.

Energy Sources: Coal, Wood

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or More
\$ 0 - \$400	\$100	\$112
\$401 - \$800	\$ 82	\$ 94
Over \$800	---	\$ 75

(2) If the cabinet receives only a percentage of the federal funds authorized by Congress, benefits to eligible households under the subsidy component may be reduced proportionately.

(3) Benefits to eligible households under the crisis component shall be in the form of fuel or other energy for heating, heaters, blankets, and/or sleeping bags, vouchers to purchase these items, or repair to a heating system to obtain adequate heat. The contracting agency will determine the type and value of assistance

necessary to alleviate the crisis, not to exceed a maximum of \$300 total benefit value per eligible household.

Section 5. Benefit Delivery Methods. Benefits shall be provided to eligible households as follows:

(1) Whenever feasible, payment under the subsidy component is authorized by a two (2) party check made payable to the recipient and the provider or landlord if the heating is included as an undesignated portion of rent.

(2) When a two (2) party check is not issued under the subsidy component, the recipient shall sign a statement as part of the application prior to receipt of funds affirming that benefits received under HEAP shall be utilized solely for home energy.

(3) Under the subsidy component, at the recipient's discretion, the total benefit may be made in separate authorizations to facilitate payment to more than one (1) provider (e.g., when the recipient heats with both a wood stove and electric space heaters). However, the total amount of the payments may not exceed the maximum for the primary source of energy for heating. The household will decide how to divide payment if more than one (1) provider is used.

(4) For the crisis component, no direct cash payments shall be made to the recipient. Benefits shall be provided to eligible households by the contracting agency in the amount and value determined by the contracting agency necessary to alleviate the crisis, not to exceed the maximum allowable payment. Payments under the crisis component will be authorized to the energy provider by one (1) party checks upon delivery of fuel, heaters, blankets, and/or sleeping bags, restoration or continuation of service, or upon repair of the heating system.

Section 6. Right to a Fair Hearing. Any individual has a right to request and receive a fair hearing in accordance with 904 KAR 2:055, Hearings and appeals.

Section 7. Time Standards. Under the subsidy component, the cabinet shall make an eligibility determination promptly after receipt of a completed and signed application but not to exceed thirty (30) days. Under the crisis component, completed applications will be processed such that the crisis is resolved within forty-eight (48) hours and in life threatening situations within eighteen (18) hours. Applicants under the crisis component will have no more than ten (10) working days from the date of application to provide information necessary to complete the application.

Section 8. Effective Dates. The following shall be the implementation and termination dates for HEAP:

(1) Applications for the subsidy component shall be accepted from [as follows:]

[[a)] Households containing at least one (1) member who is elderly (age sixty (60) or older) or receiving benefits on the basis of 100 percent disability [may apply] beginning October 19, 1987 and ending no later than October 30, 1987.

[[b)] Applications shall be accepted from all households beginning November 16, 1987 and ending no later than December 30, 1987.]

(2) Applications for the crisis component shall be accepted beginning January 11, 1988 and ending no later than April 29, 1988.

(3) Applications shall be processed in the order taken until funds are expended. HEAP subsidy component shall be terminated by the secretary when actual and projected component expenditures have resulted in utilization of available funds or December 30, 1988, whichever comes first.

(4) HEAP may be reactivated after termination under the same terms and conditions as shown in this regulation should additional federal funds be made available for that purpose.

Section 9. Allocation of Funds. (1) Up to fifteen (15) percent of the total HEAP allocation shall be reserved for weatherization assistance.

(2) Up to \$10,512,922 [\$9,590,422] of benefit funds [\$6,000,000] shall be reserved for the crisis component. Eighty-five (85) percent of the funds reserved for the crisis component shall be allocated, by local administering agency, based upon the poverty levels of the counties served by the local administering agency in accordance with the 1980 Census. Fifteen (15) percent of the funds plus any additional funds made available from the subsidy component or from the Energy Assistance Trust Fund shall be held by the contracting agency as a contingency fund to be allocated to any local administering agency of the state chosen at the discretion of the contracting agency to provide low income home energy assistance in accordance with its contract. On February 8, 1988, all unobligated allocations may be reallocated as necessary by the contracting agency with the concurrence of the Department for Social Insurance.

(3) Up to \$5,000,000 of [Remaining] benefit funds available under Public Law 97-35 [less \$25,000 reserved under subsection (5) of this section] shall be reserved for the subsidy component. [Fifty (50) percent of the funds available under the subsidy component shall be reserved for households eligible to apply beginning October 19, 1987 and ending no later than October 30, 1987. The remaining fifty (50) percent plus any funds remaining available after October 30, 1987 shall be reserved for households applying beginning November 16, 1987

and ending no later than December 30, 1987. The funds available for the households applying beginning November 16, 1987 shall be allocated by area development district based upon the level of poverty in accordance with the 1980 Census. Any funds remaining available under the subsidy component after December 30, 1987 shall be made available under the crisis component contingency fund held by the contracting agency.]

(4) Up to \$400,000 of the contingency fund under subsection (2) of this section shall be reserved to assure component availability until March 15, 1988 for emergency crisis assistance for households who are without heat.

(5) Up to \$25,000 [of the funds in Section 3 of this regulation] shall be reserved for the Preventive Assistance Program administered by the Department for Social Services to assist families with an energy payment not to exceed \$300 per family if the payment will prevent the removal of a child from a family or if it will assist in reuniting a child with the family.

Section 10. Energy Provider Responsibilities. Any provider accepting payment from HEAP for energy provided to eligible recipients is required to comply with the following:

(1) Reconnection of utilities and/or delivery of fuel must be accomplished upon certification for payment;

(2) The household must be charged in the normal billing process the difference between the actual cost of the home energy and the amount of payment made through this program. For balances remaining after acceptance of the HEAP payment, the customer must be offered the opportunity for a deferred payment arrangement or a level payment plan;

(3) HEAP recipients shall not be treated adversely than households not receiving benefits;

(4) The household on whose behalf benefits are paid shall not be discriminated against, either in the costs of goods supplied or the services provided; and

(5) A landlord shall not increase the rent of recipient households on the basis of receipt of this payment.

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: January 6, 1988

FILED WITH LRC: January 8, 1988 at 3 p.m.

AMENDED AFTER HEARING

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division for Air Quality (Amended After Hearing)

401 KAR 50:010. Definitions and abbreviations.

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 defining of terms to be used in Title 401, Chapters 50 to 65.

Section 1. Definitions. All terms not defined herein or in subsequent regulations, shall have the meaning given them in KRS 224.005 or by commonly accepted usage. As used in the regulations of the Division for Air Quality unless the content clearly indicates otherwise, the following words shall have the following meaning:

(1) "Affected facility" means an apparatus, building, operation, road, or other entity or series of entities which emits or may emit any air contaminant into the outdoor atmosphere.

(2) "Air contaminant or air pollutant" includes smoke, dust, soot, grime, carbon, or any other particulate matter, radioactive matter, noxious acid, fumes, gases, odor, vapor, or any combination thereof.

(3) "Air pollution" means the presence in the outdoor atmosphere of one (1) or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property.

(4) "Air pollution control equipment" means any mechanism, device or contrivance used to control or prevent air pollution, which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation.

(5) "Alteration" means:

(a) The installation or replacement of air pollution control equipment at a source;

(b) Any physical change in, or change in the method of operation of any affected facility which increases the potential to emit of any pollutant (to which a standard applies) emitted by such facility or which results in the emission of any air pollutant (to which a standard applies) not previously emitted.

(6) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the cabinet's and the U.S. EPA's satisfaction to, in specific cases, produce results adequate for its determination of compliance.

(7) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(8) "Ambient air quality standard" means a numerical expression of a specified concentration level for a particular air contaminant and the time averaging interval over which that concentration level is measured and is a goal to be achieved in a stated time through the application of appropriate preventive and/or control measures.

(9) "Cabinet" means the Natural Resources and Environmental Protection Cabinet.

(10) "Commence" means that an owner or operator has undertaken a continuous program of construction, modification, or reconstruction of an affected facility, or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, modification, or reconstruction of an affected facility.

(11) "Compliance schedule" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with any limitation or standard.

(12) "Construction" means fabrication, erection, installation or modification of an air contaminant source.

(13) "Continuous monitoring system" means the total equipment, required under the applicable regulations used to sample, to condition (if applicable), to analyze and to provide a permanent record of emissions or process parameters.

(14) "Director" means Director of the Division for Air Quality of the Natural Resources and Environmental Protection Cabinet.

(15) "District" means an air pollution control district as provided for in KRS Chapter 77.

(16) "Emission standard" means that numerical limit which fixes the amount of an air contaminant or air contaminants that may be vented into the atmosphere (open air) from any

affected facility or from air pollution control equipment installed in any affected facility.

(17) "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to the cabinet's and the U.S. EPA's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

(18) "Existing source" means any source which is not a new source.

(19) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(20) "Fuel" means natural gas, petroleum, coal, wood, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.

(21) "Fugitive emissions," except where 401 KAR 51:017 and 401 KAR 51:052 are applicable, means the emissions of any air contaminant into the open air other than from a stack or air pollution control equipment exhaust.

(22) "Hydrocarbon" means any organic compound consisting predominantly of carbon and hydrogen.

(23) "Incineration" means the process of igniting and burning solid, semisolid, liquid, or gaseous combustible wastes.

(24) "Intermittent emissions" means emissions of particulate matter into the open air from a process which operates for less than any six (6) consecutive minutes.

(25) "Malfunction" means any failure of air pollution control equipment, or process equipment, or of a process to operate in a normal or usual manner.

(26) "Major source" means any source of which the potential emission rate is equal to or greater than 100 tons per year of any of the following pollutants: particulate matter, sulfur oxides, nitrogen oxides, volatile organic compounds or carbon monoxide.

(27) "Modification" means any physical change in, or change in the method of operation of an affected facility which increases the potential to emit of any air pollutant (to which a standard applies) emitted by such facility, or which results in the emission of any air pollutant (to which a standard applies) not previously emitted, except that:

(a) Routine maintenance, repair, and replacement of component parts shall not be considered physical changes;

(b) The following shall not be considered a change in the method of operation:

1. An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility, or the maximum operating capacity specified as a condition to a permit issued by the cabinet;

2. An increase in hours of operation;

3. Use of an alternative fuel or raw material if, prior to the date any standard becomes applicable to such facility, the affected facility is designed to accommodate such alternative use.

(28) "Monitoring device" means the total equipment, required in applicable regulations, used to measure and record (if applicable) process parameters.

(29) "New source" means any source, the construction, reconstruction, or modification of which commenced on or after the classification date as defined in the applicable regulation. A source, upon reconstruction, becomes a new source, irrespective of any change in emission rate.

(30) "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods specified by the cabinet.

(31) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(32) "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a source to which an affected facility is a part.

(33) "Particulate matter" means:

(a) As used in 40 CFR 60, any material, except uncombined water, which exists in a finely divided form as a liquid or a solid as measured by the appropriate approved test method; or

(b) For all other purposes any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(34) "Particulate matter emissions" means, except as used in 40 CFR 60, all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Chapter I [51], or by a test method specified in the approved state implementation plan.

(35) [(34)] "Person or persons" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, copartnership, association, firm, trust, estate, or other entity whatsoever.

(36) "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J to 40 CFR 50, filed by reference in 401 KAR 50:015, and designated in accordance with 40 CFR 53, or by an equivalent method designated in accordance with 40 CFR 53.

(37) "PM₁₀ emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 CFR Chapter I [51], or by a test method specified in the approved state implementation plan.

(38) [(35)] "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(39) [(36)] "Reconstruction" means the replacement of components of an existing affected facility to such an extent that the fixed capital cost of the new components exceeds fifty (50) percent of the fixed capital cost that would be required to construct a comparable entirely new affected facility, and it is technologically and economically feasible to meet the applicable new source standards. Individual sections of these regulations may

include specific provisions which refine and delimit the concept of reconstruction set forth in this subsection. The cabinet's determination as to whether the proposed replacement constitutes reconstruction shall be based on:

(a) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;

(b) The estimated life of the affected facility after the replacements compared to the life of a comparable entirely new affected facility;

(c) The extent to which the components being replaced cause or contribute to the emissions from the affected facility; and

(d) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(40) [(37)] "Reference method" means any method of sampling and analyzing for an air pollutant as prescribed by Appendices A through K [G] to 40 CFR 50, Appendices A and B to 40 CFR 60, and Appendix B to 40 CFR 61. This term may be more narrowly defined within a specific regulation or chapter.

(41) [(38)] "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

(42) [(39)] "Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as does the stationary source modification which causes the secondary emissions. Secondary emissions may include, but are not limited to emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as the emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(43) [(40)] "Shutdown" means the cessation of an operation for any purpose.

(44) [(41)] "Source" means one (1) or more affected facilities contained within a given contiguous property line. The property shall be considered contiguous if separated only by a public thoroughfare, stream, or other right of way.

(45) [(42)] "Stack or chimney" means any flue, conduit, or duct arranged to conduct emissions to the atmosphere.

(46) [(43)] "Standard" means an emission standard, a standard of performance, or an ambient air quality standard as promulgated under the regulations of the Division for Air Quality or the emission control requirements necessary to comply with the provisions of Title 401, Chapter 51, of the regulations of the Division for Air Quality.

(47) [(44)] "Standard conditions:"

(a) For source measurements means twenty (20) degrees Celsius (sixty-eight (68)) degrees Fahrenheit) and a pressure of 760 mm Hg (29.92 in. of Hg);

(b) For the purpose of air quality determinations means twenty-five (25) degrees Celsius and a reference pressure of 760 mm Hg.

(48) [(45)] "Start-up" means the setting in operation of an affected facility for any purpose.

(49) "State implementation plan" means the most recently prepared plan or revision thereof required by Section 110 of the Clean Air Act which has been approved by the U.S. EPA.

(50) "Total suspended particulate" means particulate matter as measured by the method described in Appendix B of 40 CFR 50, filed by reference in 401 KAR 50:015.

(51) [(46)] "Uncombined water" means water which can be separated from a compound by ordinary physical means and which is not bound to a compound by internal molecular forces.

(52) [(47)] "Urban county" means any county which is a part of an urbanized area with a population of greater than 200,000 based upon the 1970 census. If any portion of a county is a part of such an urbanized area, then the entire county shall be classified as urban with respect to the regulations of the Division for Air Quality.

(53) [(48)] "Urbanized area" means any area defined as such by the U.S. Department of Commerce, Bureau of Census.

(54) [(49)] "Volatile organic compound (VOC)" means, except as used in 401 KAR 51:017 or 401 KAR 51:052, any organic compound which participates in atmospheric photochemical reactions; or which is measured under the applicable regulation by a reference method, an equivalent method, an alternative method, or which is determined by procedures specified in the applicable regulation. Compounds which do not participate in atmospheric photochemical reactions or which are not considered to be organic compounds are: methane, ethane, methylene chloride, 1,1,1-trichloroethane (methyl chloroform), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate.

Section 2. Abbreviations. The abbreviations used in the regulations of Title 401, Chapters 50 to 65, shall have the following meanings:

AOAC - Association of Official Analytical Chemists

ANSI - American National Standards Institute

ASTM - American Society for Testing and Materials

BOD - Biochemical oxidant demand

BTU - British Thermal Unit

°C - Degree Celsius (centigrade)

Cal - calorie

cfm - Cubic feet per minute

CFR - Code of Federal Regulations

CH₄ - methane

CO - Carbon monoxide

CO₂ - Carbon dioxide

COD - Chemical oxidant demand

dscf - dry cubic feet at standard conditions

dscm - dry cubic meter at standard conditions

°F - Degree Fahrenheit

ft - feet

g - gram(s)

gal - gallon(s)

gr - grain(s)

hr - hour(s)

HCl - Hydrochloric acid

Hg - mercury

HF - Hydrogen fluoride

H₂O - water

H₂S - Hydrogen sulfide

H₂SO₄ - Sulfuric acid

in - inch(es)

J - joule

KAR - Kentucky Administrative Regulations

kg - kilogram(s)

KRS - Kentucky Revised Statutes

l - liter(s)

lb - pound(s)

m - meter(s)

m³ - cubic meter

min - minute(s)

mg - milligram(s)

MJ - megajoules

MM - million

mm - millimeter(s)

mo - month

Ng - nanograms

N₂ - Nitrogen

NO - Nitric oxide

NO₂ - Nitrogen dioxide

NO_x - Nitrogen oxides

oz - ounce

O₂ - oxygen

O₃ - ozone

ppb - parts per billion

ppm - parts per million

ppm (w/w) - parts per million (weight by weight)

ug - microgram

psia - pounds per square inch absolute

psig - pounds per square inch gage

S - at standard conditions

sec - second

SIP - State implementation plan

[TAPPI - Technical Association of the Pulp and Paper Industry]

SO₂ - Sulfur dioxide

sq - square

TAPPI - Technical Association of the Pulp and Paper Industry

TSP - Total suspended particulates

TSS - Total suspended solids

U.S. EPA - United States Environmental Protection Agency

UTM - Universal Transverse Mercator

VOC - Volatile organic compound

yd - yard.

CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: March 11, 1988

FILED WITH LRC: March 11, 1988 at 11:45 a.m.

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality
(Amended After Hearing)

401 KAR 51:052. Review of new sources in or impacting upon nonattainment areas.

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 establishes requirements for the construction or modification of stationary sources within, or impacting upon, areas where the national ambient air quality standards have not been attained.

Section 1. Applicability. (1) The requirements of this regulation shall apply to new major sources or major modifications commenced after the classification date defined below and that will locate in or impact upon any area designated as nonattainment pursuant to Section 107(d)(1)(A), (B), or (C) of the Clean Air Act. Area designations are contained in 40 CFR 81.318.

(2) The provisions of this regulation relating to visibility protection shall also apply to major sources or major modifications in nonattainment areas which potentially have an impact on visibility in any mandatory Class I federal area.

Section 2. Definitions. As used in this regulation terms not defined herein shall have the meaning given them in 401 KAR 50:010 or for terms relating to the protection of visibility, in 401 KAR 51:017.

(1) "Major stationary source" means:

(a) Any stationary source which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Clean Air Act; or

(b) Any physical change that would occur at a stationary source not qualifying under paragraph (a) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself.

(c) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

(2) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Clean Air Act.

(a) Any net emissions increase that is significant for volatile organic compounds shall be significant for ozone.

(b) A physical change or change in the method of operation shall not include:

1. Routine maintenance, repair and replacement;

2. Use of alternative fuel or raw material by reason of an order or by reason of a natural gas curtailment plan in effect under a federal act;

3. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

4. Use of an alternative fuel or raw material by a stationary source which:

a. The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21 or pursuant to 401 KAR 51:017 or under regulations established pursuant to 40 CFR 51.18; or

b. The source is approved to use under any permit issued under this regulation;

5. An increase in the hours of operation or in the production rate, unless such change is prohibited under a permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21 or pursuant to 401 KAR 51:017 or under regulations established pursuant to 40 CFR 51.18; or

6. Any change in ownership at a stationary source.

(3) "Net emission increase" means the amount by which the sum of paragraphs (a) and (b) of this subsection exceeds zero:

(a) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and

(b) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(c) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date which is ten (10) years before construction on the particular change commences, but not before December 21, 1976, and the date that the increase from the particular change occurs.

(d) An increase or decrease in actual emissions is creditable only if the cabinet has not relied on it in issuing a permit for the source under this regulation, which permit is in effect when the increase in actual emissions from the particular change occurs.

(e) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(f) A decrease in actual emissions is creditable only to the extent that:

1. The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

2. It is state and federally enforceable at and after the time that actual construction on the particular change begins;

3. The cabinet has not relied on it in issuing any permit or in demonstrating attainment or reasonable further progress; and

4. It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(g) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(4) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical or operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is state and federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(5) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act.

(6) "Building, structure, facility, or installation" means all of the pollutant emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are

under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two (2) digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 supplement.

(7) "Emission unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

(8) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

(9) "Commence" as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(10) "Necessary preconstruction approvals or permits" means those permits or approvals required under the regulations of Title 401, Chapters 50 and 63.

(11) "Allowable emissions" means the emissions rate calculated using the maximum rated capacity of the source (unless the source is subject to state and federally enforceable permit conditions which limit operating rate, of hours or operation, or both) and the most stringent of the following:

(a) The applicable new source performance standards set forth in Title 401, Chapters 57 and 59, or 40 CFR Parts 60 and 61;

(b) Any other state and federally approved regulatory emission limitations, including those with a future compliance date; or

(c) The emission rate specified as a state and federally enforceable permit condition, including those with a future compliance date.

(12) "Federally enforceable" means all limitations and conditions which are enforceable by the U.S. EPA, including those requirements developed pursuant to 40 CFR 60 and 61, requirements within any applicable State Implementation Plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.18 or 40 CFR 51.24.

(13) "Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this regulation, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not otherwise be constructed or increase its

emissions as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as the emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(14) "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with paragraphs (a) to (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emission unit actually emitted the pollutant during a two (2) year period which precedes the particular date and which is representative of normal source operation. The cabinet shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emission unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The cabinet may presume that source specific allowable emissions for the emission unit are equivalent to the actual emissions of the emissions unit.

(c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emission unit on that date.

(15) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(16) "Significant" means in reference to a net emissions increase or the potential of a source to emit any pollutant, a rate of emissions that would equal or exceed any rates given in Appendix A of this regulation.

(17) "Lowest achievable emission rate" means, for any source, the more stringent rate of emissions based on the following:

(a) The most stringent emissions limitation which is contained in any implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

(b) The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a major modification, means the lowest achievable emissions rate for the new or modified emission unit within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under any applicable new source standard under Title 401, Chapters 57 and 59, and 40 CFR Parts 60 and 61.

(18) "Classification date" means September 22, 1982.

(19) "Reasonable further progress" means annual incremental reductions in emissions of the applicable air pollutant which are sufficient, in the judgment of the cabinet and the U.S. EPA, to provide for attainment of the applicable ambient air quality standard by the date specified in 401 KAR 51:010, Section 2.

(20) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit

which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operating, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(21) "Class I area" means the areas listed in paragraph (a) of this subsection. These areas may not be redesignated.

(a) 1. International parks;

2. National wilderness areas and national memorial parks which exceed 5,000 acres in size; and

3. National parks which exceed 6,000 acres in size.

(b) Any other area, unless otherwise specified in the legislation creating such an area, is designated Class II but may be redesignated as provided in 40 CFR 51.24(g).

(22) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Class I area. This determination shall be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate with the times of visitor use of the Class I area, and the frequency and timing of natural conditions that reduce visibility.

(23) "State Implementation Plan" means the most recently prepared plan or revision thereof required by Section 110 of the Clean Air Act which has been approved by the U.S. EPA.

(24) "Mandatory Class I federal area" means any area identified in 40 CFR 81, Subpart D, where the administrator of the U.S. EPA, in consultation with the Secretary of the United States Department of Interior, has determined visibility to be an important value.

(25) "Natural conditions" means those naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(26) "Visibility impairment" means any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.

Section 3. Initial Screening Analyses and Determination of Applicable Requirements. (1) Review of all sources for emissions limitation compliance. The cabinet shall examine each proposed major new source and proposed major modification to determine if such source or modification will meet all applicable emission requirements in Title 401, Chapters 50 to 63. If the cabinet determines from the application and all other available information that the proposed source or modification will not meet the applicable emission requirements, the permit to construct shall be denied.

(2) Review of specified sources of air quality impact. In addition, the cabinet shall determine whether the major stationary source or major modification would be constructed in an area designated as nonattainment pursuant to Section 107(d)(1)(A), (B), or (C) of the Clean Air Act for a pollutant for which the stationary source or modification is major. If a designated nonattainment area is projected to be an

attainment area as part of an approved control strategy by the new source start-up date, offsets shall not be required if the new source would not cause a new violation.

(3) Fugitive emission sources. Sections 5 and 10 of this regulation shall not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

- (a) Coal cleaning plants (with thermal dryers);
- (b) Kraft pulp mills;
- (c) Portland cement plants;
- (d) Primary zinc smelters;
- (e) Iron and steel mills;
- (f) Primary aluminum ore reduction plants;
- (g) Primary copper smelters;
- (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (i) Hydrofluoric, sulfuric, or nitric acid plants;
- (j) Petroleum refineries;
- (k) Lime plants;
- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
- (q) Fuel conversion plants;
- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants;
- (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million BTUs per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) Taconite ore processing plants;
- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million BTUs per hour heat input; or
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under Title 401, Chapters 57 and 59, or 40 CFR Parts 60 and 61.

Section 4. Sources Locating in Designated Attainment or Unclassifiable Areas. (1) This section shall apply only to new major stationary sources or new major modifications which will locate in designated attainment or unclassifiable areas pursuant to Section 107(d)(1)(D) or (E) of the Clean Air Act if the source or modification would cause impacts which exceed the significance levels specified in Appendix B of this regulation at any locality that does not or would not meet the national ambient air quality standards.

(2) Sources to which this section applies must meet the requirements in Section 5(1), (2) and (4) of this regulation. However, such sources may be exempt from Section 5(3) of this regulation.

(3) For sources of sulfur dioxide, particulate matter, and carbon monoxide, the determination of whether a new major source or major modification will cause or contribute to a violation of a national ambient air quality standard shall be made on a case-by-case basis

using the source's allowable emissions in an approved atmospheric simulation model pursuant to 401 KAR 50:040.

(4) For sources of nitrogen oxides, the initial determination of whether a new major source or major modification would cause or contribute to a violation of the national ambient air quality standard for nitrogen dioxide shall be made using an approved atmospheric simulation model assuming all the nitric oxide emitted is oxidized to nitrogen dioxide by the time the plume reaches ground level. The initial concentration estimates may be adjusted if adequate data are available to account for the expected oxidation rate.

(5) For ozone, sources of volatile organic compounds (VOC) locating outside a designated ozone nonattainment area will be presumed to have no significant impact on the designated nonattainment area. If ambient monitoring indicates that the area of source location is in fact nonattainment, then the source may be permitted under the applicable provisions of this regulation until the area is designated nonattainment pursuant to Section 107(d)(1)(A), (B), or (C) of the Clean Air Act. Once the area of source location has been redesignated to nonattainment status in 40 CFR 81.318, the provisions of Section 5(3) and (4) of this regulation as they relate to emissions of VOC shall not apply, provided the area is not also an urban county as defined in 401 KAR 50:010.

(6) The determination as to whether a new major source or major modification would cause or contribute to a violation of a national ambient air quality standard shall be made as of the start-up date.

(7) Applications for major new sources and major modifications locating in attainment or unclassifiable areas the operation of which would cause a new violation of a national ambient air quality standard but would not contribute to an existing violation may be approved only if both the following conditions are met:

(a) The new source is required to meet an emission limitation, or a design, operational or equipment standard, or existing sources are controlled, such that the new source will not cause a violation of any national ambient air quality standard.

(b) The new emission limitations for the new source as well as any existing sources affected must be state and federally enforceable in accordance with the mechanisms set forth in Section 7 of this regulation.

Section 5. Conditions for Approval. The provisions of this section shall apply to new major stationary sources or major modifications which would be constructed in an area designated as nonattainment pursuant to Section 107(d)(1)(A), (B) or (C) of the Clean Air Act for a pollutant for which the stationary source or modification is major. Approval may be granted only if the following conditions are met:

(1) The new major source or major modification shall be required to meet an emission limitation which specifies the lowest achievable emission rate for such source.

(2) The applicant shall demonstrate that all existing major sources owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in the Commonwealth of Kentucky are in

compliance with all applicable emission limitations and standards specified in Title 401, Chapters 50 to 63, and 40 CFR Parts 60 and 61 and the Clean Air Act, or are in compliance with an expeditious state and federally enforceable compliance schedule or a court decree establishing a compliance schedule.

(3) Emissions from existing sources in the affected area of the proposed new major source or modifications (whether or not under the same ownership) shall be reduced (offset) such that there will be reasonable progress toward attainment of the applicable national ambient air quality standard. Only those transactions in which the emissions being offset are from the same criteria pollutant category shall be accepted.

(4) The emission reductions shall be such as to provide a positive net air quality benefit in the affected area. Atmospheric simulation modeling is not necessary for volatile organic compounds and oxides of nitrogen. Except as provided in Section 4(5) of this regulation, compliance with subsection (3) of this section and Section 6(7) of this regulation will be adequate to meet this condition.

(5) For a major stationary source or major modification locating in an area designated nonattainment with respect to that pollutant for which the proposed source or modification is major, permits issued under this regulation shall specify that construction shall not commence until the U.S. EPA has approved the cabinet's plan relating to the requirements of Part D, Title I, of the Clean Air Act.

(6) In nonattainment areas which have been granted an extension of the deadline to attain the primary national ambient air quality standard for ozone or carbon monoxide, pursuant to Section 172(a)(2) of the Clean Air Act, the proposed major stationary source or major modification shall include in the application for a construction permit, an analysis of the alternative sites, sizes, production processes, and environmental control techniques for such proposed source, which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

Section 6. Baseline for Determining Credit for Emission Offsets. The baseline for determining credit for emission reductions or offsets will be the emission limitations in effect at the time the application to construct or modify a source is filed. For areas where the demonstration of attainment for the State Implementation Plan was based on actual emissions, the baseline for determining offset credit shall be actual emissions. Credit for emission offset purposes may be allowed for existing control that goes beyond that required by regulations. Offset calculations shall be made on a pound per hour basis when all facilities involved in the emission offset calculations are operating at their maximum expected or allowed production rate. Offsets may be calculated on a tons per year basis providing that baseline emissions for existing sources providing the offsets are calculated using the actual annual operating hours for the previous two (2) year period. Where the cabinet requires certain hardware controls in lieu of an emission limitation, baseline allowable emissions shall

be based on actual operating conditions for the previous two (2) year period in conjunction with the required hardware controls.

(1) No applicable emission limitation. Where the requirements of the cabinet do not contain an emission limitation for a source or source category, the emission offset baseline involving such sources shall be actual emissions determined under actual operating conditions for the previous two (2) year period. Where the emission limitations required by the cabinet allow greater emissions than the uncontrolled emission rate of the source, emission offset credit will be allowed only for control below the uncontrolled emission rate.

(2) Combustion of fuels. The emissions for determining emission offset credit involving an existing fuel combustion source will be the allowable emissions under the emission limitation requirements of the cabinet for the type of fuel being burned at the time the new major source or major modification application is filed. If the existing source has switched to a different type of fuel at some earlier date, any resulting emission reduction (either actual or allowable) shall not be used for emission offset credit. If the existing source commits to switch to a cleaner fuel at some future date, emission offset credit based on the allowable emissions for the fuels involved is not acceptable unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emission reduction should the source switch back to a dirtier fuel at some later date.

(3) Operating hours and source shutdown. A source may be credited with emission reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels provided that the work force to be affected has been notified in writing of the proposed shutdown or curtailment. Source shutdowns and curtailments in production or operating hours occurring prior to the date the new source application is filed shall not be used for emission offset credit. However, where an applicant can establish that it shut down or curtailed production after August 7, 1977, or less than one (1) year prior to the date of permit application, whichever is earlier, and the proposed new source is a replacement for the shutdown or curtailment, credit for such shutdown or curtailment may be applied to offset emissions from the new source.

(4) Credit for hydrocarbon substitution. No emission offset credit may be allowed for replacing one (1) volatile organic compound with another of lesser photochemical reactivity, unless the replacement compound is methane, ethane, 1,1,1-trichloroethane or trichlorofluoroethane.

(5) Banking of emission offset credit. New sources obtaining permits by applying offsets after January 16, 1979 may bank offsets that exceed the requirements of reasonable progress toward attainment for future use. An owner or operator of an existing source that reduces its own emissions may bank any resulting reduction beyond those required by regulation for use under this regulation, even if the offsets are applied immediately to a new source permit. These banked emissions offsets may be used under the preconstruction review program required in the Clean Air Act as long as these banked emissions are identified and accounted for in

the Commonwealth's control strategy.

(6) Offset credit for meeting NSPS or NESHAPS. Where a source is subject to an emission limitation established in a New Source Performance Standard (NSPS) or a National Emission Standard for Hazardous Air Pollutants (NESHAPS) in compliance with Title 401, Chapters 59 and 57 respectively, and a different emission limitation required by the cabinet, the more stringent limitation shall be used as the baseline for determining credit for emission offsets. The difference in emissions between NSPS or NESHAPS and other emission limitations may not be used as offset credit.

(7) Location of offsetting emissions. In the case of emission offsets involving nitrogen oxides, offsets may be obtained only within the same air quality control region, as defined in 401 KAR 50:020 in which the source is to be located. For sulfur dioxide, particulate matter and carbon monoxide, the cabinet shall require atmospheric simulation modeling to ensure that the emission offsets provide a positive net air quality benefit. In the case of emission offsets involving stack emissions of VOC, offsetting emissions may be obtained and used as follows:

(a) For a source in an urban county designated nonattainment for ozone in 401 KAR 51:010, VOC emission offsets shall only be available for use when created by sources located in counties within the same urban nonattainment area.

(b) For a source not subject to paragraph (a) of this subsection, VOC emission offsets shall be available for use when created by sources located within fifty (50) kilometers of the intended user.

Section 7. Administrative Procedures. The necessary emission offsets may be proposed either by the owner of the proposed source or the cabinet. The emission reduction committed to must be state and federally enforceable by the cabinet, and must be accomplished by the start-up date of the new source. If emission reductions are to be obtained in a state that neighbors the Commonwealth of Kentucky for a new source to be located in the Commonwealth, the emission reductions committed to must be state and federally enforceable by the neighboring state and/or local agencies and the U.S. EPA.

(1) Source initiated emission offsets. The owner and/or operator of a source may propose emission offsets which involve reductions from sources controlled by the owner (internal emission offsets) and/or reductions from other sources (external emission offsets). As long as the emission offsets obtained represent reasonable progress toward attainment, they shall be acceptable. An internal emission offset shall be made enforceable by inclusion as a condition of the new source permit. An external emission offset will not be accepted unless the affected source(s) is subject to a new emission limitation requirement of the cabinet to ensure that its emissions will be reduced by a specified amount in a specified time. The form of the new emission limitation may be a cabinet regulation, operating permit condition, or consent or enforcement order.

(2) Cabinet initiated emission offsets. The cabinet may commit to reducing emissions from existing sources (including mobile sources) to provide a net air quality benefit in the impact area of the proposed new source so as to accommodate the proposed new source. The

commitment must be reflected in the emission limitation requirements of the cabinet for the new and existing sources as required by this section.

Section 8. Source Obligation. (1) Any owner or operator who constructs or operates an applicable source or modification not in accordance with the application submitted pursuant to this regulation or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this regulation who begins actual construction after September 22, 1982 without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

(2) Approval to construct shall become invalid if construction is not commenced within eighteen (18) months after receipt of such approval, or if construction is discontinued for a period of eighteen (18) months or more, or if construction is not completed within a reasonable time. The cabinet may extend the eighteen (18) month period upon satisfactory showing that an extension is justified.

(3) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of Title 401, Chapters 50 to 63 and any other requirements under local, state, or federal law.

(4) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any state and federally enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this regulation shall apply to the source or modification as though construction had not yet commenced on the source or modification.

Section 9. Permit Condition Rescission. (1) Any owner or operator holding a permit for a stationary source or modification which was issued pursuant to 401 KAR 51:050 or 401 KAR 51:051E may request that the cabinet rescind the permit condition.

(2) The cabinet shall rescind a permit condition if so requested if the applicant can demonstrate to the satisfaction of the cabinet that this regulation does not apply to the source or modification or a portion thereof if construction would have commenced after September 22, 1982, and if the owner or operator demonstrates that such rescission would not interfere with reasonable further progress.

Section 10. Protection of Visibility. (1) New source review - applicability and exemptions.

(a) No stationary source or modification to which the requirements of this section apply shall begin actual construction without a permit which states that the stationary source or modification would meet those requirements.

(b) The requirements of this section shall apply to construction of any new major stationary source or major modification that would both be constructed in an area classified as nonattainment under Section 107(d)(1)(A), (B), or (C) of the Clean Air Act and potentially has an impact on visibility in any Class I area.

(c) The requirements of this section shall apply to any such major stationary source and

any such major modification with respect to each pollutant subject to regulation under the Clean Air Act that it would emit, except as this section otherwise provides.

(d) The requirements of this section shall not apply to a particular major stationary source or major modification if:

1. The source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution, and the Governor of the Commonwealth of Kentucky requests that it be exempt from those requirements.

2. The source is a portable stationary source which has previously received a permit under this section; and:

a. The owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary;

b. The emissions from the source would not exceed its allowable emissions;

c. The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and

d. Reasonable notice is given to the cabinet prior to the relocation, identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the cabinet not less than ten (10) days in advance of the proposed relocation unless a different time duration is previously approved by the cabinet.

(e) The requirements of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:

1. Would impact no Class I area and no area where an applicable increment is known to be violated; and

2. Would be temporary.

(2) Visibility impact analyses. The owner or operator of a source shall provide an analysis of the impairment to visibility that would occur in a Class I area as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification.

(3) Federal land manager notification.

(a) The federal land manager and the federal official charged with direct responsibility for management of Class I areas have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the cabinet, whether a proposed source or modification will have an adverse impact on such values.

(b) The cabinet shall provide written notification to all affected federal land managers of any permit application for any proposed new major stationary source or major modification that may affect visibility in any Class I area. The cabinet shall also provide such notification to the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within thirty (30) days of receipt and at least sixty (60) days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's

anticipated impacts on visibility in any Class I area. The cabinet shall also notify all affected federal land managers within thirty (30) days of receipt of any advance notification of any such permit application.

(c) The cabinet shall consider any analysis performed by the federal land manager provided within thirty (30) days of the notification and analysis required by paragraph (b) of this subsection, that such proposed new major stationary source or major modification may have an adverse impact on visibility in any Class I area. Where the cabinet finds that such an analysis does not demonstrate to the satisfaction of the cabinet that an adverse impact on visibility will result in the Class I area, the cabinet shall, in the public hearing notice required in 401 KAR 50:035, Section 4, either explain that decision or give notice as to where the explanation can be obtained.

(4) Public participation. The cabinet shall follow the applicable procedures of 401 KAR 50:035 in processing applications under this section. The cabinet shall follow the procedures at 40 CFR 52.21(r) as in effect on August 7, 1980, to the extent that the procedures of 401 KAR 50:035 do not apply.

(5) National visibility goal. The cabinet shall only issue permits to those sources whose emissions will be consistent with making reasonable progress toward the national goal of preventing any future, and remedying any existing, impairment of visibility in Class I areas which impairment results from manmade air pollution. In making the decision to issue a permit the cabinet may take into account the

overriding factors of the cost of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the useful life of the source.

(6) Monitoring. The cabinet may require monitoring of visibility in any Class I area near the proposed new stationary source or major modification using human observations, teleradiometers, photographic cameras, nephelometers, fine particulate monitors, or other appropriate methods as specified by the U.S. EPA. The method selected shall be determined on a case-by-case basis by the cabinet. Any visibility monitoring required by the cabinet in a Class I area will be approved by the federal land manager. Data obtained from visibility monitoring shall be made available to the cabinet, the federal land manager, and the U.S. EPA, upon request.

CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: March 11, 1988

FILED WITH LRC: March 11, 1988 at 11:45 a.m.

APPENDIX A TO 401 KAR 51:052
Significant Pollutant and Emissions Rate

Carbon monoxide:	100 per year (tpy)
Nitrogen oxides:	40 tpy
Sulfur dioxide:	40 tpy
Particulate matter:	25 tpy of particulate matter emissions
	15 tpy of PM ₁₀ emissions
Ozone:	40 tpy of volatile organic compounds
Lead:	0.6 tpy

APPENDIX B TO 401 KAR 51:052
Significant Levels of Air Quality Impact

Pollutant	Annual Average	24-Hour	Averaging Time		
			8-Hour	3-Hour	1-Hour
Sulfur Dioxide	1.0 ug/m ³	5 ug/m ³	—	25 ug/m ³	—
PM ₁₀ [Total Suspended Particulates]	1.0 ug/m ³	5 ug/m ³	—	—	—
Nitrogen Dioxide	1.0 ug/m ³	—	—	—	—
Carbon Monoxide	—	—	0.5mg/m ³	—	2mg/m ³

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality
(Amended After Hearing)

401 KAR 61:170. Existing blast furnace casthouses.

RELATES TO: KRS Chapter 224

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 emissions from existing blast furnace casthouses [which are located in, or impact upon, an area designated nonattainment for particulate matter under 401 KAR 51:010].

Section 1. Applicability. The provisions of this regulation shall apply to blast furnace casthouses located in, or impacting upon, an area designated nonattainment for total suspended particulates under 401 KAR 51:010 which commenced before the classification date defined below. Blast furnace casthouses located in areas designated as nonattainment which were required to obtain permits prior to the effective date of this regulation shall maintain the permit and any applicable requirements when the area is redesignated in 401 KAR 51:010 or 40 CFR 81.318, unless a state implementation plan which provides for other controls is approved by the U.S. EPA.

Section 2. Definitions. As used in this regulation all terms not defined herein shall have the meaning given them in 401 KAR 50:010.

(1) "Blast furnace casthouses" means the building or buildings which houses the following

operations:

(a) Casting of hot metal from a blast furnace from an opening at the bottom of the furnace through a runner into a torpedo car; and

(b) Casting of the slag from a blast furnace from an opening at the bottom of the furnace through runner(s) into a slag ladle or slag pit.

(2) "Blast furnace" means a furnace producing pig iron by introducing iron-bearing materials, coke, and flux materials into a vessel and introducing heated combustion air to form a reducing gas which is passed counter current to the descending raw materials.

(3) "Classification date" means April 1, 1984 [the effective date of this regulation].

(4) "Control device" means the air pollution control equipment used to remove particulate matter generated in the blast furnace casthouses from the effluent gas stream.

Section 3. Standard for Particulate Matter. No owner or operator of a blast furnace casthouse subject to the provisions of this regulation shall cause to be discharged into the atmosphere from the blast furnace casthouse any gases which:

(1) Exhibit an average opacity in excess of twenty (20) percent.

(2) If such gases exit from a gas cleaner, no owner or operator subject to the provisions of this regulation shall cause to be discharged into the atmosphere any gases which:

(a) Contain particulate matter in excess of 0.010 gr/dscf as tested during the casting of hot metal and slag; or

(b) Exhibit an average opacity in excess of twenty (20) percent.

Section 4. Test Methods and Procedures. Reference methods in Appendix A of 40 CFR 60, except as provided in 401 KAR 50:045, and as supplemented by the procedures in subsection (6) of this section, shall be used to determine compliance with the standards prescribed under Section 3 of this regulation as follows:

(1) Reference Method 5 for the concentration of particulate matter and associated moisture content;

(2) Reference Method 1 for sample and velocity traverses;

(3) Reference Method 2 for velocity and volumetric flow rate;

(4) Reference Method 3 for gas analysis; and

(5) Reference Method 9 for the determination of opacity.

(6) For the purpose of determining compliance with Section 3(1) of this regulation, the following procedures shall be used to supplement Method 9:

(a) A series of consecutive observations taken at fifteen (15) second intervals shall be made during the entire period of time that hot metal and slag are being cast. Compliance shall be based on a comparison of the standard in Section 3(1) of this regulation with the highest average opacity occurring over any six (6) consecutive minutes during the period of observation. If emissions are being emitted from the roof monitor and other discharge points from the building, the reader shall read and record whichever plume is most opaque at the time of each reading.

(b)1. In making observations of roof monitor emissions, the reader shall be positioned within a sector seventy (70) degrees either side of a line perpendicular to the long axis of the roof

monitor. Within this sector the reader shall be positioned with the sun behind him and generally perpendicular to the axis of the plume that is being observed. On overcast days or if the plume is in a shadow, the reader need not follow the requirement about positioning his back to the sun.

2. In making observations of emissions from other openings in the building, the reader shall be positioned within a sector seventy (70) degrees either side of a line perpendicular to the side of the building nearest which the emissions occur and with a clear view of the emissions. Within this sector the reader shall be positioned with the sun behind him and generally perpendicular to the axis of the plume that is being observed. On overcast days, the reader need not follow the requirement about positioning his back to the sun.

Section 5. Compliance Timetable. The owner or operator of a blast furnace casthouse subject to the provisions of this regulation shall demonstrate compliance with Section 3 of this regulation on or before December 31, 1982.

Section 6. Alternate Emission Limitations. The owner or operator of an affected facility subject to this regulation may propose an alternate plan pursuant to the requirements of 401 KAR 51:055 to meet the emissions limitations required by this regulation.

CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: March 11, 1988

FILED WITH LRC: March 11, 1988 at 11:45 a.m.

TRANSPORTATION CABINET
Department of Highways
(Amended After Hearing)

603 KAR 5:120. Access control of highways.

RELATES TO: KRS 175.450, 176.050, 177.106, 177.230, 177.240, 177.410, 177.440

PURSUANT TO: KRS 174.080, 176.050, 177.230, 177.240, 177.410

NECESSITY AND FUNCTION: The need exists to define, design, construct, and maintain highways whereby the access (ingress and egress) is controlled. This regulation sets forth procedures to designate and/or modify the type of control to be utilized.

Section 1. Definitions. [In this regulation where sections deal with "requirements," the words "shall," "should," and "may" are used to describe the degree of implementation of the requirements. To clarify the meanings intended, the following definitions apply:]

[(1) Shall - a mandatory condition. Where certain requirements are described with the "shall" stipulation, it is mandatory.]

[(2) Should - an advisory condition. Where the word "should" is used, it is considered to be advisable usage, recommended but not mandatory.]

[(3) May - a permissive condition. The requirement is optional.]

[(4)] (1) "Urban" as used herein means [-] areas of residential, commercial or industrial developments of sufficient concentration that they constitute or are characteristic of a city which necessitates, for safety reasons, reduced highway speed limits to forty-five (45) MPH or

less, excluding speed limits on interstate systems.

(2) [(5)] "Rural" as used herein means [-] all areas other than urban.

(3) [(6)] "Department's plans" as used herein means the Department of Highways' current plans which are based upon plans made at the time of contract letting together with any subsequent changes in access control made in conformance with applicable laws and regulations.

(4) [(7)] "Access control" as used herein shall mean the condition where the privilege to access a highway by abutting owners, occupants or other persons is controlled by public authority. Types of control of access are as follows: [be one (1) of two (2) types; namely, "by permit" or "limited."]

(a) "Access by permit" refers to all highways designated as access by permit on the department's plans.

(b) ["Limited access" refers to all highways designated as such on the department's plans and shall be of the following two (2) types:

1. A] "Fully controlled access" refers to all highways which give[s] preference to through traffic and which shall have access only at selected public roads or streets and which shall have no highway at grade crossings or intersections. The termini for control of access shall be as shown on the department's plans.

[2. A] (c) "Partially controlled access" refers to all highways which give[s] preference to through traffic. However, access to selected public roads and streets may be provided and there may be some highway at grade intersections and private driveway connections as shown on the department's plans. The termini for control of access shall be as shown on the department's plans.

(5) "Railroad access" as used herein means an approved access point to a highway which is used for railroad maintenance purposes only and which is specifically shown on the department's plans.

Section 2. Title Block. One (1) of the three (3) [appropriate] boxes [with applicable notes inserted,] shown below shall be placed on the title sheet and summary sheet of the plans for all state and federal-aid projects. Applicable notes may be inserted in the box.

THIS PROJECT IS A FULLY
CONTROLLED ACCESS HIGHWAY

THE CONTROL OF ACCESS ON THIS PROJECT
SHALL BE BY PERMIT

THIS PROJECT IS A PARTIALLY CONTROLLED
ACCESS HIGHWAY. ACCESS SHALL BE ALLOWED
ONLY WHERE SPECIFICALLY SHOWN ON PLANS

Section 3. Access: Additions and Alterations.
(1) On all highways where access control is by permit, the department has [shall] established [such] criteria for modifying existing access [and/]or allowing additional access points that [will] considers the safety and the interest of

the highway users. Permits may be issued by the department for additional access provided they are in conformance with the [established] department criteria in 603 KAR 5:150.

(2) On all highways where access is "fully controlled," additional accesses shall be granted only by constructing new interchanges, with grade separations where applicable, [, and] Design of these new interchanges shall be in conformance with the department's current design standards.

(3) On all highways where access is "partially controlled," the department may permit relocation or shifting of existing access points, addition of new access points, elimination of existing access points, or modification of access points [control] under the following circumstances:

(a) An access point may be relocated, eliminated or shifted by [mutual consent of the property owner and] the department. The access shall remain on the same side of the highway, cannot go beyond another existing entrance and shall meet minimum spacing within the department's current design standards and shall be an improvement based on standard engineering practices and safety criteria.

(b) Additional access points may be permitted under the following circumstances after a permit request is processed as hereinafter set forth in Section 4 of this regulation in accordance with the procedures set forth in Section 5 of this regulation:

1. The original design and/or subsequent revisions represent overly restrictive control in light of current state design criteria for access points on partially controlled access highways; and

2. The centerline of the requested access shall not be closer than 1,200 feet to the centerline of the nearest existing point of access in rural areas; or the centerline of the requested access shall not be closer than 600 feet to the centerline of the nearest existing point of access in urban areas; and

3. The property to be affected is not served by a frontage road or other public way]

(4) When a previous decision specifying access control is no longer necessary, as determined by the department, the department may change the access control designation to the extent justified in accordance with procedures outlined in Section 5 of this regulation.

(5) In the event that the railroad tracks which justify railroad access to a highway are no longer usable or the property on which the tracks lie has been sold for nonrail purposes, railroad access shall no longer be allowed at that point. In such instances the department shall not be required to alter its plans. If the property owner wishes to apply for access, he may do so in accordance with the provisions of this administrative regulation and 603 KAR 5:150.

Section 4. Processing Requests for Changes in Access [Control] by Permit Applicants. (1) Any firm, individual or governmental agency which owns property adjacent to a state-maintained highway may apply for a permit from the Department of Highways for access to that highway. Application shall be made on forms prescribed and furnished by the department. The forms are available at any highway district office.

(2) All permit applications [requests]

involving access shall be filed with the department's district office for the county in which the requested access point is located.

(3) [(2)] Permit applications [requests] affecting highways where access control is by permit may be approved or disapproved at the district level or submitted to higher authority in accordance with procedures determined by the department. Permit applications affecting highways where access is fully or partially controlled may be disapproved at the district level, or submitted to the State Highway Engineer with or without a recommendation for approval. If the district office disapproves an application for permit, the applicant shall be notified in writing of the reasons for disapproval.

(4) [(3)] Permit requests recommended by the district for approval for new access on highways where access control is either full or partial shall be forwarded to the State Highway Engineer.] The State Highway Engineer shall review the application for a permit for access to a fully or partially controlled highway [request] and obtain the recommendations of the Directors of the Divisions of Maintenance, Traffic, Construction, Right-of-way and Design of the department in addition to the Federal Highway Administration and Turnpike Engineer Consultant when applicable. The State Highway Engineer shall submit his recommendation, together with the various recommendations received by him, to the Commissioner of Highways.

(5) [(4)] When the State Highway Engineer recommends approval of a permit request where access control is full or partial, except where the permit would relocate, eliminate or shift an access point as set forth in Section 3(3)(a) of this administrative regulation in which case the recommendation of the State Highway Engineer is final, the Commissioner of Highways shall in accordance with 600 KAR 1:030 provide an opportunity [arrange] for a public hearing to be conducted. After reviewing the results of the hearing, the Commissioner of Highways shall make the final decision and advise the State Highway Engineer to implement the decision. The department shall then notify the applicant [requesting party] of the final decision on the application. [request and,]

(6) When approval is given, the department may require the applicant [requesting party] to furnish [any] additional documents, plans, studies[, compensation] and other requisites [as] determined by the department to be a condition of the permit prior to issuing a permit for the construction of the additional access. Also, prior to issuance of the permit, the owner of the property shall compensate the Department of Highways for any increase in value to the affected property attributable to the new access based on before and after value appraisals by the Department of Highways. The property owner shall also reimburse the department for administrative expenses such as expenses incurred in processing the permit, reviews, hearing and appraisals. The cost of construction and maintenance of the new access shall be borne by the property owner(s).

Section 5. Procedures for Changing the Type of Access Control on an Existing Highway Facility.
(1) All requests for changing the type of access control on an existing roadway shall be forwarded to the State Highway Engineer.

(2) Access restrictions may be reduced to a level capable of meeting traffic control needs when no significant detriment to highway safety will occur under the following circumstances:

(a) The existing roadway has been replaced by a parallel route which takes traffic away from the existing roadway and the function of the highway has been officially reduced; for example [namely], arterial to collector; or

(b) An analysis of the original traffic projections are made and it is determined that the entire corridor has been constructed and potential land use developments have been accomplished.

(3) More restrictive control of access may be established when necessary to meet highway safety requirements and traffic control needs.

(4) The State Highway Engineer shall review the request and obtain the recommendations of the Directors of the Divisions of Maintenance, Traffic, Construction, Right-of-Way and Design of the department in addition to the Federal Highway Administration and Turnpike Engineer Consultant when applicable. The State Highway Engineer shall submit his recommendation, together with the various recommendations received by him, to the Commissioner of Highways who in accordance with 600 KAR 1:030 shall provide an opportunity [will arrange] for a public hearing to be conducted. After reviewing the results of the hearing, the Commissioner of Highways shall make the final decision and advise the State Highway Engineer to implement the decision.

(5) The department shall modify the plans and deeds when applicable.

[(6)] In situations where access control is changed, the department shall modify the plans indicating the type of new access control. When access control is reduced, compensation shall be made to the department to comply with Title 23, Code of Federal Regulations, Section 713.307.]

(6) [(7)] In situations where more restrictive access control is imposed, the department shall provide reasonable access or shall compensate the property owner(s) for loss of reasonable access.

(7) [(8)] The Commissioner of Highways may make any exceptions to the procedures set forth in this section as are deemed necessary in order to comply with all applicable federal laws and regulations.

Section 6. Revised Deed. Every deed of conveyance of property acquired by the department for purposes of right-of-way for any state or federal project shall, in addition to the official order number, show the designation of the type of access highway involved as defined in Section 1 of this regulation. If new access is allowed, the deed of conveyance shall be modified by filing a deed of correction at the expense of the property owner who applied for the permit if deemed necessary by the department.

Section 7. Record Availability. The department shall maintain records for public inspection at its office in Frankfort, Kentucky, of all completed state and federal projects, together with the designation of the type of access to be allowed on the project as defined in Section 1 of this regulation.

Section 8. Request for Reconsideration. Any

firm, individual or governmental agency who has had an application for permit disapproved at the district office may file a request for reconsideration of the decision by the State Highway Engineer. The request shall be submitted to the highway district office. The request shall include a copy of the disapproved application, the letter of disapproval from the district office and a listing of the reasons why the applicant believes the district office's decision should be reconsidered. The district office shall then forward the request to the central office. The State Highway Engineer shall issued the department's final approval or disapproval.

MILO D. BRYANT, Secretary

APPROVED BY AGENCY: March 6, 1988

FILED WITH LRC: March 7, 1988 at 9 a.m.

CABINET FOR HUMAN RESOURCES
Office of the Inspector General
(Amended After Hearing)

902 KAR 20:250. Specialized Medical Technology Services.

RELATES TO: KRS 216B.010 through 216B.131, 216B.990(1), (2), 311.241 through 311.247, 311.990

PURSUANT TO: KRS 13A.100, 216B.040, 216B.105, Executive Order 86-366

NECESSITY AND FUNCTION: KRS 216B.105 mandates that the Cabinet for Human Resources regulate health facilities and health services. This regulation provides minimum licensure requirements for the operation of specialized medical technologies and services within the Commonwealth.

Section 1. Scope of Operation and Services. "Specialized medical technologies" describes a particular medical technology service which improves some aspect of diagnosis, therapy or related capability. Advanced technologies are often translated to medical equipment which has a high capital and/or operating cost. For the purpose of this regulation, specialized medical technology services shall be in a fixed/free standing location[, exclusive of a hospital building,] or [if] located within a hospital and [building is] operated independently from the hospital's governing authority. The following specialized medical technology services include Magnetic Resonance Imaging (MRI), Computed Tomography (CT) Scanning, Lithotripters, Cardiac Catheterization, Radiation Therapy, X-Ray, and other Diagnostic Imaging Services requiring a certificate of need.

Section 2. Definitions. (1) "Governing authority" or "licensee" means the individual, agency, partnership, or corporation, in which the ultimate responsibility and authority for the conduct of the institution is vested.

(2) "Commission" means the Commission for Health Economics Control in Kentucky.

(3) "Health service" means clinically related services which require a certificate of need and are provided within the Commonwealth to two (2) or more persons, including but not limited to diagnostic, treatment, or rehabilitative services, and includes alcohol, drug abuse, and

mental health services.

(4) "License" means an authorization issued by the cabinet for the purpose of operating a specialized medical technology service.

(5) "Certificate of need" means an authorization by the commission to proceed to acquire, to establish, to offer, or to substantially change a health service as covered by KRS Chapter 216B.

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

(7) "Certified radiation operator" means a person who has been certified pursuant to KRS 211.870 and 902 KAR 105:010 to 105:070 as an operator of sources of radiation.

(8) "Qualified Urologist" means a person who is a doctor of medicine or a doctor of osteopathy licensed to practice medicine and surgery and who is board certified or is in the process of being certified by the American Board of Urology or the American Osteopathic Board of Surgery and who otherwise meets criteria established by the specialized medical technology service's governing authority.

(9) "Magnetic Resonance Imaging (MRI)" means a diagnostic imaging modality which utilizes magnetic resonance, an interaction between atoms and electromagnetic fields, to project images of internal body structures.

(10) "Computed Tomography (C.T.) Scanning" means a radiological diagnostic imaging procedure that shows cross sectional images of internal body structures.

(11) "Lithotripter" means a noninvasive treatment technique that utilizes shock waves to shatter kidney stones.

(12) "Licensure agency" means the Division for Licensing and Regulation in the Office of the Inspector General, Cabinet for Human Resources.

(13) "Qualified anesthesiologist" means a person who is a doctor of medicine or a doctor of osteopathy licensed to practice medicine and surgery and who is board certified or in the process of being certified by the American Board of Anesthesiology or the American Osteopathic Board of Surgery and who otherwise meets the criteria established by the specialized medical technology service's governing authority.

Section 3. Administration. (1) Licensee.

(a) The licensee shall be legally responsible for the service and for compliance with federal, state and local laws and regulations pertaining to the operation of the service, limited to the scope of the service's certificate of need.

(b) The licensee shall establish lines of authority and designate an administrator who shall be principally responsible for the daily operation of the service.

(2) Policies. The service shall follow written administrative policies covering all aspects of operation, including:

(a) A description of organizational structure, staffing and allocation of responsibility and accountability;

(b) A description of linkages with inpatient facilities and other providers;

(c) Policies and procedures for the guidance and control of personnel performances;

(d) A written program narrative describing in detail the service(s) offered, methods and protocols for service delivery, qualifications of personnel involved in the delivery of the services, and goals of the service(s);

(e) A description of the administrative and

patient care records and reports; and

(f) Procedures to be followed in the storage, handling and administration of drugs and biologicals.

(3) Personnel.

(a) The facility shall employ a sufficient number of qualified personnel to provide effective patient care and all other related services. The licensee shall provide written personnel policies which are available to all employees and are reviewed and revised on an annual basis. If the staff/patient ratio does not meet the needs of the patients, the Division of Licensing and Regulation shall determine and inform the program administrator in writing how many additional personnel are to be added and of what job classification, and shall give the basis for this determination.

(b) Medical director. The service shall have a medical director who is a licensed physician responsible for all medical aspects of the service.

(c) There shall be a written job description for each position which shall be reviewed and revised as necessary.

(d) Current personnel records shall be maintained for each employee which include the following:

1. Name, address and social security number;
2. Evidence of current registration, certification or licensure of personnel;
3. Records of training and experience; and
4. Records of performance evaluation.

(4) In-service training. All personnel shall participate in ongoing in-service training programs relating to their respective job activities including thorough job orientation for new employees.

(5) Medical records.

(a) The service shall maintain medical records which contain at least the following:

1. Medical or [and] social history, including data obtainable from other providers relevant to the services provided;

2. Name of referring physician and physicians orders for services;

3. Description of each medical visit or contact, to include condition or reason necessitating visit or contact, assessment, diagnosis, services provided, medications and treatments prescribed, and disposition made;

4. Reports of all physical examinations, laboratory, x-ray, and other test findings relevant to the services provided; and

5. Documentation of all referrals made, including reason for referral, to whom patient was referred, and any information obtained from referral source.

(b) Confidentiality of all patient records shall be maintained at all times.

(c) Transfer of records. The service shall follow written systematic procedures to assist in continuity of care where the patient moves to another source of care, and the service shall, upon proper release, transfer medical records or an abstract thereof when requested.

(d) Retention of records. After patient's death or discharge the completed medical record shall be placed in an inactive file and retained for five (5) years or in case of a minor, three (3) years after the patient reaches the age of majority under state law, whichever is longer.

(e) A specific location shall be designated by the specialized medical technology service for the maintenance and storage of the service's

medical records.

(f) Provision shall be made for written designation of specific locations for the storage of medical records in the event the specialized medical technology service ceases to operate because of disaster, or for any other reason. The licensee shall safeguard the record and its content against loss, defacement and tampering.

Section 4. Provision of Services. A licensed specialized medical technology service shall comply with the requirements listed in Sections 3 and 5 of this regulation, and the additional requirements in this section specific to that particular technology or service.

(1) Diagnostic imaging services.

(a) Diagnostic imaging services are those services which produce an image, either through film or computer generated video, of the internal structures of a patient. These services include:

1. MRI;
2. CT scanning;
3. X-ray;
4. Ultrasound;
5. Mammography;
6. Fluoroscopy; and
7. Xerography.

(b) Any specialized medical technology service which provides diagnostic imaging services shall comply with the following:

1. Diagnostic imaging services shall be performed only on the order of a physician, except for mammography services;

2. The services shall prepare a record for each patient to the date of the procedure, name of the patient, description of the procedures ordered and performed, the referring physician, the name of the person performing the procedure, and the date the name of the physician to whom the results were sent;

3. Equipment used for direct patient care shall be fully approved by the Federal Drug Administration (FDA) for clinical use;

4. The service shall follow a written preventive maintenance program to ensure that imaging equipment is operative, properly calibrated, and shielded to protect the operator, patient, environment, and the integrity of the images produced;

5. Imaging services shall have a current license or registration pursuant to applicable Kentucky Statutes and any regulations promulgated thereunder;

6. All personnel engaged in the operation of imaging equipment shall have adequate training and be currently licensed, registered or certified in accordance with applicable state statutes and regulations;

7. There shall be a written training plan for the adequate training of personnel in the safe and proper usage of the imaging equipment;

8. There shall be a physician's verbal [signed] order which specifies the reason the procedure is required, the area of the body to be exposed, and the number of images to be obtained and the views needed, which shall be immediately reduced to writing and signed by the physician within forty-eight (48) hours; and

9. There shall be sufficiently trained on duty personnel with adequate equipment to provide emergency resuscitation services in the event of a patient emergency.

(2) Other specialized services. These services

include specialized lithotripter services, cardiac catheterization services, and radiation therapy services.

(a) The following standards shall apply to all other specialized services.

1. Other specialized services shall be performed only on the order of a physician;

2. Other specialized services shall be provided under the supervision of a physician who is qualified by advanced training and experience in the use of this specific service offered;

3. Other specialized service shall prepare a record for each patient to include the date of the procedure, name of the patient, description of the procedures ordered and performed, the referring physician, and the name of the person performing the procedure.

4. There shall be a physician's signed order which specifies the reason the procedure is required, the area of the body to be exposed, and the anticipated outcome of treatment;

5. There shall be sufficiently trained on duty personnel with adequate equipment to provide emergency resuscitation services in the event of a patient emergency; and

6. There shall be a written description of procedures to be followed in the event a patient has a medical emergency.

7. There shall be a written training plan utilized to instruct personnel in the safe and proper usage of the equipment.

(b) Specialized lithotripter services. A specialized lithotripter service is a health service which provides for a noninvasive technique for removing kidney or ureteral stones through the use of lithotripter. The following standards shall apply to specialized lithotripter services:

1. Policies. A lithotripter service shall develop patient care policies with the advice of a group of professional personnel that includes at least one (1) qualified urologist and one (1) qualified anesthetist. At least one (1) member shall not be a member of the lithotripter service staff. The policies shall include:

a. A description of how a patient will be transported between the hospital and the lithotripter service;

b. A description of guidelines for the review and evaluation of the service on an annual basis; and

c. Policies and protocols governing the utilization and responsibilities of associated hospital staff, if any, in the delivery of lithotripter services;

2. Personnel. The lithotripter service shall employ at least one (1) lithotripter technician, and shall employ or make arrangements with the qualified urologist to be present in the unit during the delivery of lithotripsy services, and one (1) qualified anesthetist to be available for procedures requiring anesthesia;

3. Lithotripsy equipment used for direct patient care shall comply with the following:

a. Lithotripsy equipment shall be fully approved by the Federal Drug Administration (FDA) for clinical use;

b. The licensee shall follow a written preventive maintenance program to ensure that equipment shall be operative, properly calibrated, properly shielded, and safe for the patient, operator, and environment;

c. All personnel engaged in the operation of lithotripsy equipment shall have adequate

training and be currently licensed, registered or certified in accordance with applicable state statutes and regulations; and

d. There shall be a written training plan for the adequate training of personnel in the safe and proper usage of the equipment.

(c) Cardiac catheterization services and radiation therapy services. These services shall also comply with the following:

1. The services shall assure that sufficient personnel shall be present to supervise and conduct the services provided, including at least one (1) certified radiation operator, or one (1) physician with specialized training and experience in the area of the services provided.

2. These services shall have a current license, registration or certification pursuant to KRS 211.842 to 211.852 and any regulations promulgated thereunder;

3. There shall be written policies and procedures governing radiologic services and administrative routines that support sound radiologic practices;

4. Reports of interpretations shall be written or dictated and signed by the radiologist or physician;

5. The use of all x-ray apparatus shall be limited to certified radiation operators or physicians. The same limitation shall apply to personnel applying and removing radium element, its disintegration products, and radioactive isotopes;

6. The radiology department shall be free of hazards for patients and personnel. Proper safety precautions shall be maintained against fire, explosion, electrical and radiation hazards;

7. These services shall have a written credentialing and peer review system to ensure that only properly licensed, registered, certified, and trained personnel shall be involved in the delivery of services; and

8. Cardiac catheterization procedures shall be performed by a physician with specific training in the areas of cardiac catheterization.

Section 5. Physical environment. (1) Accessibility. The facility shall meet requirements for making buildings and facilities accessible to and usable by the physically handicapped pursuant to KRS 198B.260 and regulations promulgated thereunder.

(2) Fire safety. The facility shall be approved by the Fire Marshal's office before licensure and relicensure is granted by the licensure agency.

(3) Housekeeping and maintenance services. (a) Housekeeping. The facility shall maintain a clean and safe facility free of unpleasant odors. Odors shall be eliminated at their source by prompt and thorough cleaning of commodes, urinals, bedpans and other sources.

(b) Maintenance. The premises shall be well kept and in good repair. Requirements shall include:

1. The facility shall insure that the grounds are well kept and the exterior of the building, including the sidewalks, steps, porches, ramps, and fences are in good repair;

2. The interior of the building including walls, ceilings, floors, windows, window coverings, doors, plumbing and electrical fixtures shall be in good repair. Windows and doors shall be screened;

3. Garbage and trash shall be stored in areas

separate from those used for the preparation and storage of food and shall be removed from the premises regularly. Containers shall be cleaned regularly;

4. A pest control program shall be in operation in the facility. Pest control services shall be provided by maintenance personnel of the facility or by contract with a pest control company. The compounds shall be stored under lock;

5. Sharp wastes, such as broken glass, scalpel blades, and hypodermic needles, shall be segregated from other wastes and aggregated in rigid disposable containers immediately after use. Needles and syringes shall not be cut, dismantled, or destroyed after use, but shall be placed intact directly into a rigid container. The rigid containers of sharp wastes shall either be incinerated, on site or off site, or disposed of in a sanitary landfill approved pursuant to 401 KAR 47:020.

6. The facility shall establish a written policy for the handling and disposal of all infectious, pathological, and contaminated waste. Any incinerator used for the disposal of waste shall be in compliance with 401 KAR 59:020 or 401 KAR 61:010.

a. Infectious waste shall be placed in double impervious plastic bags and each bag shall be two (2) mils in thickness. A bag, when full, shall not exceed twenty five (25) pounds. All bags shall be securely closed and a tag, which reads "INFECTIOUS WASTE" and identifies the specialized medical technology service from which the waste is being removed and shall be attached to the bag in a conspicuous manner.

b. All unpreserved tissue specimens shall be incinerated on or off site.

c. The following wastes shall be sterilized before disposal or be disposed of by incineration if they are combustible:

- (i) Dressings and materials from open or contaminated wounds;
- (ii) Waste materials and disposable linens from isolation rooms;
- (iii) Culture plates;
- (iv) Test tubes;
- (v) Sputum cups; and
- (vi) Contaminated sponges and swabs.

WILLIAM M. GARDNER, Inspector General

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: March 7, 1988

FILED WITH LRC: March 9, 1988 at 11 a.m.

CABINET FOR HUMAN RESOURCES
Office of the Inspector General
(Amended After Hearing)

902 KAR 20:260. Special health clinics.

RELATES TO: KRS 216B.010 through 216B.131, 216B.990

PURSUANT TO: KRS 13A.100, 216B.040, 216B.105, Executive Order 86-366

NECESSITY AND FUNCTION: KRS 216B.040 and 216B.105 mandate that the Cabinet for Human Resources regulate health facilities and health services. This regulation provides minimum licensure requirements for the operation of special health clinics.

Section 1. Scope of Operations and Services. Special health clinics are institutions which

provided limited health services, on an outpatient basis. These services include: family planning clinics, pulmonary care clinics, disability determination clinics, weight loss clinics, speech and hearing clinics, wellness centers, counseling centers, and any clinic which only provides diagnostic services and requires a certificate of need.

Section 2. Definitions. (1) "Governing authority" or "licensee" means the individual, agency, partnership, or corporation, in which the ultimate responsibility and authority for the conduct of the clinic is vested.

(2) "Commission" means the Commission for Health Economics Control in Kentucky.

(3) "Health service" means clinically related services which require a certificate of need and are provided within the Commonwealth to two (2) or more persons, including but not limited to diagnostic, treatment, or rehabilitative services, and includes alcohol, drug abuse, and mental health services.

(4) "License" means an authorization issued by the cabinet for the purpose of operating a special health clinic.

(5) "Certificate of need" means an authorization by the commission to proceed to acquire, to establish, to offer, or to substantially change a health service as covered by KRS Chapter 216B.

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

(7) "Certified radiation operator" means a person who has been certified pursuant to KRS 211.870 and 902 KAR 105:010 to 105:070 as an operator of sources of radiation.

(8) "Diagnostic services" means those services which are performed to ascertain and assess an individual's physical health condition.

(9) "Treatment services" means those services provided to an individual who, because of a physical health condition, is in need of medical assistance for the attainment of their maximum level of physical function.

(10) "Qualified registered nurse" means a nurse who is licensed to engage in registered nursing practice pursuant to KRS 314.041.

(11) "Licensure agency" means the Division for Licensing and Regulation in the Office of the Inspector General, Cabinet for Human Resources.

Section 3. Administration. (1) Licensee.

(a) The licensee shall be legally responsible for the service and for compliance with federal, state and local laws and regulations pertaining to the operation of the service, limited to the scope of the service's certificate of need.

(b) The licensee shall establish lines of authority and designate an administrator who shall be principally responsible for the daily operation of the clinic

(2) Policies. The clinic shall establish and follow written administrative policies covering all aspects of operation, including:

(a) A description of organizational structure, staffing and allocation of responsibility and accountability;

(b) A description of linkages with inpatient facilities and other providers;

(c) Policies and procedures for the guidance and control of personnel performances;

(d) A written program narrative describing in detail the service(s) offered, methods and protocols for service delivery, qualifications

of personnel involved in the delivery of the services, and goals of the service(s);

(e) A description of the administrative and patient care records and reports; and

(f) Procedures to be followed in the event the clinic performs any functions related to the storage, handling and administration of drugs and biologicals.

(3) Personnel.

(a) Medical director. The clinic shall have a medical director who is a licensed physician responsible for all medical aspects of the clinic except those clinics which provide only audiological services.

(b) The clinic shall employ a sufficient number of qualified personnel (e.g., nurses, therapists and technicians) to provide effective patient care and all other related services. There shall be written personnel policies which are made available to all employees.

(c) There shall be a written job description for each position which shall be reviewed and revised as necessary.

(d) Current personnel records shall be maintained for each employee which include the following:

1. Name, address and social security number;
2. Evidence of current registration, certification or licensure of personnel;
3. Records of training and experience; and
4. Records of performance evaluation.

(4) In-service training. All personnel shall participate in ongoing in-service training programs relating to their respective job activities including thorough job orientation for new employees.

(5) Medical records.

(a) The clinic shall maintain medical records which contain at least the following:

1. Medical or [and] social history relevant to the services provided, including data obtainable from other providers;

2. Names of referring physician, if any, and physicians orders for special diagnostic services;

3. Description of each medical visit or contact, to include condition or reason necessitating visit or contact, assessment, diagnosis, services provided, medications and treatments prescribed, and disposition made;

4. Reports of all physical examinations, laboratory and other test findings relevant to the services provided; and

5. Documentation of all referrals made, including reason for referral, to whom patient was referred, and any information obtained from referral source.

(b) Confidentiality of all patient records shall be maintained at all times.

(c) Transfer of records. The clinic shall establish systematic procedures to assist in continuity of care where the patient moves to another source of care, and the clinic shall, upon proper release, transfer medical records or an abstract thereof when requested.

(d) Retention of records. After patient's death or discharge the completed medical record shall be placed in an inactive file and retained for five (5) years or in case of a minor, three (3) years after the patient reaches the age of majority under state law, whichever is longer.

(e) Provision shall be made for written designation of a specific location for the storage of medical records in the event the special health clinic ceases to operate because

of disaster, or for any other reason. The licensee shall safeguard the record and its content against loss, defacement and tampering.

(f) A specific location shall be designated by the special health clinic for the storage and maintenance of the clinic's medical records.

Section 4. Provision of Services. A licensed special health clinic shall comply with the requirements listed in Sections 3 and 5 of this regulation, the clinic's program narrative, and the additional requirements of this section which relate to the particular service(s) offered by the licensee.

(1) Equipment used for direct patient care by a special health clinic shall comply with the following:

(a) The licensee shall establish and follow a written preventive maintenance program to ensure that equipment shall be operative and properly calibrated;

(b) All personnel engaged in the operation of diagnostic equipment shall have adequate training and be currently licensed, registered or certified in accordance with applicable state statutes and regulations; and

(c) There shall be a written training plan for the adequate training of personnel in the safe and proper usage of the equipment.

(2) Diagnostic services shall be performed only on the order of a physician, except for services offered by a family planning clinic or a counseling center.

(a) Diagnostic services includes family planning clinics, disability determination clinics, counseling centers, wellness centers and other clinics providing diagnostic services only.

(b) Diagnostic services shall be provided under the supervision of a physician who is qualified by advanced training and experience in the use of the specific technique utilized for diagnostic purposes, except for a family planning clinic.

(c) The clinic shall prepare a record for each patient to include the date of the procedure, name of the patient, description of the procedures ordered and performed, the referring physician, the name of the person performing the procedure, and the date and name of the physician, if any, to whom the results were sent;

(d) Physical examination services shall be nonabusive and provided in a manner which ensures the greatest amount of safety and security for the patient.

1. Protocols for diagnostic examinations shall be developed by the medical director.

2. Personnel performing physical examination shall have adequate training and be currently licensed, registered or certified in accordance with applicable Kentucky statutes and regulations.

3. Personnel performing physical examinations shall be limited by the relevant scope of practice of state licensure.

(3) Treatment services includes pulmonary care clinics, weight loss clinics, and speech and hearing clinics.

(a) Policies. The licensee shall develop patient care policies with the advice of a group of professional personnel that includes one (1) or more physicians and one (1) or more registered nurses. At least one (1) member shall not be a member of the clinic staff. The policies shall include:

1. A description of the services the clinic provides directly and those provided through agreement.

2. Guidelines for the medical management of health problems which include the conditions requiring medical consultation and/or patient referral, and the maintenance of health records; and

3. Procedures for review and evaluation of the services provided by the clinic at least annually.

(b) Personnel. The clinic shall have a staff that includes at least one (1) physician and at least one (1) licensed [registered] nurse. The clinic shall employ such other staff or ancillary personnel that are necessary to provide the services essential to the clinic's operation.

1. The physician shall:

a. Be responsible for all medical aspects of the clinic and shall provide direct medical services in accordance with the Medical Practice Act, KRS Chapter 311. In addition, the physician shall provide medical direction, supervision, and consultation to the staff;

b. In conjunction with the licensed [registered] nurse(s) participate in the development, execution and periodic review of the clinic's written policies and services;

c. Periodically review the clinic's patient records, provide medical orders, and provide medical care services to patient of the clinic; and

d. Be present for consultation weekly, and be available within one (1) hour through direct telecommunication for consultation, assistance with medical emergencies, or patient referral.

2. The licensed [registered] nurse shall:

a. Participate in the development, execution and periodic review of the written policies governing and the services the clinic provides;

b. Participate with the physician in periodic review of patient health records;

c. Provide services in accordance with clinic policies, established protocols, the Nurse Practice Act (KRS Chapter 314), and with regulations promulgated thereunder;

(i) Arrange for, or refer patients to needed services that cannot be provided at the clinic; and

(ii) Assure that adequate patient health records are maintained and transferred when patients are referred.

(c) The clinic shall carry out, or arrange for an annual evaluation of its total program, shall consider the findings of the evaluation, and take corrective action, if necessary. The evaluation shall include:

1. The utilization of clinic services including at least the number of patients served and the volume of services;

2. A representative sample of both active and closed clinical records; and

3. The clinic's health care policies.

(d) The clinic shall develop and maintain written protocols (i.e., standing orders, rules of practice, and medical directives) which apply to services provided by the center and which explicitly direct the step-by-step collection of subjective and objective data from the patient. The protocols shall further direct data analysis, direct explicit medical action depending upon the data collected, and include rationale for each decision made. The protocols shall be signed by the staff physician.

(e) A pulmonary care clinic shall have linkage agreements or arrangements with each of the following:

1. Inpatient hospital care;

2. Physician services in a hospital, patient's home, or long term care facility;

3. Additional and specialized diagnostic and laboratory services that are not available at the clinic;

4. Home health agency;

5. Emergency medical services; and

6. Pharmacy services.

Section 5. Physical environment. (1) Accessibility. The clinic shall meet requirements for making buildings and facilities accessible to and usable by the physically handicapped pursuant to KRS 198B.260 and regulations promulgated thereunder. All clinics shall comply with this requirement by July 1, 1989.

(2) Fire safety. The clinic shall be approved by the Fire Marshal's office before licensure and relicensure is granted by the licensure agency.

(3) Housekeeping and maintenance services.

(a) Housekeeping. The clinic shall maintain a clean and safe facility free of unpleasant odors. Odors shall be eliminated at their source by prompt and thorough cleaning of commodes, urinals, bedpans and other sources.

(b) Maintenance. The premises shall be well kept and in good repair. Requirements shall include:

1. The clinic shall insure that the grounds are well kept and the exterior of the building, including the sidewalks, steps, porches, ramps, and fences are in good repair;

2. The interior of the building including walls, ceilings, floors, windows, window coverings, doors, plumbing and electrical fixtures shall be in good repair. Windows and doors which can be opened for ventilation shall be screened;

3. Garbage and trash shall be stored in areas separate from those used for the preparation and storage of food and shall be removed from the premises regularly. Containers shall be cleaned regularly;

4. A pest control program shall be in operation in the clinic. Pest control services shall be provided by maintenance personnel of the facility or by contract with a pest control company. The compounds shall be stored under lock;

5. Sharp wastes, such as broken glass, scalpel blades, and hypodermic needles, shall be segregated from other wastes and aggregated in rigid disposable containers immediately after use. Needles and syringes shall not be cut, dismantled, or destroyed after use, but shall be placed intact directly into a rigid container. The rigid containers of sharp wastes shall either be incinerated, on site or off site, or disposed of in a sanitary landfill approved pursuant to 401 KAR 47:020; and

6. The clinic shall establish a written policy for the handling and disposal of all infectious, pathological, and contaminated waste if the clinic generates them. Any incinerator used for the disposal of waste shall be in compliance with 401 KAR 59:020 or 401 KAR 61:010.

a. Infectious waste shall be placed in double impervious plastic bags and each bag shall be two (2) mils in thickness. A bag, when full,

shall not exceed twenty five (25) pounds. All bags shall be securely closed and a tag, which reads "INFECTIOUS WASTE" and identifies the clinic from which the waste is being removed and shall be attached to the bag in a conspicuous manner.

b. All unpreserved tissue specimens procedures shall be incinerated on or off site.

c. The following wastes shall be sterilized before disposal or be disposed of by incineration if they are combustible:

- (i) Dressings and materials from open or contaminated wounds;
- (ii) Waste materials and disposable linens from isolation rooms;
- (iii) Culture plates;
- (iv) Test tubes;
- (v) Sputum cups; and
- (vi) Contaminated sponges and swabs.

WILLIAM M. GARDNER, Inspector General
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: March 7, 1988
FILED WITH LRC: March 9, 1988 at 11 a.m.

CABINET FOR HUMAN RESOURCES
Office of the Inspector General
(Amended After Hearing)

902 KAR 20:270. Mobile health services.

RELATES TO: KRS 216B.010 through 216B.131, 216B.990

PURSUANT TO: KRS 13A.100, 216B.040, 216B.105, Executive Order 86-366

NECESSITY AND FUNCTION: KRS 216B.040 and 216B.105 mandate that the Cabinet for Human Resources regulate health facilities and health services. This regulation provides minimum licensure requirements for the operation of mobile health services.

Section 1. Scope of Operation and Services. Mobile health services provide medical services in various locations and in some instances utilize a specially equipped vehicle such as a van, trailer or mobile home. These services include mobile diagnostic imaging and examination services, mobile treatment services, and any other medical or dental services provided through the use of a mobile vehicle or performed at various locations.

Section 2. Definitions. (1) "Governing authority" or "licensee" means the individual, agency, partnership, or corporation, in which the ultimate responsibility and authority for the conduct of the institution is vested.

(2) "Commission" means the Commission for Health Economics Control in Kentucky.

(3) "Health service" means clinically related services provided within the Commonwealth to two (2) or more persons, including but not limited to diagnostic, treatment, or rehabilitative services, and includes alcohol, drug abuse, and mental health services.

(4) "License" means an authorization issued by the cabinet for the purpose of operating mobile health services.

(5) "Certificate of need" means an authorization by the commission to proceed to acquire, to establish, to offer, or to substantially change a health service as covered by KRS Chapter 216B.

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

(7) "Certified radiation operator" means a person who has been certified pursuant to KRS 211.870 and 902 KAR 105:010 to 105:070 as an operator of sources of radiation.

(8) "Qualified urologist" means a person who is a doctor of medicine or a doctor of osteopathy licensed to practice medicine and surgery and who is board certified or is in the process of being certified by the American Board of Urology or the American Osteopathic Board of Surgery and who otherwise meets criteria established by the mobile health service's governing authority.

(9) "Magnetic Resonance Imaging (MRI)" means a diagnostic imaging modality which utilizes magnetic resonance, an interaction between atoms and electromagnetic fields, to project images of internal body structures.

(10) "Computed Tomography (C.T.) Scanning" means a radiological diagnostic imaging procedure that shows cross sectional images of internal body structures.

(11) "Lithotripter" means a noninvasive treatment technique that utilizes shock waves to shatter kidney stones.

(12) "Registered nurse" means a nurse who is licensed to engage in registered nursing practice pursuant to KRS 314.041.

(13) "Qualified anesthesiologist" means a person who is a doctor of medicine or a doctor of osteopathy licensed to practice medicine and surgery and who is board certified or in the process of being certified by the American Board of Anesthesiology or the American Osteopathic Board of Surgery and who otherwise meets the criteria established by the mobile health service's governing authority.

Section 3. Administration. (1) Licensee.

(a) The licensee shall be legally responsible for the service and for compliance with federal, state and local laws and regulations pertaining to the operation of the service, limited to the scope of the service's certificate of need.

(b) The licensee shall establish lines of authority and designate an administrator who will be principally responsible for the daily operation of the service. In the case of a service whose governing authority is comprised of more than one (1) licensed hospital, a separate administrator may be designated from each hospital to serve as the administrator of the service when it is being provided at the hospital where the designee is employed.

(2) Policies. There shall be written administrative policies which the service follows covering all aspects of operation, including:

(a) A description of organizational structure, staffing and allocation of responsibility and accountability;

(b) A description of linkages with inpatient facilities and other providers;

(c) Policies and procedures for the guidance and control of personnel performances;

(d) A written program narrative describing in detail the service(s) offered, methods and protocols for service delivery, qualifications of personnel involved in the delivery of the services, and goals of the service(s);

(e) A description of the administrative and patient care records and reports; and

(f) Procedures to be followed in the storage,

handling and administration of drugs and biologicals.

(3) Personnel.

(a) Medical director. The service shall have a medical director. The medical director shall be a licensed physician or dentist with specialized training and experience in, and responsibility for, all medical aspects of the service. In the case of a service whose governing authority is comprised of more than one (1) licensed hospital, a separate medical director may be designated from each hospital's medical staff to serve as the medical director of the service when it is being provided at the hospital where the physician is on staff. If a service operates only diagnostic examination equipment, and if the service is offered only to licensed hospitals, and if the employees of the service makes no medical assessment of the diagnostic patient data collected, then the service shall be exempt from the requirements of this paragraph.

(b) The service shall employ, or provide for through a written contractual agreement, sufficient number of qualified personnel to provide effective patient care and all other related services. The licensee shall provide written personnel policies which shall be available to all employees, reviewed on an annual basis, and revised as necessary. If the staff/patient ratio does not meet the needs of the patients, the Division of Licensing and Regulation shall determine and inform the program administrator in writing how many additional personnel are to be added and of what job classification, and shall give the basis for this determination.

(c) There shall be a written job description for each position which shall be reviewed and revised as necessary.

(d) Current personnel records shall be maintained for each employee which include the following:

1. Name, address and social security number;
2. Evidence of current registration, certification or licensure of personnel;
3. Records of training and experience; and
4. Records of performance evaluation.

(4) In-service training. All personnel shall participate in ongoing in-service training programs relating to their respective job activities including thorough job orientation for new employees.

(5) Medical records.

(a) The service shall maintain medical records which contain at least the following:

1. Medical and social history relevant to the service(s) provided, including data obtainable from other providers;

2. Names of referring physician, if any, and physician's orders for special diagnostic services such as x-ray or CT scans;

3. Description of each medical visit or contact, to include condition or reason necessitating visit or contact, assessment diagnosis, services provided, medications and treatments prescribed, and disposition made;

4. Reports of all physical examinations, laboratory, x-ray, and other test findings relevant to the service(s) provided; and

5. Documentation of all referrals made, including reason for referral, to whom patient was referred, and any information obtained from referral source.

(b) Confidentiality of all patient records

shall be maintained at all times.

(c) Transfer of records. The service shall establish systematic procedures to assist in continuity of care where the patient moves to another source of care, and the service shall, upon proper release, transfer medical records or an abstract thereof when requested.

(d) Retention of records. After patient's death or discharge the completed medical record shall be placed in an inactive file and retained for five (5) years or in case of a minor, three (3) years after the patient reaches the age of majority under state law, whichever is longer.

(e) A specific location shall be designated by the mobile health service for the maintenance and storage of the service's medical records.

(f) Provisions for storage of medical records in the event the mobile health service ceases to operate because of disaster, or for any other reason. The licensee shall safeguard the record and its content against loss, defacement and tampering.

Section 4. Vehicle Requirements. (1) All vehicles used in the provision of a health service, as provided by the service's certificate of need, shall be kept, in optimum order with clean interiors and equipment.

(2) The following standards shall apply only to those vehicles which the patient enters.

(a) There shall be adequate heating and air-conditioning capability in both the driver and patient compartments.

(b) There shall be a minimum of two (2) potential power sources for the vehicle. To insure an immediately available source of power in the event of a power failure, one (1) must be self-contained on the vehicle. The other source must be an exterior source of power hookup.

(c) The vehicle shall be accessible to the handicapped either through the use of a wheelchair lift or a ramp which complies with applicable American National Standards Institute (ANSI) requirements.

(d) The vehicle shall have adequate and safe space for staff and examination procedures, as determined by the cabinet.

(e) Equipment. Vehicles used in the provision of a health service, as provided by the service's certificate of need, shall have the following essential equipment:

1. One (1) five (5) pound dry chemical fire extinguisher;

2. One (1) first aid kit;

3. Suction apparatus;

4. Oxygen equipment (portable) including:

a. One (1) "D" size oxygen cylinder;

b. One (1) pressure gauge and flow rate regulator;

c. Adaptor and tubing; and

d. Transparent masks for adults and children. Nasal cannulas may be substituted.

(f) Personnel. Each mobile health service vehicle shall at a minimum be staffed by one (1) person, who may also be the driver of the vehicle, who shall have the following qualifications:

1. Red Cross Advanced and Emergency Care Certification, each with supplemental CPR instruction certified by the American Red Cross or the American Heart Association; or

2. EMT-first responder certification; or

3. EMT-A certification; or

4. Licensure as a registered nurse, [or] physician or dentist.

Section 5. Provision of Services. A licensed mobile health service shall comply with the requirements listed in Sections 3, 4, and 6 of this regulation, the service's program narrative, and the additional requirements of this section which relate to the particular service(s) offered by the licensee.

(1) Diagnostic services. Diagnostic services are those services which are performed to ascertain and assess an individual's physical health condition.

(a) Diagnostic services shall be performed only on the order of a physician except for mammography services.

(b) The service shall prepare a record for each patient to include the date of the procedure, name of the patient, description of the procedures ordered and performed, the referring physician, the name of the person performing the procedure, the date and the name of the physician to whom the results were sent.

(c) Diagnostic imaging services.

1. Diagnostic imaging services are those services which produce an image, either through film or computer generated video, of the internal structures of a patient. These services include:

- a. X-ray;
- b. MRI;
- c. CT scanning;
- d. Ultrasound;
- e. Mammography;
- f. Fluoroscopy; and
- g. Xerography.

2. Any mobile health service which provides diagnostic imaging services shall comply with the following:

a. Equipment used for direct patient care shall be fully approved by the Federal Food and Drug Administration (FDA) for clinical use;

b. There shall be a written preventive maintenance program which the service follows to ensure that imaging equipment is operative, properly calibrated, and shielded to protect the operator, patient, environment, and the integrity of the images produced;

c. Diagnostic imaging services shall be provided under the supervision of a physician who is qualified by advanced training and experience in the use of the specific imaging technique for diagnostic purposes;

d. Imaging services shall have a current license or registration pursuant to applicable Kentucky statutes and any regulations promulgated thereunder;

e. All personnel engaged in the operation of imaging equipment shall have adequate training and be currently licensed or certified in accordance with applicable Kentucky statutes and regulations;

f. There shall be a written training plan for the adequate training of personnel in the safe and proper usage of the imaging equipment;

g. There shall be a physician's signed order which specifies the reason the procedure is required, the area of the body to be exposed, and the number of images to be obtained and the views needed, and a statement concerning the condition of the patient which indicates why mobile imaging services are necessary; and

h. There shall be sufficiently trained on duty personnel with adequate equipment to provide emergency resuscitation services in the event of a patient emergency.

(d) Other diagnostic services.

1. Other diagnostic services are those services which are provided through the use of diagnostic equipment, and physical examination. These services include:

- a. Electrocardiogram services;
- b. Electroencephalogram services;
- c. Holter Monitor services;
- d. Disability determination services;
- e. Pulmonary function services;
- f. Aphresis services;
- g. Blood gas analysis services;
- h. Echocardiography services; and
- i. Doppler services.

2. Equipment used for direct patient care shall comply with the following:

a. The licensee shall establish and follow a written preventive maintenance program to ensure that equipment shall be operative and properly calibrated;

b. All personnel engaged in the operation of diagnostic equipment shall have adequate training and be currently licensed or certified in accordance with applicable Kentucky statutes and regulations; and

c. There shall be a written training plan for the adequate training of personnel in the safe and proper usage of the equipment.

3. Physical examination services shall be nonabusive and provided in a manner which ensures the greatest amount of safety and security for the patient.

a. Protocols for diagnostic examinations shall be developed by the medical director.

b. Personnel performing physical examinations shall have adequate training and be currently licensed or certified in accordance with applicable Kentucky statutes and regulations.

c. Personnel performing physical examinations shall be limited by the relevant scope of practice of Kentucky licensure.

(2) Treatment services. Treatment services are those services provided to an individual who, because of a physical health condition, is in need of medical assistance for the attainment of their maximum level of physical function.

(a) Mobile health clinic. A mobile health clinic is a health service providing both diagnostic and treatment services through the use of a mobile vehicle. A mobile health clinic may provide a wide range of diagnostic and treatment services on an outpatient basis for a variety of physical health conditions.

1. Policies. the licensee shall develop patient care policies with the advice of a group of professional personnel that includes one (1) or more physicians and one (1) or more advanced registered nurse practitioners. At least one (1) member shall not be a member of the mobile health clinic staff. The policies shall include:

a. A description of the services the mobile health clinic provides directly and those provided through agreement;

b. Guidelines for the medical management of health problems which include the conditions requiring medical consultation and/or patient referral, and the maintenance of health records; and

c. Procedures for review and evaluation of the services provided by the clinic at least annually.

2. Personnel. The mobile health clinic shall have a staff that includes at least one (1) physician and at least one (1) advanced registered nurse practitioner. The clinic shall employ such other staff or ancillary personnel

that are necessary to provide the services essential to the clinic's operation.

a. The physician shall:

(i) Be responsible for all medical aspects of the clinic and shall provide direct medical services in accordance with the Medical Practice Act, KRS Chapter 311. In addition, the physician shall provide medical direction, supervision, and consultation to the staff;

(ii) In conjunction with the advanced registered nurse practitioner(s), participate in developing, executing, and periodically reviewing the mobile health clinic's written policies and services;

(iii) Periodically review the mobile health clinic's patient records, provide medical orders, and provide medical care services to patients of the mobile health clinic; and

(iv) Be present for consultation weekly, and be available within one (1) hour, through direct telecommunication for consultation, assistance with medical emergencies, or patient referral.

b. The advanced registered nurse practitioner shall:

(i) Participate in the development, execution and periodic review of the written policies governing the services the mobile health clinic provides;

(ii) Participate with the physician in periodic review of patient health records;

(iii) Provide services in accordance with mobile health clinic policies, established protocols, the Nurse Practice Act (KRS Chapter 314), and with regulations promulgated thereunder;

i. Arrange for, or refer patients to needed services that cannot be provided at the mobile health clinic; and

ii. Assure that adequate patient health records are maintained and transferred when patients are referred.

3. The mobile health clinic shall have linkage agreements or arrangements with each of the following:

a. Inpatient hospital care;

b. Physician services in a hospital, patient's home, or long-term care facility;

c. Additional and specialized diagnostic and laboratory services that are not available at the mobile health clinic;

d. Home health agency;

e. Emergency medical services;

f. Pharmacy services; and

g. Local health department.

4. The mobile health clinic shall carry out, or arrange for an annual evaluation of its total program, shall consider the findings of the evaluation, and take corrective action, if necessary. The evaluation shall include:

a. The utilization of clinic services including at least the number of patients served and the volume of services;

b. A representative sample of both active and closed clinical records; and

c. The mobile health clinic's health care policies.

5. The mobile health clinic shall develop and maintain written protocols, i.e., standing orders, rules of practice, and medical directives, which apply to services provided by the clinic and which explicitly direct the step-by-step collection of subjective and objective data from the patient. The protocols shall further direct data analysis, direct explicit medical action depending upon the data

collected, and include rationale for each decision made. The protocols shall be signed by the staff physician.

6. The mobile health clinic staff shall furnish those diagnostic and therapeutic services and supplies that are commonly furnished in a physician's office or at the entry point into the health care delivery system. These include medical history, physical examination, assessment of health status, and treatment for a variety of medical conditions.

7. The mobile health clinic shall provide basic laboratory services essential to the immediate diagnosis and treatment of the patient, including:

a. Chemical examinations of urine by stick or tablet methods or both (including urine ketones);

b. Microscopic examinations of urine sediment;

c. Hemoglobin or hematocrit;

d. Blood sugar;

e. Gram stain;

f. Examination of stool specimens for occult blood;

g. Pregnancy tests;

h. Primary culturing for transmittal to a hospital laboratory or licensed laboratory; and

i. Test for pinworms.

8. The mobile health clinic shall provide medical emergency procedures as a first response to common life-threatening injuries and acute illness, and have available the drugs and biologicals commonly used in life-saving procedures, such as analgesics, anesthetics (local), antibiotics, anticonvulsants, antidotes and emetics, serums and toxoids.

9. The clinic shall post in a conspicuous area at the entrance, visible from the outside of the clinic, the hours that emergency medical services will be available in the clinic, the clinic's next scheduled visit, and where emergency medical services not provided by the clinic can be obtained during and after the clinic's regular scheduled visits and hours of operation.

(b) Mobile dental clinic. A mobile dental clinic is a health service providing both diagnostic and dental treatment services at different locations through the use of a mobile vehicle or equipment.

1. Policies. The licensee shall develop patient care policies with the advice of a group of professional personnel that includes at least one (1) licensed dentist. These policies shall include:

a. Guidelines which identify the dental problems which may not be performed in the mobile unit, and provisions for patient referral;

b. Guidelines for the review and evaluation of the services provided by the clinic at least annually; and

c. Guidelines for procedures to be followed in the event a patient has a medical emergency.

2. Personnel. The mobile dental clinic shall have a staff that includes at least one (1) licensed dentist and at least one (1) dental assistant.

a. The dentist shall:

(i) Be responsible for all aspects of patient care in accordance with KRS Chapter 313 and any regulations promulgated thereunder;

(ii) Be present in the clinic at all times that a patient is receiving dental care; and

(iii) Provide direct supervision to all staff involved in the delivery of services.

b. The dental assistant shall:

(i) Provide services in accordance with the mobile dental clinic policies and established protocols, KRS Chapter 313, and any regulations promulgated thereunder; and

(ii) Provide services only under the direct supervision of a licensed dentist.

3. Equipment. The mobile dental clinics shall have the following equipment:

- a. X-ray units;
- b. Sterilizer;
- c. High speed suction;
- d. Dental lights; and
- e. Emergency kit with the following drug types:
 - (i) Antiallergenic;
 - (ii) Vasodilators;
 - (iii) Anticonvulsives; and
 - (iv) Vasopressors.

(c) Mobile lithotripter service. A mobile lithotripter service is a health service which provides for a noninvasive technique for removing kidney or ureteral stones through the use of a lithotripter at various hospital locations.

1. Mobile lithotripter services may only be delivered on the grounds of the hospital utilizing the mobile lithotripter service.

2. Lithotripsy services shall be performed only on the order of a physician.

3. Lithotripsy services shall be provided under the supervision of a physician who is qualified by advanced training and experience in the use of lithotripsy treatment.

4. The service shall prepare a record for each patient to include the date of the procedure, name of the patient, description of the procedures ordered and performed, the referring physician, and the name of the person performing the procedure.

5. There shall be a physician's signed order which specifies the reason the procedure is required, the area of the body to be exposed, and the anticipated outcome of treatment.

6. Policies. A mobile lithotripter service shall develop patient care policies with the advice of a group of professional personnel that includes at least one (1) qualified urologist and one (1) qualified anesthetist. At least one (1) member shall not be a member of the mobile lithotripter service staff. The policies shall include:

a. A description of how a patient will be transported between the hospital and the mobile lithotripter service;

b. Procedures to be followed in the event a patient has a medical emergency;

c. Guidelines for the review and evaluation of the service on an annual basis; and

d. Policies and protocols governing the utilization and responsibilities of hospital staff in the delivery of lithotripter services.

7. Personnel. The mobile lithotripter service shall employ at least one (1) lithotripter technician, and shall employ or make arrangements with the hospital utilizing the service for at least one (1) registered nurse, one (1) qualified urologist to be present in the unit during the delivery of lithotripsy services, and (1) qualified anesthetist to be available for procedures requiring anesthesia;

8. Lithotripsy equipment used for direct patient care shall comply with the following:

a. Lithotripsy equipment shall be fully approved by the Federal Food and Drug Administration (FDA) for clinical use;

b. The licensee shall establish and follow a

written preventive maintenance program to ensure that equipment shall be operative, properly calibrated, properly shielded, and safe for the patient, operator, and environment;

c. All personnel engaged in the operation of diagnostic equipment shall have adequate training and be currently licensed, certified or registered in accordance with applicable Kentucky statutes and regulations; and

d. There shall be a written training plan for the adequate training of personnel in the safe and proper usage of the equipment; and

e. There shall be sufficiently trained on duty personnel with adequate equipment to provide emergency resuscitation in the event of a patient emergency.

(d) Other treatment services shall include in home intravenous (I.V.) therapy services.

1. Other treatment services shall be performed only on the order of a physician.

2. In home I.V. therapy services shall only be performed by a registered nurse.

3. All in home I.V. therapy services shall have a written agreement with a licensed home health agency outlining the responsibilities of both parties.

4. All services provided shall be under the supervision of a licensed physician who may be associated with the home health agency.

5. [3.] Policies. The licensee shall develop patient care policies with the advice of a group of professional personnel that includes one (1) or more physician(s) and one (1) or more registered nurse(s). At least one (1) member shall not be a member of the service's staff. The policies shall include:

a. A description of the services provided.

b. Guidelines for the medical management of health problems which include the conditions requiring medical consultation and/or patient referral, and the maintenance of health records; and

c. Procedures for review and evaluation of the services provided at least annually.

6. [4.] Personnel. The service shall have a staff that includes [at least one (1) physician and] at least one (1) registered nurse. The service shall employ such other staff or ancillary personnel that are necessary and essential to the service's operation.

[a. The physician shall:]

[(i) Be responsible for all medical aspects of the service and shall provide direct medical services in accordance with the Medical Practice Act, KRS Chapter 311. In addition, the physician shall provide medical direction, supervision, and consultation to the staff;]

[(ii) In conjunction with the registered nurse(s) participate in development, execution, and periodic review of written policies and services provided;]

[(iii) Periodically review the service's patient records, provide medical orders, and provide medical care services as needed to patient's of the service; and]

[(iv) Be present for consultation weekly, and be available within one (1) hour through direct telecommunication for consultation, assistance with medical emergencies, or patient referral.]

[b.] The registered nurse shall:

a. [(i)] Participate in the development, execution and periodic review of the written policies governing the services provided;

b. [(ii)] Participate with the physician in periodic review of patient health records;

c. [(iii)] Provide services in accordance with established policies, protocols, the Nurse Practice Act (KRS Chapter 314), and with regulations promulgated thereunder;

(i) [i.] Arrange for, or refer patients to needed services that cannot be provided by the service; and

(ii) [ii.] Assure that adequate patient health records are maintained and transferred when patients are referred.

5. The service shall have linkage agreements or arrangements with each of the following:]

[a. Inpatient hospital care;]

[b. Physician services in a hospital, patient's home, or long-term care facility;]

[c. Home health agency; and]

[d. Emergency medical services.]

7. [6.] The service shall carry out, or arrange for an annual evaluation of its total program, shall consider the findings of the evaluation, and take corrective action, if necessary. The evaluation shall include:

a. The utilization of the service including at least the number of patients served and the volume of services;

b. A representative sample of both active and closed records; and

c. The service's health care policies.

Section 6. Waste Processing. (1) Sharp wastes, such as broken glass, scalpel blades, and hypodermic needles, shall be segregated from other wastes and aggregated in rigid disposable containers immediately after use. Needles and syringes shall not be cut, dismantled, or destroyed after use, but shall be placed intact

into a rigid container. The rigid containers of sharp wastes shall either be incinerated or disposed of in a sanitary landfill approved pursuant to 401 KAR 47:020.

(2) The mobile health service shall establish a written policy for the handling and disposal of all infectious pathological and contaminated waste. Any incinerator used for the disposal of waste shall be in compliance with 401 KAR 59:020 or 401 KAR 61:010.

(a) Infectious waste shall be placed in double impervious plastic bags and each bag shall be two (2) mils in thickness. A bag, when full, shall not exceed twenty five (25) pounds. All bags shall be securely closed and a tag, which reads "INFECTIOUS WASTE" and identifies the mobile health service from which the waste is being removed, shall be attached to the bag in a conspicuous manner.

(b) All unpreserved tissue specimens shall be incinerated off site.

(c) The following waste shall be sterilized before disposal or be disposed of by incineration if they are combustible:

1. Dressings and materials from open or contaminated wounds;

2. Waste materials and disposable linens from isolation rooms;

3. Culture plates;

4. Test tubes;

5. Sputum cups; and

6. Contaminated sponges and swabs.

WILLIAM M. GARDNER, Inspector General

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: March 7, 1988

FILED WITH LRC: March 9, 1988 at 11 a.m.

PROPOSED AMENDMENTS RECEIVED THROUGH MARCH 15, 1988

FINANCE AND ADMINISTRATION CABINET Department for Facilities Management (Proposed Amendment)

200 KAR 6:040. Flood plain management.

RELATES TO: KRS Chapters 45, 56, 151

PURSUANT TO: KRS 56.185

NECESSITY AND FUNCTION: In order for the Commonwealth of Kentucky to qualify for the purchase of flood insurance for state structures under the National Flood Insurance Program it must comply with the federal National Flood Insurance Program regulations administered by the Federal Emergency Management Agency. The amendments to these regulations allow the Commonwealth of Kentucky to bring its present regulations, relating to flood plain management into compliance with the National Flood Insurance Program. [This regulation establishes guidelines by which the Secretary of the Finance and Administration Cabinet may issue or grant a development permit for the activities covered by KRS 56.185 and this regulation.]

Section 1. General. (1) Purpose. The purpose of this regulation is to minimize the loss of lives and property due to floods. Each state agency undertaking a development activity within the base flood plains of the state shall comply with this regulation.

(2) Definitions. Unless otherwise defined,

terms in this regulation shall be interpreted to give them the meaning they commonly have.

(a) "Addition to an existing building" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter loadbearing walls is new construction.

(b) [(a)] "Allowable base flood elevation" means an increase of no more than one (1) foot in the water surface elevation above the existing base flood elevation.

(c) "Area of shallow flooding" means a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

(d) [(b)] "Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year (i.e., 100-year frequency flood).

(e) [(c)] "Base flood elevation" means the elevation of the existing base flood.

(f) [(d)] "Base flood plain" means any land area susceptible to a base flood.

(g) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

(h) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

(i) [(e)] "Development activity" means any manmade change to improved or unimproved real estate by a state agency including, but not limited to, the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(j) "Elevated building" means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (pasts and piers), shear walls, or breakaway walls.

(k) [(f)] "FEMA" means Federal Emergency Management Agency.

(l) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

(m) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

(n) "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(o) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

(p) [(g)] "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents.

(q) [(h)] "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(r) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(s) "Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

(t) [(i)] "Mean sea level" means the average height of the sea for all stages of the tide.

(u) [(j)] "Manufactured [Mobile] home" means a structure, transportable in one or more sections, which is built on a permanent chassis

and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. This term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

(v) [(k)] "New construction" means facilities for which the "start of construction" began on or after the effective date of this regulation.

(w) [(l)] "Riverine" means relating to, formed by, or resembling a river (including tributaries), streams, brooks, etc.

(x) [(m)] "Secretary" means the Secretary of the Finance and Administration Cabinet.

(y) "Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(z) [(n)] "State" means Commonwealth of Kentucky.

(aa) [(o)] "State agency" means any state administrative body, department, bureau or division as defined in KRS Chapter 12, and any institution, commission, board, program cabinet, instrumentality, independent state authority, office, or other agency of the state.

(bb) [(p)] "State facility" means all structures including, but not limited to, buildings, mobile homes, storage tanks, docks, piers, dams, levees, utilities, roads, and bridges, constructed or placed, and associated land disturbance activities or state-owned lands.

(cc) [(q)] "Substantial improvement" means any repair, reconstruction, or improvement of a state facility, the cost of which equals or exceeds fifty (50) percent of the current value of the facility either: before the improvement or repair is started; or if the facility has been damaged and is being restored, before the damage occurred. The term does not include: any project for improvement of a structure to comply with existing state health, sanitary, or safety codes solely necessary to assure safe living conditions; or any alteration of a structure listed on the "National Register of Historic Places" or a "State Inventory of Historic Places."

(dd) [(r)] "Water surface elevation" means the projected heights in relation to mean sea level reached by floods in the flood plains of riverine areas.

Section 2. Application. This regulation shall apply to all base flood plains of the state.

Section 3. Establishing Flood Plains. (1) Base flood plains in the state will be identified in writing by the Natural Resources and Environmental Protection Cabinet. The Finance and Administration Cabinet will use this in determining whether a permit is to be issued.

Section 4. Abrogation and Greater Restrictions. This regulation is not intended to repeal, abrogate, or impair any existing state easements, covenants, or deed restrictions. Where this regulation and another state regulation conflict or overlap, whichever imposes the more stringent restrictions shall apply. Compliance with this regulation does not relieve responsibility for complying with other statutory requirements. All permits as required under CFR 44, Chapter 1, Section 60.3(a)(2) of the National Flood Insurance Program must be obtained where applicable.

Section 5. Interpretation. In interpreting and applying this regulation, all provisions shall be construed in favor of the state.

Section 6. Warning and Disclaimer of Liability. This regulation shall not subject the state or any officer, agency or employee thereof to any liability for any damages from flooding that may occur or result from compliance with or reliance on this regulation or any administrative decision made hereunder.

Section 7. Development Permit. (1) The Secretary shall administer this regulation by granting, granting with conditions, refusing to grant, or otherwise determining the appropriate action as hereinafter provided, a development permit to state agencies proposing to undertake development activity within the base flood plain, excluding only those activities of the Department of Highways in the Transportation Cabinet relating to the acquiring of right-of-way for, and constructing and maintaining of highways.

(2) The Secretary of the Transportation Cabinet, subject to this regulation, shall grant, grant with conditions, or refuse to grant, a permit for development activities for the Department of Highways. The permit shall include a certification that it was issued pursuant to this regulation and a copy of it shall be provided to the Finance and Administration Cabinet.

Section 8. Flood Plain Management. (1) Every state agency (except as provided in Section 7) proposing development activity within the base flood plain shall notify the Finance and Administration Cabinet prior to initiating such activity. The notice shall contain a complete description of the proposed development and likely effects of it on the base flood plain; an explanation of why the development must be located in the flood plain, whether alternative sites were considered, and why alternative sites not in the flood plain were rejected.

(2) The plans and specifications for all construction covered by this regulation shall meet the following criteria:

(a) All development activity within a floodway, except as hereinafter provided, is

prohibited. Necessary utilities are permitted. Except as provided in subparagraph 3 of this paragraph, the following are also permitted in the floodway only if their construction does not cause the flood to exceed the base flood elevation: necessary marine use facilities (other than buildings) when such construction is considered together with full usage of the floodway on the opposite bank; and bridges, with their appurtenances. Construction within the floodway must be designed to withstand at least the water velocity of the base flood. Dams are permitted only if the base flood plain is held entirely in fee simple. To meet the requirements of this regulation, the following methods shall be acceptable in order of preference:

1. Design the facility so there is no encroachment within the floodway;

2. Fully offset the effect of any encroachment into the floodway by stream improvements; or

3. Determine the increased backwater over the base flood elevation caused by an encroachment and secure any affected land by flood easement or fee simple purchase.

4. In areas where no floodway is designated, an engineering analysis must be conducted to establish an appropriate floodway or it must be demonstrated that the proposed development, in combination with all present and planned development, will not cause the flood to exceed the allowable base flood elevation. The methodology for conducting such an analysis may be obtained from FEMA.

5. If subparagraphs 2, 3, or 4 of this paragraph are used, new flood plain information must be provided to FEMA.

(b) Development outside the floodway limits, but in the remaining portion of the flood plain, is permitted as follows:

1. Water supply, sewage, electrical, gas, and all other utilities must be so located and constructed as to eliminate infiltration of flood waters which could damage the utilities. In the case of on site waste disposal systems, they shall also be located to avoid contamination from them during flooding.

2. All structures shall be anchored to prevent flotation, collapse, or lateral movement and constructed with materials resistant to flood damage by methods that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. [3.] No manufactured mobile home shall be allowed in the base flood plain.

5. [4.] Buildings shall be constructed so as to be protected to at least the base flood elevation. Flood protection for such buildings may consist of the following methods in order of preference:

a. Elevation of the lowest floor (including basement) using open works such as columns, walls, piles.

b. Elevation of the lowest floor (including basement) using fill.

c. For nonresidential buildings only, together with attendant utility and sanitary facilities, completely flood proofed watertight with walls substantially impermeable to the passage of water and with structural components able to resist the hydrostatic and hydrodynamic loads and buoyancy effects of the base flood. The

four (4) months only, November 1 through the last day of February at Barkley Lake.

(6) The permittee shall have no more than one (1) assistant who is a licensed commercial fisherman listed on the permit. Assistant may be replaced at any time, after the conservation officer or officers in the counties fished are notified, and a written notice given to the commissioner. The name of a new assistant must be listed on the permit and all copies, and his predecessor's name marked out with ink.

(7) The permittee or assistant must have the permit or copy of the permit in possession at all times gear is being transported, set, raised, or run. Their names shall be on the permit or copy, and each must contain the same names.

(8) Illegal acts by permittee or assistant acting together or separately may result in permit revocation.

(9) The permittee shall keep daily catch and sales reports and submit weekly to the commissioner. No subsequent permit shall be issued until all reports required by the preceding permit are received by the commissioner. The reports shall include:

(a) The number of each species caught by common name.

(b) Disposition of each fish.

(c) Duplicate sales receipt of all fish sold.

(d) The average total length of nets fished daily listing gill and trammel nets separately and whip sets separately.

(e) Daily catch and sales reports and duplicate receipts of fish and fish products sold must be sent in weekly in postage paid envelopes provided by the department.

(10) All rough fish taken in the nets must be removed from the lake.

(11) Each net must be run at least once every twenty-four (24) hours.

(12) Each 100 feet of net must have attached one (1) commercial gear tag as required in KRS 150.175, subsection (6). Tags shall be grouped on the inshore and of each continuous net.

(13) A permittee must tag and fish at least 800 yards of netting an equivalent of twenty-five (25) percent of the open session.

(14) Each permittee must mark his netting boat with two (2) special net permit decals supplied by the department. One (1) decal shall be affixed to each side of the boat or motor so as to be clearly visible when the boat is being used for special permit netting purposes.

(15) Gill and trammel nets used as stationary set nets must be set so that the top of the net or float line is a minimum of three (3) feet below the waters surface. Whip set nets that are attended constantly by the fisherman may be set at any depth.

DON R. MCCORMICK, Commissioner
CHARLES E. PALMER, JR., Chairman
MARY RAY OAKEN, Secretary

APPROVED BY AGENCY: February 24, 1988

FILED WITH LRC: February 24, 1988 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 26, 1988 at 10 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: None
(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

TIERING: Was tiering applied? Yes

DEPARTMENT OF AGRICULTURE (Proposed Amendment)

302 KAR 20:055. Brucellosis vaccination, testing and branding requirements.

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

PURSUANT TO: KRS 257.020, 257.030

NECESSITY AND FUNCTION: To specify the requirements for vaccination against the disease brucellosis, and to define the requirements for testing and/or branding for eligible heifers not vaccinated.

Section 1. General Provisions. (1) All eligible animals as defined in Section 2 of this regulation shall be handled according to the procedural requirements outlined in Section 3 of this regulation.

(2) All eligible female animals which comply by vaccination with this regulation shall be vaccinated with an approved Brucella vaccine, following the vaccination protocol set forth by the state veterinarian's office.

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

Section 2. Eligible Animals. (1) Female bovine animals [born after July 1, 1985 and] four (4) months to ten (10) months of age [or older.] which enter the Commonwealth of Kentucky for feeding or breeding purposes. Animals going to one (1) state or federally approved livestock market, or to an approved livestock assembly facility or directly to slaughter or spayed

animals that have been branded with "open spade" brand or animals for exhibition purposes only are exempt. Eligible female animals entering the state shall move to only one (1) market or approved livestock assembly facility and one (1) additional approved assembly point, for the purposes of complying with this regulation and the Kentucky entry regulation, 302 KAR 20:040, when said animals are to remain in Kentucky. If the eligible female animals are to move out of state the animals shall comply with the specific entry requirements of their ultimate state of destination.

(2) Female bovine animals[, born after July 1, 1985 and] four (4) months to ten (10) months of age [or older,] purchased at a Kentucky livestock market, must be vaccinated, "F" branded on the hip or tail head or tested at the market with a quarantine for retest at sixty (60) to 120 days afterward, to move to a farm in Kentucky. Females[, born after July 1, 1985,] younger than four (4) months of age, may, if in compliance with Kentucky entry regulation above, move to a farm in Kentucky under quarantine pending compliance with this regulation at four (4) months of age.

(3) Female bovine animals[, born after July 1, 1985 and] four (4) months to ten (10) months of age [or older,] which are presented for change of ownership by private treaty must comply with one of the listed vaccination, testing, or branding procedural requirements as outlined in Section 3 of this regulation. The farm of origin, with the individual animal identification ear tag number must appear on the forms (vaccination, branding, or testing) utilized to effect compliance with the state of destination requirements. The above shall be completed prior to the animals being moved from the seller's premise and no animals shall be moved without permanent ear tag identification. The above requirements are the seller's responsibility. Eligible females under four (4) months of age may move to the purchaser's premise in Kentucky and comply under quarantine at four (4) months of age. Eligible female animals changing ownership to be moved out of state must meet the entry requirements of the state of destination and must be accompanied by a certificate of veterinary examination or "health certificate" verifying compliance. This shall be the purchaser's responsibility.

Section 3. Procedural Requirements. (1) Eligible animals which are vaccinated must be officially vaccinated between four (4) and ten (10) months of age and identified by a vaccination tattoo in the ear and an official vaccination ear tag, or, in the case of registered cattle, by an identification tattoo.

(a) A vaccination tattoo in the ear shall legibly identify the quarter of the year, shield and the calendar year of vaccination.

(b) An official vaccination ear tag shall identify the animal according to the state of origin, official vaccinate status and individual identification number.

(2) Eligible animals must be vaccinated, "F" branded, or tested by a licensed, accredited veterinarian or an authorized agent of the board (i.e., includes "S" branding).

(3) Official documentations of the above listed procedures will be promptly conveyed to the office of the state veterinarian on appropriate forms provided by same.

(4) Animals on Kentucky farms or changing ownership on a Kentucky farm can be vaccinated with funds appropriated by the Commonwealth of Kentucky if available. The cost of vaccination at a livestock market is the responsibility of the purchaser.

(5) No person shall tamper with the vaccination tattoo or official vaccination ear tag, and no person shall retattoo any animal unless approval is first obtained from the Division of Livestock Sanitation. No person shall tamper with an official brand, ear tag or other individual animal identification device.

(6) Female bovine animals sold through a Kentucky livestock market returning to a Kentucky farm shall be identified as to farm of origin. [All female bovines, born after July 1, 1985, must be back tagged, identified as to farm and state of origin and age, when entering a Kentucky livestock market. Appropriate documents and forms will be supplied by the department. This will be the responsibility of the livestock market.]

(7) All animals exported from Kentucky shall meet the requirements of the state of destination. [All female bovines, born after July 1, 1985, purchased at a livestock market, must meet the entry requirements of the state of destination. This will be the responsibility of the purchaser.] The options for heifers to remain in Kentucky are:

(a) Heifers four (4) to ten (10) months of age, shall [may] be vaccinated or "F" branded on hip or tail head;

(b) Heifers eleven (11) to eighteen (18) months of age, shall [may] be tested, official calfhood vaccinated, "F" branded or "S" branded;

(c) Such "F" branded heifers may move to approved farms in Kentucky only and may not be used for breeding purposes: specific farms will be approved by the state veterinarian for feeding purposes and those premises will be routinely checked by division field personnel.

[(8) All female bovines in addition to complying with subsection (7)(a) and (b) of this section must be ear tagged and recorded as to individual identification, including back tag number, age and ear tag number, prior to release from the market. This will be the purchaser's responsibility.]

(8) [(9)] Fattened heifers[, fattened], intended for slaughter only, or [and] consigned directly to a slaughter facility must meet federal requirements [may move directly to slaughter following back tagging, with farm and state of origin documentation, to avoid the requirement to test at the market and/or be ear tagged].

[(10) All cattle, including heifers, may not be removed from Kentucky markets unless accompanied by an official release form signed by the market veterinarian or an agent of the board. All cattle must meet the state of destination's requirements and all cattle moving out of state must be accompanied by a certificate of veterinary examination.]

[(11) Eligible female bovines eighteen (18) months of age or older. To effect compliance with this regulation when entering Kentucky, being purchased at a Kentucky livestock market, or being offered for sale, these cattle must:]

[(a) Be properly tested for brucellosis both vaccinates and nonvaccinates; or]

[(b) Be "S" branded for slaughter only; such animals may move to states which approve "S"

branded cattle movements to specific quarantined feedlots; or]

[(c) Be in compliance with subsection (9) of this section.]

[Note: testing of eligible females eighteen (18) months of age and older complies with Kentucky's first point testing law and payment is made through funds appropriated by state-federal cooperative agreements.]

(9) [(12)] The age of test eligible female animals (eighteen (18) months of age) shall be determined when the [Eighteen (18) month age determination. This] age is apparent upon the emergence of the first pair of permanent incisor teeth (i.e., the nippers).

(10) [(13)] Movement of "F" branded heifers. Such heifers may move to approved farms in Kentucky only and may not be used for breeding purposes. Specific farms will be approved by the state veterinarian for feeding purposes, and those premises will be routinely checked by division field personnel.

(11) [(14)] Movement of "S" branded cattle. Such cattle must move directly to recognized slaughter facilities, or to designated quarantined feedlots in states approving such movement.

(12) [(15)] "F" branded cattle which become pregnant. It shall be considered a violation of this regulation to breed or to otherwise cause any "F" branded female to become pregnant or to keep any "F" branded female which is pregnant.

(13) [(16)] Spayed heifers: may move freely in Kentucky, as do steers when in compliance with appropriate movement certification. Such heifers are identified with an "open spade" brand.

(14) [(17)] Location of brands: "S" ["F"] on the face or hip, "F" ["S"] on the hip, "open spade" on the hip.

(15) [(18)] Minimum size of the "F" brand: two (2) inches by three (3) inches.

(16) [(19)] Movement of test elibile animals [Kentucky origin, nonvaccinates] back to another farm in Kentucky after purchase at a livestock market or following private purchase. These animals will be moved under quarantine to the Kentucky premise for a second brucellosis test. Quarantines will be released upon the results of the sixty (60) to 120 day negative serology results and shall be paid for by the purchaser, unless the test is done at a livestock market under first point testing qualifications. An animal which is under quarantine shall not be comingled with animals in an established herd unless a second negative test is accomplished sixty (60) to 120 days after purchase or movement under quarantine is permitted by the state veterinarian. [It is strongly recommended that recipients of Kentucky origin vaccinates also not commingle these animals with their established herds until a second negative test is accomplished sixty (60) to 120 days after purchase.]

(17) [(20)] All animals exported from Kentucky shall meet the requirements of the state of destination.

(18) [(21)] The procedures for vaccinating, testing, branding, and individual animal identification shall be approved by the state veterinarian and shall be performed under the supervision of a licensed accredited veterinarian or performed at a Kentucky livestock market under the supervision of the official market veterinarian. [The procedures of vaccination, testing, branding and individual

animal identification shall be accomplished by a licensed, accredited veterinarian and at Kentucky livestock markets by the official market veterinarian approved by the Department of Agriculture.]

(19) [(22)] Approved livestock assembly facility. As listed in Section 2 of this regulation, these facilities will be approved by the Department of Agriculture and be designated only for cattle assemblage. Vaccination and/or branding requirements must be met upon entry to these facilities, and records of state and farm of [or] origins must be kept by the operators. Animals remaining in Kentucky after entering an approved livestock assembly facility must meet Kentucky's entry requirements in accord with the state of origin, 302 KAR 20:040. Kentucky origin nonvaccinates remaining in Kentucky must be tested for brucellosis by the designated veterinarian [(owner expense)] and remain at the facility until the results are known negative. Such animals may enter a Kentucky premise under quarantine, pending a sixty (60) to 120 day release upon demonstration of negative results of the second negative brucellosis test.

WARD "BUTCH" BURNETTE, Commissioner

APPROVED BY AGENCY: February 23, 1988

FILED WITH LRC: February 24, 1988 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 22, 1988 at 10 a.m. in the Seventh Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: J. Michael Noyes, General Counsel, Department of Agriculture, Room 719, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five days before the hearing date, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Donald Notter, State Veterinarian

(1) Type and number of entities affected:

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

1. First year: Costs: Producers and farmers in the cattle industry will be affected by the proposed changes.

During the first year, the cost for the proposed changes would be upon the seller of the cattle for providing the testing/vaccination/branding/identification. Also the additional cost of quarantining those animals so designated will be upon the producer or seller. Both of the additional costs would be minimal compared to the other expenses incurred in producing cattle.

2. Continuing costs or savings: The ongoing cost for additional years will be the same to producers and farmers except as each year passes, more and more herds will be certified (disease free) and eventually the disease will be eradicated. There would be increased savings to farmers and producers having healthier animals which would be more marketable. The current classification of "B" states acts as a restriction on the marketability of Kentucky cattle.

3. Additional factors increasing or decreasing costs (note any effects upon competition): As noted in (a)2 - at some point (October 1990 is the targeted date) the state will have

eradicated the disease, the cost to the farmers and producers will be negligible.

(b) Reporting and paperwork requirements: Initially there would be a slight increase in paperwork for those involved, but it would be minimal. As the number of cases of brucellosis decreases, the level of paperwork would also.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: There would be some additional cost initially to the division in the form of increased activities of the livestock inspector. However, the increased activity will take place primarily at the livestock market. The livestock inspectors are already in place there.

2. Continuing costs or savings: The ongoing costs will decline as the rate of infection decreases within the state; the cost of operating the program will decrease. This reduction will be gradual, but hopefully within a two year period.

3. Additional factors increasing or decreasing costs: The date at which Kentucky is reclassified as an "A" or "Free" state will have a definite impact upon the cost/saving factor. This reclassification will affect the cost at the division level making it less.

(b) Reporting and paperwork requirements: Initially, there will be an increase in paperwork followed by a decline as the rate of disease declines.

(3) Assessment of anticipated effect on state and local revenues: The effect of the amended regulation upon state and local revenue will be quite positive as an increase in the marketability of Kentucky's cattle (disease free) will increase revenue throughout the state. Without a significant change in the current situation Kentucky is looking at a disaster to the cattle industry as of October 1990 when a federal quarantine on Kentucky's cattle will go into effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The regulation, as changed represents a result of a continuous two year study by many agricultural and cattle groups. The result is a regulation which will accomplish all of the objectives with a minimal of cost and difficulty for the involved parties.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The regulation is consistent and congruent with the following: 302 KAR 20:065 - Sale and Exhibition of Livestock; 302 KAR 20:070 - Stockyards; 302 KAR 20:040 - Entry into Kentucky.

(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. Because the regulation will apply evenly to the entire related industry.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The Kentucky Department of Agriculture has for a considerable length of time been party to a cooperative agreement with the United States Department of

Agriculture aimed at the eradication of brucellosis. The cooperative agreement includes terms regarding federal assistance for funding the Kentucky program through October 1990. The withdrawal of federal funds as of that date gives great emphasis to the need to eradicate the disease but is not a mandate. 9 CFR 1, through 9 CFR 199 to apply to the movement of livestock but deals primarily with interstate movement. State regulations, including 302 KAR 20:055 deal primarily with intrastate movement. Since standards for state brucellosis eradication are left primarily to state enforcement authorities, a comparison of state and federal standards cannot readily be made.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: The regulation does not impose stricter standards than those required by a federal mandate. The standards for brucellosis eradication in Kentucky are matters of state law primarily and are not matters of federal law.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: N/A

DEPARTMENT OF AGRICULTURE (Proposed Amendment)

302 KAR 20:065. Sale and exhibition of livestock in Kentucky.

RELATES TO: KRS Chapter 257

PURSUANT TO: KRS 257.030

NECESSITY AND FUNCTION: To specify general sanitary and health requirements in relation to the sale and exhibition of Kentucky livestock in Kentucky.

Section 1. Cattle. (1) General requirements.

(a) All animals, except as noted, shall be accompanied by an approved health certificate. Health certificates shall be void 150 days after issuance for exhibition and thirty (30) days after issuance for sale.

(b) If animals are from accredited or certified herds, health certificate shall show accreditation and certification number with date of last herd test for tuberculosis and brucellosis.

(c) Blood tests for brucellosis must be conducted in a state-federal laboratory and be negative according to recommended procedures of the Uniform Methods and Rules published by APHIS, VS, USDA.

(d) Cattle presented for change of ownership must comply with 302 KAR 20:055, Brucellosis vaccination, testing and branding requirements.

(2) Brucellosis.

(a) Sale. All breeding cattle must be tested within thirty (30) days prior to change of ownership. This will be the sellers' responsibility and the cattle may not be moved until the test results are found to be negative. Following a change of ownership whether by private sale, consignment, production, performance, contract, or otherwise all cattle shall be quarantined for retest between sixty (60) to 120 days unless originating from a certified herd.

(b) Exhibition. Animals six (6) months of age or older shall be negative to an official test

for brucellosis within 150 days of date of exhibition, unless exempt by one (1) of the following:

1. Originate directly from a certified herd.
2. Official vaccinates under eighteen (18) months of age for all breeds.
3. Steers. Must be accompanied by approved health certificate showing individual identification. No brucellosis test required.

(3) Tuberculosis.

(a) Sale. Animals six (6) months of age or older shall be negative to an official tuberculin test within sixty (60) days of date of sale, unless exempt by one (1) of the following:

1. Originate directly from an accredited herd or a tuberculosis free state.
2. Originate directly from a herd in which all animals six (6) months of age or older are negative to an official tuberculin test within last twelve (12) months of date of sale.
- (b) Exhibition. No test required.

Section 2. Performance Bull Testing Program.

(1) All animals shall be accompanied by approved health certificates.

(2) Brucellosis. Animals entered in this program shall, if six (6) months of age or older, be negative to an official brucellosis test within thirty (30) days of date of entry or originate directly and immediately from a certified herd.

(3) Tuberculosis. All animals six (6) months of age or older shall be negative to an official tuberculin test within sixty (60) days or originate directly and immediately from an accredited herd.

Section 3. Horses. (1) All horses entering Kentucky, except unweaned foals, and other equidae, for any purpose other than for immediate slaughter shall be accompanied by an official certificate of veterinary examination of state of origin issued by a state, federal or licensed accredited veterinarian and such certificate shall include:

(a) Veterinarian's statement that examination was made within the past thirty (30) days and revealed the animal to be free of symptoms of any infectious disease or exposure thereto; and

(b) Shall include any tests that have been conducted as well as all vaccinations including vaccination date and type of vaccine used; and

(c) Have attached thereto a copy of certificate of report from a laboratory approved by the USDA showing the animal(s) to be negative to AGID test for equine infectious anemia within the past six (6) months, if offered for sale.

(2) No horses shall be sold, offered for sale, traded, given away, or moved for the purpose of change of ownership unless accompanied by evidence of an official negative test for equine infectious anemia within six (6) months of sale or movement except as listed in this subsection. Equine which are offered for sale at approved auction markets will have a blood sample drawn at the market by the market's veterinarian at the seller's expense. Equine which are accompanied by an original negative certificate of test for equine infectious anemia, dated within the past six (6) months, may be exempt from the testing by the market's veterinarian provided the certificate positively identifies the equine which is being offered for sale. [All horses being offered for sale in Kentucky shall

be accompanied by a health certificate or official certificate of veterinary examination of the state of origin issued by a state, federal or licensed accredited veterinarian. This certificate shall remain as a record at the sale and will be presented to the new owner. Such certificate shall include all information required pursuant to subsection (1) of this regulation. All horses past six (6) months of age and other equidae offered for public sale shall be negative to AGID test within the past six (6) months. Only horses offered for sale for slaughter shall be exempt from this requirement.]

(3) All horses and other equidae offered for entry into fairgrounds, livestock show grounds, public boarding stables, and for trail rides or racing shall be negative to tests for AGID within twelve (12) months and shall be accompanied by certificate of report from a laboratory approved by the USDA.

(4) All reactors to AGID test for equine infections anemia shall be officially, permanently identified using numbers and letter 61A with a brand on the left neck region.

(5) All reactors not slaughtered or euthanized shall be isolated and quarantined. This isolation shall include stabling in a stall that is screened to preclude entry and exit of mosquitoes, stable flies and horse flies during those seasons of the year when such insects are prevalent. These animals will also be kept at least 200 yards from all other horses.

(6) The movement of any quarantined reactor shall be done only on permission of representative of the Department of Agriculture.

(7) All horses in a herd in which a reactor is found shall be quarantined pending a negative test on all horses.

Section 4. Swine. (1) General requirements.

(a) All swine for exhibition and sale must be accompanied by a certificate of veterinary examination which shall be void 150 days after issuance for exhibition and thirty (30) days after issuance of sale.

(b) All swine must have a permanent means of identification.

(c) If animals originate from validated and qualified herds, the certificate of veterinary examination shall show validation and qualification number with date of last herd test for brucellosis and pseudorabies.

(2) Brucellosis.

(a) Sale. All swine, except barrows, six (6) months of age or older shall have a negative thirty (30) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, or originate directly and immediately from a validated herd.

(b) Exhibition. All swine, except barrows, six (6) months of age or older shall have a negative 150 day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, or originate directly and immediately from a validated herd.

(3) Pseudorabies.

(a) Sale. All swine, six (6) months of age or older, shall be negative to an official (approved) blood test within thirty (30) days or originate directly and immediately from a qualified herd.

(b) Exhibition. All swine, six (6) months of age or older, shall be negative to an official (approved) blood test within 150 days of consignment for exhibition or originate directly

and immediately from a qualified herd.

(c) Feeder pigs. All feeder pigs must comply with 302 KAR 20:210, Pseudorabies surveillance.

Section 5. Sheep. (1) Scrapie. No sheep or lambs shall be consigned that originated from or are known to be exposed to flocks under surveillance for scrapie.

(2) Scabies. All sheep or lambs for breeding and feeding purposes consigned from a farm, ranch or like premises shall be accompanied by an approved health certificate indicating such sheep and lambs originated directly and immediately from an official scabies-eradicated-free area.

(3) Sore mouth. Any sheep or lambs showing lesions of contagious exythma shall not be consigned.

(4) Sale. All sheep and lambs consigned shall be identified individually by ear tattoo or ear tag and entered on an approved health certificate which is good for thirty (30) days after issuance.

(5) Exhibition. All sheep and lambs consigned shall be identified individually by ear tattoo or ear tag and entered on an approved health certificate which is good for 150 days after issuance.

Section 6. Goats. (1) Scabies. All goats must originate from a scab-free area.

(2) Scrapie. No goats from a herd under surveillance for scrapie that are known to have been exposed to or that are progeny shall be considered.

(3) Brucellosis.

(a) Sale. Animals six (6) months of age or older shall have a negative thirty (30) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, as applies to the bovine test or originate directly from a certified herd and be accompanied by an approved health certificate which shall be void thirty (30) days after issuance.

(b) Exhibition. Goats six (6) months of age or older shall be negative to an official blood test for brucellosis within 150 days of exhibition or originate directly from a certified herd and be accompanied by an approved health certificate which shall be void 150 days after issuance.

(4) Tuberculosis.

(a) Sale. Animals six (6) months of age or older shall have negative tuberculin test in last sixty (60) days or originate directly and immediately from an accredited herd.

(b) Exhibition. No test required.

Section 7. Poultry. Negative pullorum agglutination test within thirty (30) days for sale and/or exhibition. Test record must accompany poultry.

Section 8. Dogs and Cats. (1) All dogs over four (4) months of age for sale or exhibition shall be accompanied by a health certificate signed by a licensed, accredited veterinarian stating that they are free from all infectious diseases, did not originate within an area under quarantine for rabies, or from an area where rabies is known to exist and has not been exposed to rabies. All dogs over four (4) months of age shall be vaccinated against rabies not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment

if killed virus vaccine is used. Any vaccine approved for a three (3) year immunity by the "Compendium of Animal Rabies Vaccines" prepared by the Association of State Public Health Veterinarians, (Inc.), qualifies a dog if it is one (1) year of age when vaccinated; provided, show or performing dogs to be within the state temporarily for a period of ten (10) days shall not be required to furnish an approved health certificate.

(2) All cats shall be in compliance to above requirements for dogs provided the animals are vaccinated for rabies if four (4) months of age or older not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment with a vaccine approved by the state veterinarian and the Department for Health Services, Kentucky Cabinet for Human Resources.

WARD "BUTCH" BURNETTE, Commissioner

APPROVED BY AGENCY: February 19, 1988

FILED WITH LRC: February 22, 1988 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 21, 1988 at 10 a.m. in the Seventh Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: J. Michael Noyes, General Counsel, Department of Agriculture, Room 719, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five days before the hearing date, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Donald Notter, State Veterinarian

(1) Type and number of entities affected: Producers and farmers offering livestock for sale - either in public or private markets.

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

1. First year: Costs: Initially there would be a cost to the seller of breeding cattle for the cost of testing the cattle for brucellosis and for the expense of quarantining for retest for 60 to 120 days (unless from a certified herd). Also there would be a cost to the seller of horses for providing negative equine infectious anemia test. Savings: The value of animals being marketed within and outside of Kentucky would increase as the threat of infectious disease is reduced. Also the cost of possible litigation would in case of purchase of diseased animals is reduced. There would be a saving from reducing the threat of infection through a method which would not be disruptive to the livestock industry.

2. Continuing costs or savings: The ongoing costs would be increasingly lower as more herds of cattle become certified. The ongoing savings will continue to grow as the animals from Kentucky increase in marketability as the level of risk of infection from animals purchased decrease. An additional savings would be the savings accumulated by not creating a disruption within the livestock market and industry which would be accomplished by having these amended regulations which provide continuity while enacting needed changes.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The reduction in infection rate would make Kentucky

more competitive with surrounding states. Failure to become an "A" state status by 1990 will have a severe impact upon the cattle markets in Kentucky - a federal quarantine which would almost shut down the cattle industry.

(b) Reporting and paperwork requirements: Sellers of cattle will be required to furnish proof of negative testing or proof of origination from a certified herd. Sellers of horses will have to furnish official negative testing for equine infectious anemia.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The effect upon the Department of Agriculture would have a minimal cost for providing information to all the parties regarding the changes set forth in the regulations.

2. Continuing costs or savings: The continued savings to the Department of Agriculture will be considerable as the number of cases of the disease brucellosis - fewer payments to farmers for "de-pop" program.

3. Additional factors increasing or decreasing costs: A significant factor to consider is the role of federal payments in brucellosis control. The federal payments have already been decreased and will continue to be cut until October 1990 when they will be totally stopped. As the federal payment is decreased, the state payment will be increased. The only way to stop the increase of state payments is to eradicate the disease.

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: Providing more marketable livestock, livestock which are less likely to be infected, will result in increased revenue for the producer and for all segments of the livestock industry.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives are available. The desirability of continuing between old and new regulations greatly restricts the alternatives available. Lack of continuity would create a disruption within the livestock industry at a time when progress is imperative.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 302 KAR 20:070 - Stockyards; 302 KAR 20:050 - Brucellosis vaccination and testing and branding requirements; 302 KAR 20:040 - Entry into Kentucky.

(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. Because the regulation will apply evenly to the entire related industries.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The Kentucky Department of Agriculture has for a considerable length of time been party to a cooperative agreement with the United States Department of Agriculture aimed at the eradication of

brucellosis. The cooperative agreement includes terms regarding federal assistance for funding the Kentucky program through October 1990. The withdrawal of federal funds as of that date gives great emphasis to the need to eradicate the disease but is not a mandate. 9 CFR 1, through 9 CFR 199 to apply to the movement of livestock but deals primarily with interstate movement. State regulations, including 302 KAR 20:065 deal primarily with intrastate movement. Since standards for state brucellosis eradication are left primarily to state enforcement authorities, a comparison of state and federal standards cannot readily be made.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: The regulation does not impose stricter standards than those required by a federal mandate. The standards for brucellosis eradication in Kentucky are matters of state law primarily and are not matters of federal law.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: N/A

DEPARTMENT OF AGRICULTURE (Proposed Amendment)

302 KAR 20:070. Stockyards.

RELATES TO: KRS Chapter 257

PURSUANT TO: KRS 257.030

NECESSITY AND FUNCTION: To designate sanitary requirements, and operational procedures in all stockyards relative to disease control.

Section 1. Operating Sale Requirements. (1) The owner or manager operating a stockyard shall arrange for an accredited, licensed veterinarian approved by the Department of Agriculture to be present in said sales point to carry out the provisions of this regulation.

(a) A licensed, accredited veterinarian seeking approval by the board to be designated official market veterinarian shall make application and state that he (she) will comply with this and all associated regulations relative to the responsibilities of the position.

(b) The official market veterinarian shall be responsible to replace himself with another approved (by the board) veterinarian in the event he finds it necessary to be absent from the market.

(c) The official market veterinarian shall not resign his (her) duties without written notice to the sale company and the state veterinarian's office at least ten (10) days prior to resignation.

(d) The failure or neglect to properly perform any of the responsibilities and duties of the official market veterinarian shall be cause for disapproval and immediate removal from the market.

(2) The person operating a stockyard shall provide separate pens or a yarded division for isolating animals classed as reactors to brucellosis or any communicable disease. Said pens are to be permanently identified as "bangs" pens and the word ["quarantine"] is to be spelled out on the gates to such pens. The pens shall be constructed so as to facilitate easy cleaning and disinfecting after each use. The

pens must have concrete floors and complete walls (no fences or gates to permit contact with adjacent animals). Any watering troughs or feed bunks in the "bangs" [quarantine] pens shall be located so that no other livestock in the market can access them at any time. All reactor animals shall be yarded in the "bangs" [quarantine] pens and shall be sold last. Such animals shall be identified as reactors on the invoices of both the buyer and the seller. The "bangs" pens may not be used at any time for any other than for known brucellosis reactors, or brucellosis suspects going directly to a recognized slaughter establishment. Temporary "bangs" pens may be used when necessary if prior approval for the use of such pens has been obtained from an agent of the State Board of Agriculture. Temporary pens must be identified as "bangs" pens as provided in this section.

(3) The owner operating a stockyard shall provide adequate space, utilities, hot water and assistance for the accredited, licensed veterinarian to officially carry out the provisions of this regulation. All licensed Kentucky livestock markets shall provide the following requirements for the market's testing laboratory:

(a) Constructed and equipped so as to be maintained at room temperature (normal working temperature [seventy (70) to seventy-eight (78) degrees]) in both summer and winter (i.e., heaters and air conditioners).

(b) Provide a sink with hot and cold running water.

(c) Be equipped with a refrigerator in good working condition.

(d) Be constructed so that the market veterinarian shall have sufficient space and privacy to conduct the required tests and fill out the associated records and forms.

(e) Be constructed so that it can be kept clean easily and locked at all times when not in use.

(f) Contain a work counter and sufficient shelf space, cabinets with locks, and storage space to keep forms, ear tags, etc., as required by the official market veterinarian in carrying out his (her) duties.

(g) The laboratory shall be supplied with adequate artificial light. The electrical wiring must be adequate to carry at a minimum a centrifuge, electrical refrigerator, cooling facility and have at least two (2) additional electrical outlets.

(h) The laboratory must be located so as to be convenient for the veterinarian and the public while conducting his (her) duties as the official market veterinarian.

(4) The owner or operator shall furnish and maintain one (1) or more cattle chutes suitable for restraining animals for inspection of any infectious, contagious or parasitic condition, testing, tagging, branding and other procedures routinely required in providing livestock sanitary services and identification for movement at stockyards.

(5) The owner or operator shall maintain records of the seller and purchaser of all livestock for one (1) year. These records to be made available to Department of Agriculture representatives for inspection upon request during regular business hours.

(6) The owner or operator shall provide adequate facilities and service at a reasonable cost, if not available at or near the yards, for

cleaning and disinfecting cars, trucks or other vehicles which have transported to the stockyards animals known to be infected with or exposed to a contagious, infectious, communicable or parasitic disease with a disinfectant approved by the chief livestock sanitary official.

Section 2. General Requirements. (1) All stockyards shall be maintained in a workable and sanitary condition. Stockyards shall be inspected as required by a representative of the board.

(2) After an occurrence of any infectious, contagious, parasitic or communicable disease of livestock in a stockyard, exposed facilities capable of transmitting disease shall be cleaned and disinfected with approved disinfectants in a manner approved by the chief livestock sanitary official.

(3) Livestock found to be infected and showing clinical or diagnostic symptoms of an infectious, contagious, parasitic or communicable disease shall upon recommendation of stockyard veterinarian or authorized representative of the chief livestock sanitary official be quarantined in an isolated portion of the yards for treatment, additional diagnostic laboratory procedures, disposition to slaughter or other disposition pursuant to accepted methods of disease prevention and control.

(4) All livestock originating from a quarantined herd or premises shall be sold under permit for immediate slaughter.

(5) The card test shall be the official test for brucellosis at stockyards. All animals showing positive reaction must be identified and sold for immediate slaughter, unless quarantined by the state veterinarian or agent of the board for further testing. Indemnity will be paid for reactors disclosed by stockyard test as long as state-federal funds are available.

(6) Upon disclosure of a reactor(s) by the stockyard veterinarian, all female and breeding cattle in the consignment [from the same herd] are exposed cattle and must be returned to the farm of origin under quarantine for retesting or sold for slaughter with proper identification. Assembled cattle are considered to be a herd.

(7) Exposed animals and reactor animals will be identified as described in Title 9, CFR, 78.7 and 78.8, herein filed by reference.

(8) Cattle entering the market shall be vaccinated, tested or branded as required in 302 KAR 20:055.

[(9) It shall be unlawful and a misdemeanor for any person to buy or offer to buy livestock on the premises owned and used by a person or corporation operating a licensed livestock market before such livestock has been regularly consigned for sale thereat.]

Section 3. Veterinary Compensation. Accredited veterinarians shall receive for any services rendered a fee that has been agreed on by the stockyard operators and the accredited veterinarians. Such fees shall be deducted from the seller's or buyer's check, depending upon conditions of sale and shall be paid to the accredited veterinarian, except for those services reimbursed pursuant to a state-federal cooperative program. Reimbursement for brucellosis vaccinations done at a Kentucky farm pursuant to a state cooperative program may be

made under such terms and conditions as the state veterinarian may approve. [The official market veterinarian shall receive for any services rendered a fee that has been agreed upon by the stockyards operator and the veterinarian. Such fees for branding, ear tagging, and calfhood vaccination shall be deducted from the buyer's check, contingent upon the conditions agreed upon prior to sale by the parties involved. Such fees for testing of heifers under eighteen (18) months of age shall be deducted from the seller's check, contingent upon conditions agreed upon prior to the sale by parties involved. Such fees shall not include funds for those services reimbursed pursuant to state-federal cooperative programs.]

Section 4. Veterinary Duties. The stockyard veterinarian shall in cooperation with representative(s) of the department. The market veterinarian must arrive at the market in sufficient time to do all the required testing and inspection prior to the beginning of the sale.

(1) Examine, validate and issue certificates pertinent to the movement of livestock to be sold.

(2) Conduct required test of livestock.

(3) Visually inspect all livestock for clinical signs of contagious, infectious diseases.

(4) Obtain blood samples. Aid and assist in conducting of associated laboratory tests. Submit such specimens to state-federal laboratory for confirmation. Such specimens shall be posted by mail or delivered directly to state-federal laboratory.

(5) Compile and present such reports as are routinely required to the chief livestock sanitary official.

(6) Report the presence of any animal showing symptoms suggestive of a "reportable" disease or any other disease that the market veterinarian feels poses the threat of spread of a communicable livestock disease which may warrant the actions of the state veterinarian.

(7) Copies of all forms must be forwarded to the office of the state veterinarian by the official market veterinarian immediately after the sale. All official forms, certificates, or documents and official stamps, shall be kept in the exclusive possession of the market veterinarian and shall be dated and signed by him only at the time they are filled out and issued. Under no circumstances shall any official document be presigned or prestamped by the market veterinarian. The use of any official stamp by persons other than the approved market veterinarian or state livestock inspector or official, or federal employee is expressly prohibited. The approved market veterinarian shall be solely responsible for the unauthorized use or improper issuance of any official document or the use of any official stamp.

(8) The market veterinarian must remain at the market a reasonable length of time to allow buyers to get their livestock approved for release.

(9) The market veterinarian must use separate bleeding needles and syringes for each animal bled. He must follow accepted standards for sterility to prevent the transmission of infectious agents to livestock being tested.

(10) The market veterinarian or the sale company shall not be responsible for the results

of any tests that are performed properly or any reactor animals found in the market. All reactor animals shall revert back to the consignor.

(11) All cattle, excluding steers, returning to a Kentucky farm shall not be removed from Kentucky markets unless accompanied by an official release form signed by the market veterinarian or an agent of the board. All cattle must meet the state of destination's requirements. Movement of Kentucky cattle age eighteen (18) months or older moved from a stockyard back to another farm in Kentucky after purchase at a livestock market or following private purchase; these animals will be moved under quarantine to the Kentucky premise for a second brucellosis test. Quarantines will be released upon the results of the sixty (60) to 120 day negative serology results and shall be paid for by the purchaser, unless the test is done at a livestock market under first point testing qualifications. An animal which is under quarantine shall not be comingled with animals in an established herd unless a second negative test is accomplished sixty (60) to 120 days after purchase or movement under quarantine is permitted by the state veterinarian. [No livestock shall be allowed to leave the market until an approval for release is secured from the market veterinarian or an agent of the board. The market shall be responsible to see that no cattle or swine are removed without first being released by the market veterinarian or agent of the board. Release forms: all cattle and swine, regardless of age, weight, sex or breed, must be approved for release by the market veterinarian, or an agent of the board and are not to be released unless they meet the importation and transportation requirements of the state of destination, including the state of Kentucky.]

[(12) All livestock shipped from the state of Kentucky, regardless of the purpose of movement, must be accompanied by an official Kentucky certificate of veterinary examination or "health certificate." This includes slaughter, feeding, breeding, and dairy animals and horses. The certificate must reflect that the animals being shipped meet the state of destination importation requirements as they pertain to permits, test requirements, etc.]

Section 5. Cattle Requirements. (1) Tuberculosis.

(a) Imports. Cattle six (6) months of age or older for dairy and breeding purposes shall be negative to an official tuberculin test within thirty (30) days of date of entry or originate directly and immediately from an accredited herd or eradicated free state.

(b) Cattle classified as suspects or those originating from a quarantined herd shall not be imported.

(c) Reciprocal agreements with adjoining states may be effective in lieu of specific requirements.

(d) Kentucky cattle: no tuberculosis requirements if to a Kentucky destination.

(2) Brucellosis.

(a) All cattle six (6) months of age or older offered for sale at the stockyard for breeding and dairy purposes, [except for the following,] shall be negative to an official brucellosis test. The above described cattle can be moved with a complete herd test within thirty (30) days with an approved health certificate.

[within the last eight (8) days of sale:]

1. Official vaccinates identified by an official vaccination tattoo and ear tag which are under eighteen (18) months of age. Appearance of permanent "nipper" incisors which are under eighteen (18) months of age (i.e., test required of those cattle with "two (2) teeth").

2. Heavy springers and cows postpartum shall be required to test, regardless of age.

3. Cattle from brucellosis certified free herds may be exempt from testing requirement if in accord with 302 KAR 20:040, Entry into Kentucky.

(b) Back tagged cattle.

1. All mature cattle eighteen (18) months or older, as indicated by the presence of the first pair of permanent incisor teeth, except steers and spayed heifers, consigned to any stockyard, shall be back tagged in a routine manner prescribed by the department. [Heifers, fattened, intended for slaughter only, and consigned directly to a slaughter facility may move directly to slaughter, following back tagging, with farm and state of origin documentation, to avoid the requirement to test at the market and/or be ear tagged.]

[2. All back tagged cattle shall be negative to a brucellosis test within eight (8) days of sale.]

2. [3.] Back tags placed on slaughter cattle shall not be removed at any time or by any person only under specific instructions from the chief livestock sanitary official.

[4. Back tagged cattle shall proceed directly to a recognized slaughtering center with no diversion whatever enroute except to another approved stockyard for reconsignment to slaughter.]

3. [5.] Materials for the back tagging program shall be furnished by the department and/or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture.

(c) All breeding, dairy and back tagged cattle requiring testing shall be tested at the first point of assembly or concentration.

(d) All cattle for feeding purposes and grazing shall comply with 302 KAR 20:055, Brucellosis vaccination, testing and branding requirements.

Section 6. Swine Requirements. (1) As prescribed in 302 KAR 20:080.

(2) Effective January 1, 1971, all serum requirements for swine moving into or through the State of Kentucky were rescinded.

(3) Breeding swine.

(a) All breeding swine six (6) months of age or older shall be negative to an official (approved) blood test for brucellosis and pseudorabies within thirty (30) days prior to date of sale and be accompanied by proof of negative test results, or originate directly and immediately from a validated and qualified herd.

(b) Breeding swine not tested for [and found negative to] brucellosis and pseudorabies prior to arrival at stockyards must be consigned directly to slaughter, or may be moved under quarantine to a Kentucky farm with prior approval of the state veterinarian or agent of the state board. However, breeding swine moved under quarantine may not be comingled with a pseudorabies free herd.

(c) Testing of breeding swine at stockyards is

prohibited.

(4) Feeder pigs. All feeder pigs must comply with 302 KAR 20:210, Pseudorabies surveillance.

(5) Livestock markets buying stations, and concentration points handling all classes of swine.

[(a) All swine, including slaughter swine, to be inspected by an accredited veterinarian prior to leaving market.]

(a) [(b)] Swine moving interstate from markets to be in compliance with Title 9, Part 76, CFR, herein filed by reference, including health certification by the accredited veterinarian authorized by the state to furnish such services.

(b) [(c)] Slaughter swine leaving premises to be consigned only for immediate slaughter to a recognized slaughtering establishment approved for this purpose in accordance with federal and state regulations.

(c) [(d)] Markets to maintain well-constructed pens and swine-handling facilities that are clean and in good repair.

(d) [(e)] Markets to provide pens surfaced with impervious material for holding and handling feeder pigs and breeding swine.

(e) [(f)] Markets to provide satisfactory, well-lighted facilities for inspection and proper restraint.

(f) [(g)] Clean and disinfect holding and handling pens, alleys and other facilities used in selling swine after use by each lot of swine under procedures specified by state and federal agencies to guard against spread of disease.

(g) [(h)] Maintain records of margin and destination for all swine entering market and grant federal and state inspectors access to such records. Identification as to farm where farrowed shall be maintained for all feeder pigs and breeding stock and all slaughter swine which may be diverted for purposes other than slaughter. Records shall be maintained for one (1) year.

(h) [(i)] Feeding and breeding swine must be placed in pens separate and apart from slaughter swine. All swine designated for slaughter must be delivered directly to an approved slaughter establishment with no diversion enroute.

(i) [(j)] Permit no cull pigs to enter market unless provisions are made to pen such pigs separate and apart from all other swine so contact with healthy swine does not occur. Facilities used by these swine will not be used by other swine until cleaning and disinfecting have been accomplished. Further, cull swine to be permanently identified by an ear tag in the right ear, quarantined to the purchaser, and released from said quarantine by consignment to slaughter only. A cull pig is defined as one which does not pass veterinary inspection for health.

(j) [(k)] Permit no garbage fed swine to enter market unless provisions are made to handle and pen such swine separate and apart from all other swine to avoid contact with other marketable swine.

(k) [(l)] Permit no swine to be moved into or from the market unless a state or federal inspector releases such swine.

(l) [(m)] Require all buyers of swine to determine the purpose of their movement. If for slaughter and there is any reason to believe the swine might be diverted (underweight swine, thin sows, etc.) the inspector may require that such swine be identified by ear tag and consigned to slaughter on a special permit. Further, any

swine with which these swine mingle shall cause the entire lot to be ineligible for movement except to slaughter.

(m) [(n)] Permit no feeder pigs or breeding swine to remain in the market more than seventy-two (72) hours.

(n) [(o)] No feeding or breeding swine are to be allowed in any market for resale within thirty (30) days from prior sale date.

(6) Livestock markets, buying stations and concentration points handling slaughter swine only.

(a) Swine moving interstate to be in compliance with Title 9, Part 76, CFR, herein filed by reference, and applicable state regulations.

(b) Accept swine only for slaughter and to permit no swine to leave market except for slaughter only.

(c) Markets to maintain well-constructed pens and swine-handling facilities that are clean and in good repair.

(d) Maintain records of origin and destination for all swine entering market and grant federal and state inspectors access to such records. Records shall be maintained one (1) year.

(e) Isolate all swine suspected of being affected with or exposed to infectious disease, promptly notify the state or federal agency, and hold such swine in isolation pending instructions on disposition.

(f) Clean and disinfect holding and handling pens, alleys, and other facilities used in selling swine under procedures specified by state and federal agencies to guard against spread of disease.

Section 7. Sheep and Goat Requirements. (1) As prescribed in 302 KAR 20:040.

(2) Before the beginning of a sale all sheep and goats to be sold for breeding purposes that are free from evidence of infectious, contagious or parasitic disease shall be separated from all other sheep and goats in a part of the yard provided for this purpose.

(3) All sheep and goats that as individuals or any part of an assembled group show evidence of any infectious, contagious, communicable or parasitic disease must be sold for immediate slaughter or otherwise disposed of under permit issued by the chief livestock sanitary official.

(4) Goats for dairy or breeding purposes if free from evidences of any infectious, contagious, or parasitic disease shall originate directly and immediately from a brucellosis certified free herd or if six (6) months of age or over be negative to an official brucellosis test within thirty (30) days of date of sale.

WARD "BUTCH" BURNETTE, Commissioner

APPROVED BY AGENCY: February 23, 1988

FILED WITH LRC: February 24, 1988 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 22, 1988 at 10 a.m. in the Seventh Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: J. Michael Noyes, General Counsel, Department of Agriculture, Room 719, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five days before the hearing date, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Donald Notter, State Veterinarian

(1) Type and number of entities affected: Producers and farmers of livestock in Kentucky, as well as market owners and operators will be affected by the proposed changes. State livestock inspectors as well as federal animal health technicians will be affected in that their specific duties will be changed.

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

1. First year: Farmers and producers who buy a cattle and swine will have a slight cost to cover cattle purchased at stockyards which must be quarantined. The markets will have the cost of supplying the temporary "Bangs" pens, and for insuring that there is available working conditions which are at normal working conditions for the market veterinarian. The seller or buyer will have the cost of the veterinarian fees for any service rendered which is not covered by a state or federal cooperative program for reimbursement.

2. Continuing costs or savings: There will be no increase in costs after the first year. There will be a decrease in costs as the number of animals required to be quarantined will be decreased.

3. Additional factors increasing or decreasing costs (note any effects upon competition): An additional and prime factor in the federal quarantine which will fall into place in October 1990 for Kentucky cattle if the status of Kentucky is not lifted from a "B" state. Should this occur, the effect upon the Kentucky industry would be severe. Again, this is the effect if the status of Kentucky is changed which will increase the marketability of Kentucky's cattle and will give new strength to the Kentucky cattle industry.

(b) Reporting and paperwork requirements: Initially there will be a slight increase in the amount of paperwork required by the affected parties followed by a decline as the disease declines.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: There would be only slight additional costs to the division in the form of additional enforcement activities, but this would be minimal.

2. Continuing costs or savings: The continued costs to the division would diminish with time as the disease rate decreases.

3. Additional factors increasing or decreasing costs: As soon as Kentucky receives "A" status or "Free" status, the costs involved will decrease even further, as states outside of Kentucky will lessen the restriction placed on cattle from Kentucky, thereby lessening the cost involved in monitoring these cattle.

(b) Reporting and paperwork requirements: Initially, the reporting and paperwork requirements would increase, and would then decline as brucellosis declines.

(3) Assessment of anticipated effect on state and local revenues: The overall effect across the state on a healthier cattle industry with increased revenue would be a very positive one. The revenue which would be generated by increased prices and sales would be difficult to calculate. The loss which will result if the

October 1990, the status of Kentucky has not changed to an "A" state and the federal quarantine is imposed is easier to calculate for it would almost shut down the cattle market in Kentucky.

(4) Assessment of alternative methods; reasons why alternatives were rejected: As a major part of all cattle activity flow through the stockyards, control of an infectious disease in livestock must focus on the stockyards. The proposed amendment will contain the spread of infectious diseases with the least amount of disruption on the part of all affected parties. There is no viable alternative working within the tight time confinements which exist - vast improvement prior to October 1990.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation is consistent and congruent with: 302 KAR 20:065 - Sale and exhibition of livestock in Kentucky; 302 KAR 20:055 - Brucellosis vaccination/testing/branding requirements; 302 KAR 20:040 - Entry into Kentucky.

(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. Because the regulation will apply evenly to the entire related industry.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The Kentucky Department of Agriculture has for a considerable length of time been party to a cooperative agreement with the United States Department of Agriculture aimed at the eradication of brucellosis. The cooperative agreement includes terms regarding federal assistance for funding the Kentucky program through October 1990. The withdrawal of federal funds as of that date gives great emphasis to the need to eradicate the disease but is not a mandate. 9 CFR 1, through 9 CFR 199 to apply to the movement of livestock but deals primarily with interstate movement. State regulations, including 302 KAR 20:070 deal primarily with intrastate movement. Since standards for state brucellosis eradication are left primarily to state enforcement authorities, a comparison of state and federal standards cannot readily be made.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: The regulation does not impose stricter standards than those required by a federal mandate. The standards for brucellosis eradication in Kentucky are matters of state law primarily and are not matters of federal law.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: N/A

DEPARTMENT OF AGRICULTURE (Proposed Amendment)

302 KAR 20:210. Pseudorabies surveillance.

RELATES TO: KRS Chapter 257

PURSUANT TO: KRS 257.030

NECESSITY AND FUNCTION: The prevention of the spread of pseudorabies, via the movement (both intrastate and interstate) of feeder pigs within market channels. Breeding swine in Kentucky on farms which produce and sell feeder pigs will be required to be tested as will breeding swine on farms of origin which produce feeder pigs imported into Kentucky.

Section 1. Definitions. As used in this regulation and unless the context clearly requires otherwise:

(1) Breeding swine shall mean "male and female porcines which are sexually intact (i.e., not altered), six (6) months of age and older."

(2) Feeder pigs (feeding swine) shall mean "porcines of the male (altered) or female sex between weaning and three (3) to four (4) months of age approximately which are produced for the purpose of being fed for slaughter."

(3) Complete herd testing shall mean "a test of all breeding swine within a herd six (6) months of age or older for brucellosis and pseudorabies."

(4) Pseudorabies monitored herd shall mean "a herd in which percentage testing (representative sampling) has been accomplished on the total number of breeding sows in the total herd," and in accord with the following formula:

(a) In herds of ten (10) sows or less - all sows must be tested;

(b) In herds of eleven (11) to thirty-five (35) sows - ten (10) sows are required to be tested;

(c) In herds of thirty-six (36) sows or more - thirty (30) percent or thirty (30) sows must be tested, whichever is less.

(5) Validated brucellosis free herd shall mean "a herd of swine that has qualified for and has been issued a validated brucellosis free herd certificate signed by the State Animal Health Official and the Area Veterinarian in Charge (AVIC). The validated brucellosis free herd status is valid for twelve (12) months, unless evidence of brucellosis is found in the herd."

(6) Qualified pseudorabies negative herd shall mean qualified pseudorabies negative herd status is attained by subjecting all swine over six (6) months of age to an official pseudorabies serological test and obtaining a negative result on all animals. All additional requirements are listed in 9 CFR (Code of Federal Regulations) Chapter 1 (1-1-87 Edition) page 224.

Section 2. Testing Requirements for Breeding Swine in Herds which Produce Feeder Pigs. Effective January 1, 1988, all feeder pigs sold in Kentucky must originate from herds in which testing of the breeding swine has been done for pseudorabies and negative serological results can be demonstrated according to one of the following testing schedules:

(1) Complete herd testing as defined in Section 1(3) of this regulation;

(2) Pseudorabies monitoring testing as defined in Section 1(4) of this regulation.

Section 3. Exemptions. Specific exemptions

from the requirements of Section 2 of this regulation shall be:

(1) Feeder pigs which originate from a qualified pseudorabies negative herd. When moving, the feeder pigs must be accompanied by a pseudorabies surveillance card as outlined in Section 4 of this regulation.

(2) Feeder pigs may be individually tested (and identified) for pseudorabies and found serologically negative within thirty (30) days prior to sale or entry.

Section 4. Procedures. The following procedures shall be used to effect compliance with this regulation:

(1) A pseudorabies surveillance card (PS card) will be issued by the state veterinarian to owners of swine herds who market feeder pigs when negative serologies are demonstrated from blood samples obtained by licensed, accredited veterinarians from specific percentages of their breeding swine. The minimum percentage allowed for receiving a PS card will be the monitoring formula (see Section 1(4) of this regulation). Complete herd testing (Section 1(3) of this regulation) will be initiated simultaneously with this regulation for statewide swine validated brucellosis free status. The blood samples taken in this federally funded program will also be utilized for pseudorabies serology to qualify herd owners for issuance of their pseudorabies surveillance cards.

(2) The specific steps to be taken to accomplish the issuance of the pseudorabies surveillance card and the manner in which the PS cards shall be used in marketing feeder pigs are as follows:

(a) The herd owner will contact his veterinarian and request testing of his breeding swine. The owner shall direct the veterinarian as to the number of his breeding swine desired to be tested as follows:

1. When the herd owner selects pseudorabies monitoring testing (Section 1(4) of this regulation), payment for the veterinarian's farm call and the charges for obtaining the blood samples are the owner's responsibility.

2. When the herd owner selects complete herd testing (all breeding swine) (Section 1(3) of this regulation), federal fee basis funds and state funds will, upon availability, pay the veterinarian for the farm call and the sample collections from the animals.

(b) The veterinarian will then submit the samples and the necessary documentation on submission forms supplied by the state veterinarian and signed by the veterinarian and the herd owner. The number of animals bled and the total number of breeding swine (boars and sows) on the premise will be clearly stated on the sample submission forms as well as the individual animal identification numbers of all swine bled. The samples will be sent (serum only) to a state diagnostic laboratory for brucellosis and pseudorabies testing.

(c) The test results will be mailed to the state veterinarian's office by the diagnostic laboratory.

(d) Simultaneous with the mailing of the serum samples to the diagnostic laboratory, the veterinarian and the herd owner shall complete the pseudorabies surveillance card request form (these will be issued to participating practicing veterinarians on request) and mail same, with both signatures, to the state

veterinarian's office.

(e) The pseudorabies surveillance cards will be issued directly from the state veterinarian's office to the herd owner when all requirements have been met.

(f) The PS cards will be used by herd owners to market feeder pigs within Kentucky and to move feeder pigs into other states requiring surveillance testing or monitoring for pseudorabies. At livestock markets in Kentucky, individual groups of feeder pigs will be identified by metal ear tags when herd owners (sellers) present their PS cards.

(g) The PS cards will expire one (1) year from the date the swine are bled.

Section 5. Other Movements. (1) Licensed livestock dealers may purchase feeder pigs for resale provided that original pseudorabies surveillance and individual feeder pig identification can be maintained. At no time shall pigs purchased in accordance with this section be kept on premises with pigs from herds without pseudorabies surveillance.

(2) Feeder pigs purchased pursuant to this section shall be marketed no sooner than twenty-eight (28) [thirty (30)] days after the original purchase, as prescribed in 302 KAR 20:070. Dealers shall present invoices with the original pseudorabies surveillance card numbers or other valid means of identification when presenting their feeder pigs to markets.

Section 6. Quarantine. (1) Any breeding swine which acts as a titer to a pseudorabies screening test shall be quarantined until released by the state veterinarian. The farm premise and herd from which the infected swine originated shall be quarantined. All swine which has been quarantined may move directly to slaughter, to an approved livestock market and then to an approved slaughter facility or may remain on the quarantined premises. A quarantined herd or quarantined premise may be released from quarantine by the state veterinarian when:

(a) The herd has been depopulated for at least thirty (30) days and the premises cleaned and disinfected in a manner approved by the state veterinarian. If the premises are repopulated all replacement swine must be negative to a screening test for pseudorabies at entry and the entire herd shall be tested for pseudorabies thirty (30) to sixty (60) days after the herd is on the premise.

(b) There have been two (2) negative tests for all swine in the herd over six (6) months of age. The first test must be at least thirty (30) days after the removal of all reactors. The second test must be at least sixty (60) days from the removal of the last reactor from the herd or premise.

(2) All retesting of suspects and testing of quarantined animals shall be at the owner's expense.

Section 7. The person operating a stockyard or assembly facility shall provide separate pens for isolating pseudorabies infected swine. Said pens are to be permanently identified as quarantined and spelled as such on the gate. The pens shall be constructed so as to facilitate easy cleaning and disinfecting after each use. The pens must have concrete floors and complete walls so as to have no contact with adjacent

animals. Any watering troughs or feed equipment in the quarantine pens will be located so no other livestock in the market can access them at any time. All infected swine shall be secure in said quarantine pen and sold last and identified on all invoices as infected animals.

WARD "BUTCH" BURNETTE, Commissioner

APPROVED BY AGENCY: February 24, 1988

FILED WITH LRC: February 24, 1988 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 22, 1988 at 10 a.m. in the Seventh Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: J. Michael Noyes, General Counsel, Department of Agriculture, Room 719, Capital Plaza Tower, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least five days before the hearing date, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Donald Notter, State Veterinarian

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: Kentucky has between 3,000 and 4,000 swine herds. This would affect only those which had breeding swine which acts as a titer, or have a herd from which infected swine originated, and operates a stockyard or other assembly facility.

1. First year: The cost involved for the first year would be slight. Individuals operating stockyards or assembly facilities would be responsible for providing separate pens for infected swine which have concrete floors and separate feeding facilities. In some instances this may require construction of new facilities which would be expensive or it may require only posting a sign in other instances, so the cost will vary.

Producers of breeding swine will be responsible for the expense of retesting of suspects and all quarantined animals as well as the expense of quarantining and cleaning of premises after herd depopulation. All of these requirements are minimal expense.

2. Continuing costs or savings: The cost which would be ongoing would be the quarantine and retesting costs to sellers and producers. As the rate of the disease decreases, this cost would decrease.

3. Additional factors increasing or decreasing costs (note any effects upon competition): It should be noted approximately 80% of Kentucky feeder pigs are exported to surrounding states. The procedure for livestock markets to handle swine with pseudorabies and needs to be clearly established in order to protect this valuable segment of the swine industry.

(b) Reporting and paperwork requirements: A slight amount of paperwork would be generated by the quarantine requirements, but it would be very slight.

(2) Effects on the promulgating administrative body: The Department of Agriculture, Division of Animal Health would be only slightly affected. The state veterinarian would be involved in quarantine of herds and the release thereof. Also, the division inspectors would be involved in inspections but both of these requirements

would be well within routine activities for the division.

(a) Direct and indirect costs or savings:

1. First year: The costs to the Division of Animal Health for the first year would be those discussed in (2) - the slight amount of inconvenience with issuing and releasing of quarantine and for inspectors time.

2. Continuing costs or savings: The costs for continuing after the first year would be the same fluctuating only with the amount of the disease present within the state.

3. Additional factors increasing or decreasing costs: None that are foreseeable.

(b) Reporting and paperwork requirements: There would be only a slight amount of paperwork which would come from the issuing and releasing of quarantines and the filing of any reports by the division inspectors.

(3) Assessment of anticipated effect on state and local revenues: The feeder pig industry in Kentucky has an estimated income of between 15 to 18 million dollars annually. Failure to control pseudorabies will not only impact directly upon this industry by loss of animals but also from inability to market swine to surrounding states.

(4) Assessment of alternative methods; reasons why alternatives were rejected: After careful study, the proposed regulation is the best method available for protecting the swine industry while not imposing undue hardships upon individual members of the swine industry. The proposed amendment does not change procedures so much as to clarify.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The regulation is consistent with: 302 KAR 20:040 - Entry into Kentucky 302 KAR 20:065 - Sale and exhibition of livestock in Kentucky; 302 KAR 20:070 - Stockyards.

(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. Because the regulation will apply evenly to the entire related industry.

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

EFFECTIVE: February 8, 1988

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 March 15 [February 12], 1988 and hereinafter

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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.

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|-------|---|----------|--|
| 1.1 | Legal Assistance for Corrections Staff | 16.3 | Telephone Calls |
| 1.2 | News Media | 16.4 | Inmate Packages |
| 1.6 | Extraordinary Occurrence Reports | 17.1 | Inmate Personal Property [(Amended 2/12/88)] |
| 1.9 | Institutional Duty Officer [(Amended 2/12/88)] | 17.2 | Assessment Center Operations |
| 1.11 | Population Counts and Reporting Procedures | 17.3 | Controlled Intake of Inmates |
| 1.12 | Operation of Motor Vehicles by Corrections Cabinet Employees | 18.4 | Classification of the Inmate |
| 2.1 | Inmate Canteen | 18.5 | Custody/Security Guidelines |
| 2.2 | <u>Warden's Fund (Added 3/15/88)</u> | 18.6 | Classification Document |
| 2.10 | Surplus Property | 18.7 | Transfers <u>(Amended 3/15/88)</u> |
| 3.1 | Code of Ethics | 18.8 | Guidelines for Transfers Between Institutions <u>(Amended 3/15/88)</u> |
| 3.2 | Inclement Weather and Emergency Conditions Policy | 18.9 | Out-of-State Transfers |
| 3.3 | Holding of Second Jobs by Bureau Employees | 18.10 | Parole Progress Reports |
| [3.7] | Employment of Relatives (Deleted 3/15/88) | 18.11 | Kentucky Correctional Psychiatric Center Transfer Procedures [(Amended 2/12/88)] |
| 3.10 | Staff Clothing and Personal Appearance | 18.12 | Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill |
| 3.12 | Institutional Staff Housing | 18.13 | Population Categories |
| 3.14 | Corrections Cabinet Payroll Deduction Policy and Procedure | 18.15 | Protective Custody |
| 4.1 | Attendance at Professional Meetings | 19.1 | Government Services Projects |
| 4.2 | Staff Training and Development | 19.2 | Community Services Projects |
| 4.3 | Firearms and Chemical Agents Training | 20.1 | Study Release |
| 4.4 | Educational Assistance Program | 20.6 | Vocational Study Release |
| 6.1 | Open Records Law | 22.1 | Privilege Trips |
| 7.2 | Asbestos Abatement | 25.1 | Gratuities |
| 8.4 | Emergency Preparedness | 25.2 | Public Official Notification of Release of an Inmate |
| 9.1 | Use of Force | 25.3 | Prerelease |
| 9.3 | Transportation of Convicted Offenders | 25.4 | Inmate Furloughs |
| 9.4 | Transportation of Inmates to Funerals or Bedside Visits | 25.6 | Community Center Program [(Amended 2/12/88)] |
| 9.5 | Return of Escapees by Automobile | 25.7 | Expedient Release |
| 9.6 | Contraband | 25.8 | Extended Furloughs |
| 9.7 | Storage, Issue and Use of Weapons Including Chemical Agents | 27.2 | Risk/Needs Administration |
| 9.8 | Search Policy | [27.10] | Preliminary Revocation Procedures (Deleted 3/15/88)] |
| 9.9 | Transportation of Inmates | 27-01-01 | Probation and Parole Procedures [(Added 2/12/88)] |
| 9.10 | Security Inspections | 27-02-01 | Duties of Probation and Parole Officers |
| 9.11 | Tool Control <u>(Amended 3/15/88)</u> | 27-03-01 | Workload Formula Supervisor/Staff Ratio |
| 9.15 | Institutional Entry and Exit Policy and Procedures | 27-05-01 | Testimony, Court Demeanor and Availability of Legal Services |
| 9.18 | Informants | 27-06-01 | Availability of Supervision Services |
| 9.19 | Found Lost or Abandoned Property | 27-06-02 | Equal Access to Services |
| 10.2 | Special Management Inmates | 27-07-01 | Cooperation with Law Enforcement Agencies |
| 10.3 | Safekeepers | 27-09-01 | Kentucky Community Resources Directory |
| 10.4 | Special Needs Inmates | 27-11-01 | Intensive Supervision |
| 11.2 | Nutritional Adequacy of the Diet for Inmates | 27-12-01 | Supervision: Case Classification |
| 11.3 | Special Diet Procedures [(Amended 2/12/88)] | 27-12-04 | Conditions of Regular Supervision/Request for Modification Releasee's Report |
| 13.1 | Pharmacy Policy and Formulary | 27-12-05 | Grievance Procedures for Offenders |
| 13.2 | Health Maintenance Services | 27-12-06 | Employment, Education/Vocational Referral |
| 13.3 | Medical Alert System | 27-12-07 | Supervision Plan |
| 13.4 | Health Program Audits | 27-12-08 | Casebook <u>(Amended 3/15/88)</u> |
| 13.5 | Acquired Immune Deficiency Syndrome | 27-12-09 | Guidelines for Monitoring Supervision Fee |
| 14.2 | Personal Hygiene Items [(Amended 2/12/88)] | 27-12-10 | Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority |
| 14.3 | Marriage of Inmates <u>(Amended 3/15/88)</u> [(Amended 2/12/88)] | 27-12-11 | Other Financial Obligations (Not Ordered by Releasing Authority) |
| 14.4 | Legal Services Program | 27-12-12 | Community Service Work |
| 14.6 | Inmate Grievance Procedures | 27-12-13 | Client Travel Restrictions <u>(Amended 3/15/88)</u> |
| 15.1 | Hair and Grooming Standards | 27-12-14 | Advanced Supervision |
| 15.2 | Offenses and Penalties <u>(Amended 3/15/88)</u> [(Amended 2/12/88)] | 27-12-15 | Alcohol Detection |
| 15.3 | Meritorious Good Time | 27-13-02 | Interstate Compact Transfers |
| 15.5 | Restoration of Forfeited Good Time [(Amended 2/12/88)] | | |
| 15.6 | Adjustment Procedures and Programs | | |
| 16.1 | General Inmate Visiting Procedure | | |
| 16.2 | Inmate Correspondence | | |

ADMINISTRATIVE REGISTER - 1951

27-14-02 Interstate Compact Out-of-state
Probation and Parole Violation
27-15-01 Supervision Report; Violations,
Unusual Incidents
27-17-01 Absconder Procedures
27-18-01 Probation and Parole Issuance of
Detainer/Warrant
27-19-01 Preliminary Revocation Hearing
[(Added 2/12/88)]
27-20-01 Division of Probation and Parole
Controlled Intake Program [(Added
2/12/88)]
27-20-02 Prisoner Intake Notification [(Added
2/12/88)]
27-20-03 Prisoner Status Change [(Added
2/12/88)]
27-21-01 Apprehension and Transportation of
Probation and Parole Violators
27-22-01 Fugitive Unit - Apprehensions
27-22-02 Fugitive Unit - Transportation of
Fugitives
27-23-01 In-state Transfer
27-24-01 Closing Supervision Report
27-24-02 Reinstatement of Clients to Active
Supervision
27-25-01 Application for Final Discharge from
Parole
27-26-01 Assistance to Former Clients and
Dischargees
27-27-01 Restoration of Civil Rights
27-28-01 Firearms/Explosives: Application for
Relief from Disability [(Added
2/12/88)]
28-01-01 Probation and Parole Investigation
Reports (Introduction, Definitions,
Confidentiality, Timing, and General
Comments)
28-01-02 Probation and Parole Investigation
Reports (Administrative
Responsibilities)
28-01-03 Probation and Parole Investigation
Reports (Presentence/Postsentence
Investigation Interview Procedure)
28-01-04 Probation and Parole Investigation
Reports (Presentence/Postsentence
Verification, Composition, Case
Material and Submission Schedules)
[(Amended 2/12/88)]
28-01-05 Probation and Parole Investigation
Reports (Computation of Jail Custody
Credit)
28-01-06 Probation and Parole Investigation
Reports (Misdemeanant Presentence
Investigation Reports for the
Circuit and District Courts)
28-01-07 Probation and Parole Investigation
Reports (Supplemental Postsentence
Investigation Report, Case Material,
and Submission Schedule)
28-01-08 Probation Parole Investigation
Reports (Partial Investigation
Reports and Submission Schedule)
28-02-01 Expedient Release Program [(Amended
2/12/88)]
28-03-01 Parole Plans/ Halfway Houses/
Extended Furlough/ Sponsorship/
Gradual Release [(Added 2/12/88)]
28-04-01 Furlough Verifications [(Added
2/12/88)]
28-05-01 Out-of-state Investigations [(Added
2/12/88)]

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: March 15, 1988

FILED WITH LRC: March 15, 1988 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 21, 1988 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 Jones

(1) Type and number of entities affected: 2159 employees of the Corrections Cabinet, 6967 inmates, 10,500 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 regulations 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 March 15 [February 12], 1988 and hereinafter should be referred to as Kentucky State Reformatory Policies and Procedures. Copies of the procedures may be obtained from the Office

ADMINISTRATIVE REGISTER - 1952

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 Consent Decree Notification to Inmates
KSR 02-00-01 Inmate Canteen (Amended 3/15/88)
KSR 02-00-03 Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11 Inmate Personal Accounts
KSR 02-00-12 Institutional Funds and Issuance of Checks
KSR 03-00-01 Shift Assignment/Reassignment
KSR 03-00-02 Employee Dress and Personal Appearance
KSR 03-00-05 Intra-Agency Promotional Opportunity Announcements
KSR 03-00-06 Employee Time and Attendance
KSR 03-00-07 Travel Expense Reimbursement
KSR 03-00-08 Employee Tuition Assistance Reimbursement
KSR 03-00-10 Workers' Compensation
KSR 03-00-14 Prohibited Employee Conduct, Disciplinary Actions, and Appeal Process
KSR 03-00-15 Affirmative Action Program
KSR 03-00-16 Confidentiality of Personnel Records
KSR 03-00-19 Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein
KSR 03-00-20 Personnel Selection, Retention and Promotion
KSR 03-00-21 Equal Employment Opportunities for Institutional Job Assignments and Job Classification Promotions
KSR 03-00-24 Inclement Weather and Employee Work Attendance
KSR 03-00-25 Medical Examination Requirements for New Employees
KSR 04-00-02 Staff Training and Development
KSR 05-00-02 Research Activities
KSR 05-00-03 Management Information Systems
KSR 06-00-01 Inmate Master File
KSR 06-00-02 Records Audit
KSR 06-00-03 Kentucky Open Records Law and Release of Psychological/Psychiatric Information (Amended 3/15/88)
KSR 07-00-02 Institutional Tower Room Regulations
KSR 07-00-04 Handling of PCB Articles and Containers
KSR 07-00-05 Proper Removal of Transformers
KSR 07-00-06 Asbestos Abatement
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 09-00-09 Search Policy

KSR 09-00-14 Use of Force [(Amended 2/12/88)]
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 09-00-27 Construction Crew Entry/Exit
KSR 09-00-28 Restricted Areas
KSR 10-00-01 Unit D - Staffing Pattern, Staff Allocation, Position Description, Staff Selection, Training and Evaluation, Time and Attendance, and Unit Personnel Records (Added 3/15/88)
KSR 10-00-02 Unit D - General Operational Procedures (Added 3/15/88)
KSR 10-00-03 Unit D - Inmate Tracking System and Records System (Added 3/15/88)
KSR 10-00-04 Unit D - Administrative Segregation (Added 3/15/88)
KSR 10-00-05 Unit D - Disciplinary Segregation (Added 3/15/88)
KSR 10-00-06 Unit D - Protective Custody (Added 3/15/88)
KSR 10-00-07 Unit D - Geriatrics (Added 3/15/88)
KSR 10-00-08 Unit D - Safekeepers (Added 3/15/88)
KSR 10-00-09 Unit D - Hold Ticket Residents (Added 3/15/88)
KSR 10-00-10 Unit D - Inmate Legal Access (Added 3/15/88)
KSR 10-00-11 Unit D - Behavior Problem Control (Added 3/15/88)
KSR 10-00-12 Unit D - Designated Staff Visits (Added 3/15/88)
KSR 10-00-13 Unit D - Property Room Access (Added 3/15/88)
[KSR 10-00-02 Special Management Inmates Operations, Rules and Regulations for Unit D (Deleted 3/15/88)]
[KSR 10-00-03 Special Needs Unit (Deleted 3/15/88)]
[KRS 10-00-04 Unit D Admission/Release Ticket (Deleted 3/15/88)]
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 3/15/88)
KSR 13-00-03 Medication for Inmates Leaving Institution Grounds (Amended 3/15/88)
KSR 13-00-04 Dental Care for Inmates
KSR 13-00-05 Medical and Dental Sick Call
KSR 13-00-06 Infection Control (Amended 3/15/88)
KSR 13-00-07 Referral of Inmates Considered to Have Severe Emotional Disturbances
KSR 13-00-08 Institutional Laboratory Procedures

ADMINISTRATIVE REGISTER - 1953

KSR 13-00-09 Institutional Pharmacy Procedures
(Amended 3/15/88)

KSR 13-00-10 Requirements for Medical Personnel

KSR 13-00-11 Preliminary Health Evaluation and
Establishment of Inmate Medical
Record

KSR 13-00-12 Vision Care/Optomety Services

KSR 13-00-14 Periodic Health Examinations for
Inmates

KSR 13-00-15 Medical Alert System (Amended
3/15/88)

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

KSR 14-00-06 Inmate Legal Aides

KSR 15-00-01 Operational Procedures and Rules
and Regulations for Unit A, B, and
C

KSR 15-00-02 Regulations Prohibiting Inmate
Control or Authority Over Other
Inmate(s)

KSR 15-00-03 Governor's Meritorious Good Time
Award

KSR 15-00-04 Restoration of Forfeited Good Time

KSR 15-00-05 Differential Status for SU (QUIT)
Inmates

KSR 15-00-06 Inmate I.D. Cards

KSR 15-00-07 Inmate Rules and Discipline -
Adjustment Committee Procedures

KSR 15-00-08 Firehouse Living Area

KSR 16-00-01 Visiting Regulations

KSR 16-00-02 Inmate Correspondence and Mailroom
Operations

KSR 16-00-03 Inmate Access to Telephones

KSR 17-00-01 Housing Unit Assignment

KSR 17-00-03 Notifying Inmates' Families of
Admission and Procedures for Mail
and Visiting

KSR 17-00-04 Assessment/Classification Center
Operations, Rules and Regulations

KSR 17-00-05 Dormitory 10 Operations

KSR 17-00-06 Identification Department
Admission and Discharge Procedures

KSR 17-00-07 Inmate Personal Property

KSR 18-00-01 Special Management Inmates - Unit
D Classification

KSR 18-00-04 Returns from Other Institutions

KSR 18-00-05 Transfer of Residents to Kentucky
Correctional Psychiatric Center

KSR 18-00-06 Classification

KSR 18-00-07 Special Notice Form

KSR 19-00-01 Inmate Work Incentives

KSR 19-00-02 On-the-job Training Program

KSR 19-00-03 Safety Inspections of Inmate Work
Assignment Locations

KSR 20-00-01 Vocational School Referral and
Release Process

KSR 20-00-03 Academic School Programs

KSR 20-00-04 Criteria for Participation in
Jefferson Community College Program

KSR 20-00-08 Integration of Vocational and
Academic Education Programs

KSR 21-00-01 Legal Aide Office and Law Library
Services and Supervision

KSR 21-00-02 Inmate Library Services

KSR 21-00-03 Library Services for Unit D

KSR 22-00-03 Inmate Organizations

KSR 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 Parole Progress Report

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: March 15, 1988

FILED WITH LRC: March 15, 1988 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on
this regulation has been scheduled for April 21,
1988 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 Jones

(1) Type and number of entities affected: 561
employees of the Kentucky State Reformatory,
1450 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
regulations 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 March 15 [February 12], 1988 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 NonUniformed Personnel
KSP 020000-06 Employee Grievance Procedure
KSP 020000-07 Personnel Registers and Advertisements
KSP 020000-09 Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files
KSP 020000-10 Overtime Policy
KSP 020000-15 Legal Assistance
KSP 020000-20 Equal Employment Opportunity Complaints
KSP 020000-23 Recruitment and Employment of Ex-Offenders
KSP 020000-24 Educational Assistance Program
KSP 020000-29 Promotional Opportunity Announcement Program
KSP 030000-01 Inventory Records and Control
KSP 030000-04 Requisition and Purchase of Supplies and Equipment
KSP 030000-05 Inmate Personal Funds
KSP 030000-06 Inmate Commissary Program
KSP 040000-01 Management Information System
KSP 040000-02 Inmate Records
KSP 040000-08 Inmate Equal Opportunity Policy
KSP 050000-14 Searches and Preservation of Evidence
KSP 060000-01 Special Security Unit [(Amended 2/12/88)]
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 070000-01 Hospital Services
KSP 070000-02 Sick Call
KSP 070000-03 Health Evaluations
KSP 070000-04 Consultations
KSP 070000-05 Emergency Medical Procedure
KSP 070000-13 Pharmacy Procedures
KSP 070000-14 Medical Records [(Amended 2/12/88)]
KSP 070000-16 Psychiatric and Psychological Services

KSP 070000-17 Dental Services for Special Management Units
KSP 070000-19 Optometric Services
KSP 070000-20 Menu Preparation and Planning
KSP 070000-24 Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 070000-25 Food Service Inspections
KSP 070000-30 Therapeutic Diets
KSP 090000-01 Inmate Work Programs
KSP 090000-03 Correctional Industries
KSP 100000-02 Visiting Program [(Amended 2/12/88)]
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 (Amended 3/15/88)
KSP 100000-08 Behavioral Counseling Record
KSP 100000-09 Due Process/Disciplinary Procedures
KSP 100000-11 Authorized and Unauthorized Inmate Property [(Amended 2/12/88)]
KSP 100000-14 Property Room: Clothing Storage and Inventory
KSP 100000-15 Uniform Cell Standards for Fire Safety, Sanitation and Security
KSP 100000-18 Inmate Grievance Committee Hearings
KSP 100000-20 Legal Services Program (Amended 3/15/88)
KSP 100000-21 Photocopies for NonIndigent Inmates with Special Court Deadlines
KSP 110000-04 Parole Progress Report (Amended 3/15/88)
KSP 110000-06 General Guidelines of the Classification Committee
KSP 110000-07 Statutory Good Time Restoration
KSP 110000-08 Award of Meritorious Good Time [(Amended 2/12/88)]
KSP 110000-10 Special Needs Inmates [(Amended 2/12/88)]
KSP 110000-11 Classification Committee - Transfer Requests (Amended 3/15/88)
KSP 110000-12 Classification Committee - Inmate Work Assignments
KSP 110000-13 Classification Document (Amended 3/15/88)
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 (Delete 3/15/88)]
KSP 120000-04 Academic Education [(Amended 2/12/88)]
KSP 120000-07 Community Center Program
KSP 120000-08 Inmate Furloughs (Amended 3/15/88)
KSP 120000-11 Religious Services - Staffing [(Amended 2/12/88)]
KSP 120000-18 Religious Services - Religious Programming [(Amended 2/12/88)]
KSP 120000-20 Marriage of Inmates [(Amended 2/12/88)]
KSP 120000-24 Muslim Services

KSP 120000-31 Extended Furloughs
KSP 120000-32 Discharge of Inmates by Shock Probation (Amended 3/15/88)
KSP 130000-10 Execution Plan

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: March 15, 1988

FILED WITH LRC: March 15, 1988 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 21, 1988 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 Jones

(1) Type and number of entities affected: 294 employees of the Kentucky State Penitentiary, 806 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 regulations 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 March 15 [February 12], 1988 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 01-03-01 Organization and Assignment of Responsibilities
NTC 01-05-01 Extraordinary Occurrence Reports
NTC 01-10-01 Legal Assistance for Staff
NTC 01-11-01 Political Activities of Merit Employees
NTC 01-15-01 Establishment of the Warden as Chief Executive Officer
NTC 01-17-01 Relationships with Public, Media and Other Agencies
NTC 02-02-02 Warden's Participation in the Agency Budgeting Process
NTC 02-03-01 Fiscal Management: Audits
NTC 02-04-01 Internal Control and Monitoring of Accounting Procedures
NTC 02-08-01 Inmate Canteen
NTC 02-10-01 Insurance Coverage
NTC 02-12-01 Inmate Personal Accounts
NTC 03-01-01 Employee Dress and Personal Appearance
NTC 03-02-01 Prohibited Employee Conduct
NTC 03-03-01 Staff Members Suspected of Being Under the Influence of Intoxicants
NTC 03-04-01 Shift Assignments and Transfers
NTC 03-06-01 Worker's Compensation
NTC 03-08-01 Procedures for New Employees Reporting for Employment
NTC 03-09-01 Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File
NTC 03-10-01 Employment of Ex-offenders
NTC 03-11-01 Submission of Northpoint Training Center Staff Recommendation/Changes
NTC 03-11-02 Employee Suggestion System
NTC 03-13-01 Travel Reimbursement for Official Business and Professional Meetings
NTC 03-14-01 Procedures for Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees
NTC 03-14-02 Procedures for Promotional Opportunities
NTC 03-15-01 Time and Attendance; Accumulation and Use of Accrued Time
NTC 03-15-02 Procedures for Control of Excessive Leave Use
NTC 03-15-03 Inclement Weather and Emergency Conditions
NTC 03-16-01 Affirmative Action and EEO
NTC 03-17-01 Employee Grievance Procedure
NTC 03-18-01 Educational Assistance Program
NTC 03-18-02 Educational Achievement Award
NTC 03-19-01 Holding of Second Jobs by Employees
NTC 03-20-01 Assistance and Counseling Services for Employees and their Families
NTC 03-21-01 Procedures for Employee Evaluation System
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 The Fire and Safety Officer

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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 08-07-01 Safety Standards
 NTC 10-01-01 Special Management Inmates (SMU)
 NTC 10-02-01 Security Guidelines for Special Management Inmates
 NTC 10-03-01 Protective Custody
 NTC 11-03-01 Food Services: General Guidelines
 NTC 11-04-01 Food Service: Meals
 NTC 11-04-02 Menu, Nutrition and Special Diets
 NTC 11-05-02 Health Standards/Regulations for Food Service Employees
 NTC 11-06-01 Inspections and Sanitation
 NTC 11-07-01 Purchasing, Storage and Farm Products
 NTC 12-01-01 Institutional Inspections
 NTC 12-02-01 Personal Hygiene for Inmates; Clothing and Linens
 NTC 12-02-02 Issuance of Personal Hygiene Products
 NTC 13-01-01 Emergency Medical Care Plan
 NTC 13-01-02 Emergency and Specialized Health Services
 NTC 13-02-01 Administration and Authority for Health Services
 NTC 13-03-01 Sick Call and Pill Call
 NTC 13-04-01 Utilization of Pharmaceutical Products
 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
 NTC 13-17-01 Inmates Assigned to Health Services
 NTC 13-19-01 Mental Health Care Program
 NTC 13-19-03 Suicide Prevention and Intervention Program
 NTC 13-20-01 Infectious Disease
 NTC 13-21-01 Vision Care/Optomety Services
 NTC 13-22-01 Informed Consent
 NTC 13-23-01 Special Needs Inmates
 NTC 14-01-01 Legal Services Program (Amended 3/15/88)
 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 (Amended 3/15/88)
 NTC 15-03-02 Rules and Regulations for General Population Dormitories
 NTC 15-04-01 Inmate Identification
 NTC 16-01-01 Mail Regulations (Amended 3/15/88) [(Amended 2/12/88)]
 NTC 16-02-01 Visiting [(Amended 2/12/88)]
 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 (Amended 3/15/88)
 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 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 19-01-03 Temporary Leave from Job Assignment
 NTC 19-02-01 Correctional Industries
 NTC 19-02-02 Guidelines for Correctional Industries
 NTC 20-01-01 Academic School Program
 NTC 21-01-01 Library Services
 NTC 22-03-01 Conducting Inmate Organizational Meetings and Programs
 NTC 23-01-01 Religious Services [(Amended 2/12/88)]
 NTC 23-03-01 Marriage of Inmates
 NTC 24-04-01 Honor Status [(Amended 2/12/88)]
 NTC 24-05-01 Unit Management (Amended 3/15/88)
 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 (Amended 3/15/88)
 NTC 25-03-01 Inmate Release Procedure
 NTC 26-01-01 Citizen Involvement and Volunteer Services Program (Amended 3/15/88)

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: March 15, 1988

FILED WITH LRC: March 15, 1988 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 21, 1988 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 Jones

(1) Type and number of entities affected: 234 employees of the Northpoint Training Center, 726 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 regulations 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 6:110. Roederer 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. 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 March 15, 1988 [April 15, 1987] and hereinafter should be referred to as Roederer Farm Center Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

RFC 01-04-02 Extraordinary Occurrence Procedure
RFC 01-06-01 Inmate Access to and Communication with RFC Staff
RFC 01-07-01 Institutional Legal Assistance
RFC 01-08-01 Public Information and News Media Access
RFC 01-10-01 RFC Cooperation with Outside Bodies Including Courts, Governmental Legislative, Executive, and Community Agencies
RFC 01-09-01 Staff Participation in Professional Organization and Conferences; Provisions for Leave and Reimbursement for Expenses
RFC 01-12-01 Institutional Duty Officer - Responsibilities
RFC 02-01-01 Fiscal Management: Organization
RFC 02-01-02 Fiscal Management: Accounting Procedures
RFC 02-01-03 Fiscal Management: Agency Funds
RFC 02-01-04 Fiscal Management: Insurance
RFC 02-02-01 Fiscal Management: Budget
RFC 02-02-02 Inmate Control of Personal Funds
RFC 02-02-03 Storage and Disposition of Monies received on Weekends, Holidays, and Between 4:00 p.m. and 8:00 a.m. Weekdays
RFC 02-02-04 Inmate Accounts
RFC 02-03-01 Fiscal Management: Audits
RFC 02-04-01 Purchase Orders
RFC 02-04-02 Processing of Invoices
RFC 02-06-01 Property Inventory
RFC 03-01-01 General Guidelines for RFC Employees
RFC 03-01-02 Service Regulations, Attendance Accumulation and Use of Leave
RFC 03-03-01 Employee Grievance Procedures
RFC 03-04-01 Personnel Records

RFC 03-05-01 Personnel Vacancies: Promotion Board
RFC 03-06-01 Work Planning: Employee Evaluations and Evaluation Control
RFC 03-07-01 Affirmative Action - E.E.O.
RFC 03-08-01 Confidentiality of Information, Roles and Services of Consultants, Contract Personnel, and Volunteers
RFC 03-09-01 Personnel Manning Review
RFC 03-10-01 Employee's Handbook
RFC 03-11-01 Replacement of Damaged or Destroyed Personal Property
RFC 03-12-01 Corrections Cabinet Staff Members Entering the Roederer Farm Center While Being Under the Influence
RFC 03-13-01 Staff/Visitor Meals
RFC 04-01-01 Employee Training and Development
RFC 05-01-01 Information System
RFC 06-01-01 Offender Records
RFC 06-02-01 Use of Inmate Records/Security of Inmate Records
RFC 06-03-01 Records Release of Information
RFC 06-03-02 Storage of Expunged Records
RFC 06-04-01 Court Trips
RFC 06-04-02 Receipt of Order of Appearance
RFC 08-01-01 Fire Prevention
RFC 08-02-01 Fire Procedures
RFC 08-02-02 Fire Extinguishers and Their Use
RFC 08-08-01 Guidelines for the Control and Use of Flammable, Toxic, and Caustic Substances
RFC 09-04-03 Duties and Responsibilities of the Fire/Safety Officer
RFC 09-06-01 Search Policy/Disposition of Contraband
RFC 09-09-02 Drug Abuse Testing
RFC 09-09-03 Breathalyzer
RFC 09-14-01 Restricted Areas
RFC 09-22-01 Use of Force
RFC 09-24-01 Informants
RFC 10-01-01 Special Management Inmates
RFC 11-01-01 Food Services: General Guidelines
RFC 11-02-01 Food Service: Security
RFC 11-03-01 Dining Room Guidelines
RFC 11-04-01 Food Service: Meals
RFC 11-04-02 Food Service: Menu, Nutrition and Special Diets
RFC 11-05-01 Food Service: Kitchen and Dining Room Inmate Work Responsibilities
RFC 11-05-02 Medical Screening of Food Handlers
RFC 11-06-01 Food Service: Inspections and Sanitation
RFC 11-07-01 Food Service: Purchasing, Storage and Farm Products
RFC 11-08-01 Staff/Visitor Meals
RFC 12-01-01 Sanitation, Living Conditions Standards, Clothing Issues
RFC 12-01-02 Bed Areas - Assignment/Condition Standards (Amended 3/15/88)
RFC 12-02-01 Issuance of Clean Laundry and Receiving of Dirty Laundry
RFC 12-03-01 Personal Hygiene Items: Issuance and Placement Schedule
RFC 12-03-02 Barber Shop Services and Equipment Control
RFC 12-04-01 Institutional Inspections
RFC 12-05-01 Fire Safety
RFC 12-05-02 Use of Noncombustible Receptacle
RFC 12-06-01 Insect and Vermin Control
RFC 13-01-01 Organization of Health Services
RFC 13-02-01 Health Maintenance Services: Sick Call and Pill Call
RFC 13-03-01 Dental Policy/Sick Call
RFC 13-04-01 Inmate Medical Screenings and Health Evaluations

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RFC 13-05-02 Licensure and Training Standards
 RFC 13-06-03 Emergency Medical/Dental Care Services
 RFC 13-06-04 First Aid/CPR Training Program
 RFC 13-07-01 Health Records
 RFC 13-10-01 Health Education/Special Health Programs
 RFC 13-11-01 Informed Consent [(Added 4/15/87)]
 RFC 13-12-01 Mental Health/Provision of Psychiatric Services by KCPC
 RFC 13-12-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center
 RFC 13-15-01 Medical Restraints
 RFC 13-17-01 Vision Care/Optomety Services
 RFC 14-01-01 Inmate Rights and Responsibilities
 RFC 14-02-01 Legal Services Program
 RFC 14-03-01 Inmate Grievance Procedure
 RFC 14-04-01 Inmate Participation in Authorized Research
 RFC 15-02-01 Hearing Detention
 RFC 16-01-01 Inmate Visiting
 RFC 16-02-01 Telephone Communications [(Amended 4/15/87)]
 RFC 16-03-01 Mail Regulations
 RFC 16-03-02 Christmas Packages
 RFC 17-01-01 Assessment/Orientation Procedure
 RFC 17-02-01 Inmate Reception Process
 RFC 17-03-01 Inmate Personal Property and Property Control
 RFC 17-04-01 Unauthorized Items
 RFC 17-05-01 Inmate Canteen
 RFC 18-01-01 Institutional Classification Committee
 RFC 18-02-01 Classification/Security Levels
 RFC 18-03-01 Classification Process
 RFC 18-03-02 Classification Program Planning
 RFC 18-03-03 Honor's Program [(Amended 4/15/87)]
 RFC 18-04-01 Instruction for Six Month Review
 RFC 18-05-01 Transfers to Other Minimum Security Institutions
 RFC 18-06-01 Classification Document
 RFC 19-01-01 Job Assignments
 RFC 20-01-01 Academic Education Program
 RFC 20-01-02 Testing and Verification Procedure
 RFC 20-02-01 Correctional Educator Senior
 RFC 21-01-01 Library Services
 RFC 22-01-02 Recreational Equipment
 RFC 22-02-01 Check-in/Check-out Procedure
 RFC 22-02-02 Outside Recreation
 RFC 22-02-02 Entry/Exit Procedure for Inmate Outside Recreation
 RFC 22-03-01 Inmate Clubs and Organizations
 RFC 22-03-02 Privilege Trips
 RFC 22-04-01 Conducting Inmate Organizational Meetings and Programs
 RFC 22-05-01 Woodworking Shop
 RFC 22-06-01 Playing Cards
 RFC 23-01-01 Religious Services
 RFC 23-02-01 Security Procedures for the Chapel
 RFC 23-03-01 Visitors for Religious Programs
 RFC 23-04-01 Marriage of Inmates
 RFC 24-01-01 Social Services and Counseling Program
 RFC 25-01-01 Release Preparation Program Description
 RFC 25-02-01 Temporary Release/Community Center Release
 RFC 25-03-01 Furloughs
 RFC 25-04-01 Parole Progress Report
 RFC 25-04-02 Parole Eligibility Dates
 RFC 25-05-01 Inmate Discharge Procedure
 RFC 26-01-01 Citizen Involvement and Volunteer Services Program

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: March 15, 1988

FILED WITH LRC: March 15, 1988 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 21, 1988 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 Jones

(1) Type and number of entities affected: 97 employees of the Roederer Farm Center, 252 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 regulations are included in the operational budget.

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

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

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

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:120. Blackburn Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439

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

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

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on March 15 [February 12], 1988 and hereinafter should be referred to as Blackburn Correctional

ADMINISTRATIVE REGISTER - 1959

Complex and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

BCC 01-05-01	Duty Officer and Acting Warden	BCC 08-07-01	Facility Furnishings: Exit and Emergency Lights and Noncombustible Containers
BCC 01-07-01	Extraordinary Occurrence Reports	BCC 09-01-01	Inclement Weather/Emergency Condition Operation
BCC 01-09-01	Legal Assistance for Staff	BCC 09-02-01	Restricted Areas
BCC 01-10-01	Political Activities of Merit Employees	BCC 09-02-02	Inmate Pass System to Restricted Areas
BCC 01-11-01	Roles of Consultants, Contract Employees, Volunteers and Employees of Other Agencies	BCC 09-02-03	Regulation of Inmate Movement
BCC 01-13-01	Relationships with Public, Media, and Other Agencies	BCC 09-03-01	Inmate Identification
BCC 01-15-01	Internal Affairs Office	BCC 09-04-02	Complex Entry & Exit
BCC 01-16-01	Tours of Blackburn Correctional Complex	BCC 09-05-01	Key Control
BCC 01-19-01	Inmate Access to BCC Staff	BCC 09-06-02	Transportation to Courts
BCC 02-01-01	Inmate Canteen	BCC 09-07-01	Drug Abuse and Intoxicants Testing
BCC 02-02-01	Fiscal Responsibility	BCC 09-08-02	Use of Restraints
BCC 02-02-02	Fiscal Management: Accounting Procedures	BCC 09-09-01	Population Counts and Count Documentation
BCC 02-02-03	Fiscal Management: Checks	BCC 09-10-03	Development of Institutional Post Orders
BCC 02-02-04	Fiscal Management: Budget	BCC 09-10-04	Governmental Services, Study Release Officer Post Orders
BCC 02-02-05	Fiscal Management: Insurance	BCC 09-10-05	Unit A-1 Post Orders
BCC 02-02-06	Fiscal Management: Audits	BCC 09-10-06	Recreation Post Orders: Observation
BCC 02-04-01	Billing Method for Health Services Staff Paid by Personal Service Contract	BCC 09-10-07	Entrance Gate Post Orders
BCC 02-05-01	Property Inventory	BCC 09-10-08	Visiting Area Post Orders
BCC 02-06-01	Purchasing	BCC 09-10-09	Security Staff General Orders
BCC 02-07-01	Inmate Personal Accounts	BCC 09-10-10	Dining Room Officer Post Orders
BCC 03-01-01	EEO - Affirmative Action	BCC 09-12-01	Use of Physical Force; Prohibition of Personal Abuse and Corporal Punishment
BCC 03-02-01	General Guidelines for BCC Employees	BCC 09-13-01	Perimeter Patrol
BCC 03-02-03	Physical Examinations for New Employees and Emergency Notification	BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates
BCC 03-03-01	Travel Reimbursement for Official Business and Professional Meetings	BCC 09-15-01	Search Policy/Disposition of Contraband
BCC 03-04-01	Employment of Ex-offenders	BCC 09-16-01	Security Activity Logs
BCC 03-06-01	Procedures for Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees	BCC 09-17-01	Institutional Supervisor Inspections
BCC 03-06-02	Procedures for Promotional Opportunities	BCC 09-18-01	Use of State Vehicles and Staff Owned Vehicles
BCC 03-07-01	Workers' Compensation	BCC 09-19-01	Duties and Responsibilities of the Institutional Captain
BCC 03-08-01	Employee Assistance Program	BCC 09-19-02	Duties and Responsibilities of the Shift Supervisor
BCC 03-09-01	Holding of Second Jobs by Employees	BCC 09-20-01	Inmate Death
BCC 03-10-01	Student Intern (Co-op) and Practicum Placement Procedures (Amended 3/15/88)	BCC 09-21-01	Tool Control
BCC 03-11-01	Maintenance, Confidentiality, and Challenge of Information Contained in Employee File	BCC 09-22-01	Emergency Communication System
BCC 03-12-01	Work Assignments for Security Staff	BCC 10-01-01	Special Management Inmates
BCC 04-02-01	Firearms Training	BCC 11-01-01	Menu and Special Diets
BCC 04-03-01	Educational Assistance Program	BCC 11-02-01	Food Service: Inspection, Health Protection and Sanitation
BCC 05-01-01	Inmate Participation in Authorized Research	BCC 11-03-01	Food Service: Meals
BCC 06-01-01	Storage of Expunged Records	BCC 11-04-01	Dining Room Guidelines
BCC 06-02-01	Records - Release of Information	BCC 11-05-01	Food Service Security: Knife & Other Sharp Instrument/Utensil Control
BCC 06-02-02	Offender Records	BCC 11-06-01	Purchasing, Storage and Farm Products
BCC 06-03-01	Reporting Inmate Misconduct Following Favorable Recommendation by the Parole Board	BCC 11-07-01	Food Service Operations Manual
BCC 08-02-01	Natural Disaster Plan (Tornado)	BCC 12-02-01	Personal Hygiene Items
BCC 08-03-01	Emergency Preparedness Plan Manual	BCC 12-02-02	Personal Hygiene for Inmates: Clothing, Linens and Shower Facilities
BCC 08-04-01	Fire Safety Plan, Drills and Related Staff Duties	BCC 12-05-01	Barber Shop Services [(Amended 2/12/88)]
BCC 08-04-02	Immediate Release of Inmates from Locked Areas	BCC 12-06-01	BCC Housekeeping Plan
		BCC 13-01-01	Sick Call and Pill Call
		BCC 13-02-01	Administration and Authority for Health Services
		BCC 13-03-01	Provisions of Health Care Delivery
		BCC 13-04-01	Licensure and Training Standards
		BCC 13-05-01	Medical Alert System
		BCC 13-06-01	Health Care Practices
		BCC 13-07-01	Emergency Medical Care Plan

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BCC 13-07-02	Emergency and Specialized Health Services	BCC 22-04-05	Supervision of Leisure-Time Craft Club Activities and Materials
BCC 13-07-03	Immediate Medical Treatment for Person's Injured by Weapon or Chemical Agent	BCC 22-06-01	Music Club
BCC 13-08-01	Inmate Health Screening and Evaluation	BCC 22-09-01	Use of Inmates in Recreation Programs
BCC 13-09-01	Prohibition on Medical Experimentation	BCC 23-01-01	Religious Services
BCC 13-10-01	Dental Services	BCC 24-01-01	Duties and Responsibilities of Classification and Treatment Officers
BCC 13-11-01	Suicide Prevention and Intervention Program	BCC 24-02-01	Duties and Responsibilities of the Unit Director and Assistant to Unit Director
BCC 13-12-01	Use of Pharmaceutical products	BCC 24-03-01	Social Services
BCC 13-12-02	Parenteral Administration of Medications and Use of Psychotropic Drugs	BCC 25-01-01	Inmate Check Out Procedure
BCC 13-13-01	Inmate Health Education	BCC 25-02-02	Temporary Release/Community Center Release
BCC 13-14-01	Management of Serious and Infectious Diseases	BCC 26-01-01	Citizen Involvement and Volunteer Service Program
BCC 13-15-01	Informed Consent		
BCC 13-16-01	Health Records		
BCC 13-17-01	Notification of Inmate Family in the Event of Serious Illness, Injury or Surgery		
BCC 13-19-01	Physicians Referrals/Continuity of Care		
BCC 13-20-01	Chronic and Convalescent Care		
BCC 13-22-01	Psychiatric and Psychological Services, Handling of Mentally Retarded Inmates and Transfers		
BCC 13-23-01	First Aid Kits		
BCC 14-01-01	Office of Public Advocacy Attorney Visits		
BCC 14-02-01	Law Library		
BCC 14-03-01	Inmate Grievance Procedure		
BCC 14-04-01	Inmate Rights and Responsibilities		
BCC 14-05-01	Inmate Claims		
BCC 15-01-01	Authorized Inmate Personal Property		
BCC 15-02-01	Meritorious Living Unit (B-1)		
BCC 15-03-01	Rules and Regulations for Dormitories		
BCC 15-04-01	Restoration of Forfeited Good Time		
BCC 15-05-01	Extra Duty Assignments		
BCC 15-06-01	Due Process/Disciplinary Procedures		
BCC 16-01-01	Inmate Furloughs		
BCC 16-02-01	Visiting [(Amended 2/12/88)]		
BCC 16-03-01	Inmate Packages (Amended 3/15/88)		
BCC 16-03-02	Outgoing Inmate Packages		
BCC 16-03-03	Inmate Correspondence		
BCC 18-01-01	Classification: Institutional Classification and Reclassification [(Amended 2/12/88)]		
BCC 18-02-01	Racial Balance in Living Areas		
BCC 19-01-01	Inmate Work Programs		
BCC 19-02-01	Classification of Inmates to Governmental Service Program		
BCC 19-03-01	Correctional Industries		
BCC 20-01-01	Academic and Vocational School		
BCC 20-02-01	College Programs		
BCC 20-04-01	Educational Program Evaluation		
BCC 20-05-01	Educational Program Planning		
BCC 20-06-01	Academic and Vocational Curriculum		
BCC 21-01-01	Library Services		
BCC 22-01-01	Arts and Crafts/Production and Sale of Items		
BCC 22-02-01	Privileged Trips		
BCC 22-03-01	Recreational Employees		
BCC 22-04-01	Recreation and Inmate Activities		
BCC 22-04-02	Inmate Clubs and Organizations		
BCC 22-04-03	Conducting Inmate Organizational Meetings and Programs		
BCC 22-04-04	Recreation Program Availability		

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: March 15, 1988

FILED WITH LRC: March 15, 1988 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 21, 1988 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 Jones

(1) Type and number of entities affected: 85 employees of the Blackburn Correctional Complex, 350 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 regulations 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.

ADMINISTRATIVE REGISTER - 1961

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
March 15 [February 12], 1988 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 01-09-01 Duty Officers, External and
Internal Inspections, and Staff
Tours
WKFC 02-00-03 Invoice/Voucher Processing
WKFC 02-00-06 Purchasing Procedures
WKFC 02-01-01 Inmate Funds
WKFC 02-02-01 Agency Funds and Accounting
Procedures
WKFC 02-08-01 Property Receipt and Inventory
Procedures
WKFC 04-01-01 Travel Reimbursement for Official
Business in Attendance at
Professional Meetings
WKFC 04-02-01 Employee Training and Development
[(Amended 2/12/88)]
WKFC 04-04-01 Educational Assistance Program
WKFC 05-01-01 Research, Consultants, and
Student Interns
WKFC 06-00-01 Offender Records and Information
Access
WKFC 06-00-02 Court Orders, Orders of
Appearance, Warrants, Detainers,
Etc.
WKFC 09-00-01 Drug Abuse Testing
WKFC 10-02-01 Special Management Inmate(s)
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 13-00-01 Special Health Programs
WKFC 13-01-01 Use of Pharmaceutical Products
WKFC 13-02-01 Health Care Services
WKFC 14-00-01 Inmate Rights and
Responsibilities [(Amended
2/12/88)]
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 (Amended 3/15/88)

WKFC 16-01-01 Visiting Policy and Procedures
WKFC 16-02-01 Inmate Correspondence [(Amended
2/12/88)]
WKFC 16-03-01 Inmate Access to Telephones
WKFC 16-04-01 Inmate Packages [(Amended
2/12/88)]
WKFC 17-01-01 Inmate Personal Property
WKFC 17-02-01 Inmate Reception and Orientation
WKFC 18-01-01 Structure, Guidelines, and
Functions of the Classification
Committee
WKFC 18-13-01 Meritorious Housing [(Amended
2/12/88)]
WKFC 19-03-01 Inmate Wage Program (Amended
3/15/88)
WKFC 19-04-01 Work/Program Assignments (Amended
3/15/88)
WKFC 20-04-01 Academic Education Program(s)
WKFC 20-03-01 Vocational Education Program(s)
WKFC 22-00-01 Inmate Recreation and Leisure
Time Activities [(Amended
2/12/88)]
WKFC 22-00-02 Inmate Clubs & Organizations
WKFC 23-00-01 Religious Services
WKFC 25-01-01 Gratuities
WKFC 25-02-01 Inmate Release Process
WKFC 25-03-01 Prerelease Programs
WKFC 26-01-01 Volunteer Services Program

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: March 15, 1988

FILED WITH LRC: March 15, 1988 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on
this regulation has been scheduled for April 21,
1988 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 Jones

(1) Type and number of entities affected: 78
employees of the Western Kentucky Farm Center,
324 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
regulations 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 6:140. Bell County Forestry Camp.

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 March 15 [February 12], 1988 and hereinafter should be referred to as Bell County Forestry Camp 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.

BCFC 01-02-01 Organization and Assignment of Responsibility
BCFC 01-04-02 Extraordinary Occurrence Procedure
BCFC 01-05-01 Procedures Office: Duties and Responsibilities
BCFC 01-08-01 Public Information and Inmate Access to News Media
BCFC 01-09-01 Staff Participation in Professional Organization and Conferences; Provision for Leave and Reimbursement for Expenses
BCFC 01-11-01 Institutional Duty Officer's Responsibilities
BCFC 02-01-02 Fiscal Management: Accounting Procedures
BCFC 02-01-03 Fiscal Management: Agency Funds
BCFC 02-01-04 Fiscal Management: Insurance
BCFC 02-01-05 Fiscal Management: Budget
BCFC 02-01-06 Fiscal Management: Audit
BCFC 02-02-01 Inmate Accounts
BCFC 02-02-02 Inmate Control of Personal Funds
BCFC 02-02-03 Storage and Disposition of Inmate Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
BCFC 02-03-01 Purchase Orders
BCFC 02-04-01 Processing of Invoices
BCFC 02-05-01 BCFC Materials Receiving Procedure
BCFC 02-06-01 Property Inventory
BCFC 04-01-01 Employee Training and Development
BCFC 05-01-01 Information System
BCFC 06-01-01 Offender Records
BCFC 06-02-01 Storage of Expunged Records
BCFC 06-03-01 Court Trips
BCFC 06-03-02 Receipt of Order of Appearance
BCFC 08-02-01 Fire Prevention
BCFC 08-03-01 Fire Procedures
BCFC 08-03-02 Fire Extinguishers and Their Use
BCFC 08-09-01 Guidelines for the Control and Use of Flammable, Toxic, and Caustic Substances

BCFC 09-06-01 Search Policy/Disposition of Contraband
BCFC 09-14-01 Bell County Forestry Camp - Restricted Area
BCFC 10-01-01 Special Management Inmates [(Added 2/12/88)]
BCFC 11-01-01 Food Services: General Guidelines
BCFC 11-02-01 Food Service: Security
BCFC 11-03-01 Dining Room Guidelines
BCFC 11-04-01 Food Service: Meals
BCFC 11-04-02 Food Service: Menu, Nutrition and Special Diets
BCFC 11-05-02 Health Requirements of Food Handlers
BCFC 11-06-01 Food Service: Inspection and Sanitation
BCFC 11-07-01 Food Service: Purchasing, Storage and Farm Products
BCFC 11-08-01 Staff/Visitor Meals
BCFC 12-01-01 Sanitation, Living Conditions Standards, and Clothing Issues
BCFC 12-01-02 Bed Areas, Assignments/Conditions Standards [(Amended 2/12/88)]
BCFC 12-02-01 Issuance of Clean Laundry and Receiving of Dirty Laundry
BCFC 12-03-01 Personal Hygiene Items: Issuance and Placement Schedule
BCFC 12-03-02 Barbership Services and Equipment Control
BCFC 12-04-01 Institutional Inspections
BCFC 12-05-01 Fire Safety and Use of Noncombustible Receptacles
BCFC 12-06-01 Pest Control
BCFC 13-01-01 Organization of Health Services
BCFC 13-02-01 Health Maintenance Services: Sick Call and Pill Call
BCFC 13-03-01 Dental Policy/Sick Call
BCFC 13-04-01 Inmate Medical Screenings and Health Evaluations
BCFC 13-05-01 Licensure and Training Standards
BCFC 13-06-01 Suicide Prevention and Intervention Program
BCFC 13-06-02 First Aid/CPR Training Program
BCFC 13-06-03 Emergency Medical/Dental Care Services
BCFC 13-07-01 Health Records
BCFC 13-08-01 Special Diets
BCFC 13-09-01 Notification of Inmate, Family in the Event of Serious Illness, Surgery, or Inmate Death
BCFC 13-10-01 Health Education/Special Health Programs
BCFC 13-11-01 Informed Consent
BCFC 13-12-01 Mental Health/Provision of Psychiatric Services by KCPC
BCFC 13-12-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center (KCPC)
BCFC 13-13-01 Identification of Special Needs Inmates
BCFC 13-14-01 Use of Pharmaceutical Products
BCFC 13-15-01 Medical Restraints
BCFC 13-16-01 Specialized Health Services
BCFC 13-17-01 Vision Care/Optomety Services
BCFC 14-01-01 Inmate Rights and Responsibilities
BCFC 14-02-01 Legal Services Program
BCFC 14-03-01 Inmate Grievance Procedure
BCFC 14-04-01 Inmate Participation in Authorized Research
BCFC 15-01-01 Due Process/Disciplinary Procedures [(Amended 2/12/88)]
BCFC 16-01-01 Inmate Visiting
BCFC 16-02-01 Telephone Communications (Amended 3/15/88)
BCFC 16-03-01 Mail Regulations

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BCFC 16-03-02 Inmate Packages
 BCFC 17-01-01 Assessment/Orientation Procedure
 BCFC 17-02-01 Inmate Reception Process
 BCFC 17-03-01 Inmate Personal Property and Property Control [(Amended 2/12/88)]
 BCFC 17-04-01 Unauthorized Items
 BCFC 17-05-01 Inmate Canteen
 BCFC 18-01-01 Institutional Classification Committee
 BCFC 18-02-01 Classification Document
 BCFC 18-03-01 Classification Process
 BCFC 18-03-02 Classification Program Planning
 BCFC 18-03-03 Population Category Status
 BCFC 18-04-01 Instructions for Six Month Review
 BCFC 18-05-01 Transfers to Other Minimum Security Institutions
 BCFC 19-01-01 Job and Vocational Program Assignments (Amended 3/15/88)
 BCFC 19-02-01 Government Service Details
 BCFC 20-01-01 Academic/Vocational School
 BCFC 20-01-02 Testing and Verification Procedure
 BCFC 20-02-01 Educational Program Planning
 BCFC 20-03-01 Academic and Vocational Curriculum
 BCFC 20-04-01 Educational Personnel Practices
 BCFC 21-01-01 Library Services
 BCFC 22-01-01 Recreation and Inmate Activities
 BCFC 22-02-01 Inmate Clubs and Organizations
 BCFC 22-02-02 Conducting Inmate Organizational Meetings and Programs
 BCFC 22-03-01 Privilege Trips
 BCFC 23-01-01 Religious Service
 BCFC 23-02-01 Visitors for Religious Programs
 BCFC 23-03-01 Marriage of Inmates
 BCFC 24-01-01 Social Services and Counseling Program
 BCFC 24-01-02 Casework Services
 BCFC 25-01-01 Release Preparation Program Description
 BCFC 25-02-01 Temporary Release/Community Center Release
 BCFC 25-02-02 Furloughs
 BCFC 25-03-01 Parole Progress Report
 BCFC 25-03-02 Parole Eligibility Dates
 BCFC 25-04-01 Inmate Discharge Procedure
 BCFC 26-01-01 Citizen Involvement and Volunteer Services Program

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: March 15, 1988

FILED WITH LRC: March 15, 1988 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 21, 1988 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 Jones

(1) Type and number of entities affected: 36 employees of the Bell County Forestry Camp, 200 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 regulations 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.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Superintendent

(Proposed Amendment)

701 KAR 5:070. Criteria for Commonwealth Institute for Teachers.

RELATES TO: KRS 156.097

PURSUANT TO: KRS 156.070, 156.097

NECESSITY AND FUNCTION: KRS 156.097 requires that the State Board of Education develop regulations to establish a summer program of one (1) week educational institutes to be held at selected college campuses for teachers for the purpose of general improvement of instruction. The state board must, further, develop specific criteria relating to the selection of the eligible teachers, with an emphasis on selecting teachers with a demonstrated record of effective teaching, and participating teachers shall be reimbursed for their expenses and awarded a stipend in an amount to be determined by the state board. This regulation establishes the criteria for selection of the teachers, selection of the college campuses, and the amount of the stipend and expenses for the participating teachers.

Section 1. The educational institutes mandated by KRS 156.097 shall be called the Commonwealth Institute for Teachers. Each institute shall be of one (1) week duration. Each institute may be followed by weekend sessions during the school year following the institute session.

Section 2. A theme shall be selected for each year's institute that is designed to emphasize academic excellence in the schools and to motivate personal, professional excellence among the participants. The theme shall contribute to the overall goal of the State Board of Education which is the creation of an academically excellent school system in every Kentucky school district.

Section 3. The institute shall be held on the

campuses of Kentucky colleges or universities which are accessible and which can provide appropriate conference facilities, faculty and staff for the conduct of the institute. The state board shall make its selections of sites based on recommendations submitted by the Kentucky Department of Education and assurances of capability provided by the institutions, and experience with preceding institutes.

Section 4. Teachers shall apply, either individually or in teams of two (2) or three (3), to attend the Commonwealth Institute, and shall use forms supplied by the institute for the purpose. The applications shall include appropriate information about the applicant, and specifically, shall include an assurance that the applicant, within two (2) months following the summer session of the institute, will submit the name and address of at least one (1) private, public, nonprofit, commercial, business or industry entity within the applicant's community which is willing to cooperate, and indicates its willingness in writing, with the applicant in the action project to expand academic excellence in the school district, which is one (1) component of the institute's activities. Any institute participant failing, without just cause, to submit such an agreement shall be required by the Department of Education to return any stipend and expenses paid for participation in the institute.

Section 5. The Commonwealth Institute shall select outstanding teachers with a record of effective teaching which may be demonstrated as follows:

- (1) Professional credentials, development, and experience;
- (2) Honors, awards, and recognition achieved for effective teaching;
- (3) Innovative teaching techniques such as effective curricula developed for use in the applicant's classroom, award-winning students taught by the applicant, and any other appropriate evidence the teacher may wish to include;
- (4) Individual essays expressing initiative and reason for wishing to attend an institute.

Section 6. The selection committee will be named by the Superintendent of Public Instruction and will consist of three (3) institute alumni, two (2) faculty from the institute's host college(s) the preceding year, two (2) faculty from the institute's host college(s) the coming year, and two (2) citizens having an interest in the institute. The Kentucky Department of Education will provide staff support to the selection committee.

Section 7. Each institute shall serve approximately 200 teachers.

Section 8. Each teacher shall be paid a stipend of \$400 for the week long seminar and follow-up sessions. Meals and lodging expenses shall be paid from the Department of Education appropriation for the Commonwealth Institute, and maximum expense allowance of fifty (50) per teacher per year may be paid to defray the cost of traveling to and from the institute sessions.

Section 9. An amount of ten (10) dollars per participant shall be set aside each year from

institute resources to defray the expenses of a commonwealth institute alumni association. The amount shall be used for a network of institute participants for mutual support and sharing of information, experiences, and teaching techniques for further academic excellence. The association may supplement this amount with resources of its own.

Section 10. Teachers who have been selected and have attended a Commonwealth Institute, are not eligible to attend subsequent Commonwealth Institutes as participants eligible for stipends but may attend sessions as alumni. They may also serve as participants in institute programs or as resource consultants, and may receive any honorariums that may be appropriate in return for rendering specific services to the Commonwealth Institute.

Section 11. All Commonwealth Institutes shall include a study/action project component which shall require the participating teachers to develop and initiate within their home school and community a project for the advancement of academic excellence. The projects shall define the respective roles of the teacher/participants and the partner/sponsor supporting the teacher in carrying out the project. Project outcomes shall be reported and published by the Commonwealth Institute and disseminated throughout Kentucky.

Section 12. On behalf of the Commonwealth Institute, the Kentucky Department of Education shall request the cooperation and support of the Kentucky Educational Foundation, Inc. in obtaining the financial support necessary to enable teachers of private and parochial schools to attend the Commonwealth Institute and, in general, in obtaining the required private support for the Commonwealth Institute programs and purposes. In return, the foundation shall receive a cosponsorship of the Commonwealth Institute for Teachers. Financial support provided to the Institute by any other private enterprise or tax-exempt entity shall receive appropriate recognition by the Commonwealth Institute, the state board, and the Department of Education.

DR. JOHN BROCK, Superintendent

ADOPTED BY AGENCY: March 2, 1988

FILED WITH LRC: March 8, 1988 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Friday, April 22, 1988, at 10 a.m., EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March 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 April 17, 1988. 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: Approximately 300 teachers annually and one-two participating colleges and universities.

(a) Direct and indirect costs or savings to

those affected:

1. First year: \$150,000 state funds budgeted 1986-87.

2. Continuing costs or savings: \$150,000 budgeted 1987-88.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Donations sought from the private sector through offices of the Kentucky Educational Foundation, Inc.

(b) Reporting and paperwork requirements: Institute will be evaluated each year.

(2) Effects on the promulgating administrative body: No appreciable change.

(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 change.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Institute is a unique motivational opportunity for teachers and was enacted by the General Assembly which also appropriated funds.

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

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

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 3:340. Commonwealth Diploma Program.

RELATES TO: KRS 156.070, 156.160

PURSUANT TO: KRS 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.070 authorizes the State Board of Education to prescribe such courses of study, curriculums, and programs as it deems necessary for the common schools; and KRS 156.160 requires the State Board of Education to adopt regulations determining the scope of instruction that may be offered in the common schools and the minimum requirements for graduation from offered courses. A Commonwealth Diploma shall be issued to students completing a Commonwealth Diploma Program. The purpose of such a diploma and program are as follows: a) to encourage high academic achievement in Kentucky high schools; b) to encourage more of the capable students to attend college; c) to improve the working relationship between high schools and colleges and universities; and d) to allow students to gain college credit prior to attending college. This regulation implements a Commonwealth Diploma Program and sets forth the conditions and criteria under which a Commonwealth Diploma shall be issued.

Section 1. The Kentucky State Board of Education shall award to each student in the public schools of this state completing a Commonwealth Diploma Program a Commonwealth

Diploma. This diploma shall be printed by the Kentucky Department of Education and sent to the appropriate district upon verification of program completion to the Department of Education by the local district. Each diploma shall be issued in the name of each student so identified. Verification to the Department of Education shall be on forms supplied by the Department of Education and shall be submitted in a timely fashion so as to provide for awarding of the Commonwealth Diploma at regularly scheduled graduation ceremonies. Those students receiving Commonwealth Diplomas should be cited as recipients at graduation ceremonies.

Section 2. The requirements for obtaining a Commonwealth Diploma are as follows:

(1) Successful completion of at least twenty-two (22) approved units of credit, including all the minimum unit requirements for high school graduation set forth in 704 KAR 3:305 or as specified by the applicable local board of education.

(2) Successful completion of all minimum requirements of the Precollege Curriculum established by the Council on Higher Education. Minimum Precollege Preparation requirements are as follows:

(a) Language arts - four (4) units (English I, English II, English III, and English IV);

(b) Mathematics - three (3) units (Algebra I or Algebra II, geometry, and one (1) elective);

(c) Science - two (2) units (Biology I or Chemistry I, or Physics I, and one (1) elective); and

(d) Social Studies - two (2) units (including World Civilization and U. S. History).

(3)(a) Successful completion (i.e., receiving a grade or the equivalent of "C" or better) of at least four (4) courses, as hereinafter designated and which contain essential content as described in the Advanced Placement (AP) Program Course Description booklets of the College Entrance Examination Board, such booklets being incorporated herein by reference and copies of which may be obtained from the College Entrance Examination Board [Office of Instruction]:

1. [(a)] English[, May 1985, May 1986] - one (1) course;

2. [(b)] Science or mathematics - one (1) course (selected from biology, [May 1985, May 1986;] chemistry, [May 1985, May 1986;] or physics, [May 1985, May 1986;] or mathematics) [, May 1985, May 1986];

3. [(c)] Foreign language - one (1) course (selected from French, [May 1985;] German, [May 1986;] Latin, [May 1985;] or Spanish[, May 1985, May 1986]); and

4. [(d)] One (1) additional AP course (selected from English, science, foreign language, history, [May 1985;] computer science, [May 1985, May 1986;] political science, music, [May 1985;] or art[, May 1985]); or [.]

(b) [(4)] Successful completion (i.e., receiving a grade or the equivalent of "C" or better) of at least four (4) courses, as hereinafter designated and which contain essential content as described in the [Course Development Manual of the] International Baccalaureate (IB) program course description booklets [Office, International Baccalaureate North America,] such booklets being incorporated herein by reference and copies of which may be obtained from the International Baccalaureate

North America, Inc. [Office of Instruction]:

1. [(a)] Language A, the student's first language English, [March 1983] - one (1) course;
2. [(b)] Natural or experimental science or mathematics - one (1) course (selected from biology, [March 1983;] chemistry, [March 1983;] physics, [March 1983;] or mathematics) [, March 1983];
3. [(c)] Language B, a foreign language - one (1) course (selected from French, [March 1983;] or Spanish[, March 1983]); and
4. [(d)] One (1) additional IB or AP course [(selected from French, March 1983; Spanish, March 1983; mathematics, March 1983; biology, March 1983; chemistry, March 1983; or physics, March 1983); or in lieu of subsection (3) of this section].
- (4) [(5)] Completion of [at least] one (1) AP [or IB] Examination in at least three (3) of the AP or IB areas specified in subsection (3) [or (4)] of this section, without regard to score[, for the purpose of compiling information for assisting school districts in improving their Commonwealth Diploma programs and for establishing future eligibility criteria for school districts to participate in the program].

Section 3. During the 1987-88 and 1988-89 school years, the Kentucky Department of Education shall reimburse to local school districts the costs of required AP examinations for all students successfully completing the aforementioned criteria. Beginning with the 1989-90 school year, reimbursement will be contingent upon a student's receiving a specified minimum composite score on the three (3) required AP examination. This requirement shall be phased in over a four-year period, with said minimum composite score starting at five (5) in 1989-90 and being raised by one (1) each school year until it reaches a minimum score of eight (8) in 1992-93. [Advanced Placement and International Baccalaureate testing required for each student awarded a Commonwealth Diploma.] Reimbursement funds shall be sent for distribution to local districts once each year [during the month of June] on the basis of documentation supplied by the [local] district.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: March 2, 1988

FILED WITH LRC: March 9, 1988 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Friday, April 22, 1988, at 10 a.m., Eastern Standard Time, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 17, 1988. 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: Susan Leib

(1) Type and number of entities affected:

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

1. First year: None
2. Continuing costs or savings: Savings contingent upon number of students qualifying.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None
- (b) Reporting and paperwork requirements: No change
- (2) Effects on the promulgating administrative body: No change
- (a) Direct and indirect costs or savings:
 1. First year: None
 2. Continuing costs or savings: Savings contingent upon number of students qualifying.
3. Additional factors increasing or decreasing costs: None
- (b) Reporting and paperwork requirements: No change
- (3) Assessment of anticipated effect on state and local revenues: Decrease in amount of state expenditure.
- (4) Assessment of alternative methods; reasons why alternatives were rejected: To continue with current regulation would incur increasing expenditures by 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? No. Need for uniformity in award of Commonwealth diploma.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

(Proposed Amendment)

704 KAR 20:005. Kentucky standards for preparation-certification of professional school personnel program approval.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 156.070, 161.030

NECESSITY AND FUNCTION: KRS 161.020 prohibits any person from holding the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued unless he holds a certificate of legal qualifications for the particular position; KRS 161.025 gives the Kentucky Council on Teacher Education and Certification the duty to develop and recommend policies and standards relating to teacher preparation and certification; and KRS 161.030 rests the certification of teachers and other school personnel and the approval of teacher-preparatory colleges and universities and their curricula with the State Board of Education. This regulation establishes the standards and procedures which are to be used for the approval of the various teacher preparation programs offered by the colleges and universities, and where applicable, these curriculum standards are consistent with the Program of Studies as incorporated in 704 KAR 3:304; and this regulation also establishes procedures and necessary justifications for future development of new preparation-certification programs.

Section 1. Pursuant to the statutory authority placed upon the Superintendent of Public Instruction, the State Board of Education, and

the Kentucky Council on Teacher Education and Certification under KRS Chapter 161, there is hereby devised, created, and incorporated by reference the Kentucky Standards for the Preparation-Certification of Professional School Personnel, which shall include the standards and procedures for the approval of college and university curricula for the preparation programs.

Section 2. The Kentucky Standards for the Preparation-Certification of Professional School Personnel are hereby amended, and the amended document is hereby incorporated by reference and identified as the Kentucky Standards for the Preparation-Certification of Professional School Personnel, revised March, 1988 [September, 1987]. A copy of this document can be obtained from the Office of Instruction, Department of Education, Capital Plaza Tower, Frankfort, Kentucky.

Section 3. Any proposal for the development by the Council on Teacher Education and certification of a program of preparation-certification for a new position shall be evaluated in writing by the office of the Superintendent of Public Instruction on the basis of the following criteria:

(1) There are compelling reasons for establishing a preparation-certification program. Alternate procedures for insuring professional competence for the position are either not feasible or are not appropriate. The likelihood of unsatisfactory practices represents too high a risk for noncertification alternatives.

(2) A distinctive and specific body of knowledge exists for the new position which is not likely to be attained without a specific preparation-certification plan. The body of knowledge is sufficiently extensive for a program of preparation - twelve (12) semester hours of credit or more - rather than something that can be earned in miscellaneous noncredit experiences.

(3) There are pupils having unique characteristics which require the teacher to have specialized knowledge and skills or there is a need for special services for which unique professional preparation is required.

(4) There is a sufficient demand for the training for this position to warrant the development of preparation-certification programs at one (1) or more Kentucky teacher education institutions and for sustaining these programs over a period of several years.

(5) The preparation-certification requirement is cost effective in terms of the anticipated benefits to the local school district.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: March 2, 1988

FILED WITH LRC: March 9, 1988 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Friday, April 22, 1988, at 10 a.m., Eastern Standard Time, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 17, 1988. 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: Akeel Zaheer

(1) Type and number of entities affected: None

(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: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: This certification program has been superseded by other more recent programs.

(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: Although this certification was available no training programs were established.

TIERING: Was tiering applied? No. This certification program is being deleted.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

(Proposed Amendment)

704 KAR 20:305. Written examination prerequisites for teacher certification.

RELATES TO: KRS 161.030

PURSUANT TO: KRS 156.070, 161.030

NECESSITY AND FUNCTION: KRS 161.030 requires that all new teachers, including out-of-state teachers with less than two (2) years' experience, successfully complete appropriate written tests prior to initial certification in Kentucky. The tests are to measure communication skills, general knowledge, professional education concepts, and knowledge in the specific teaching field of the applicant. The State Board of Education is charged with selecting the tests; determining minimum acceptable levels of achievement on each test; establishing a reasonable fee related to the cost of administration of the tests, such fees to be paid by the teacher applicants; and establishing procedures for persons having less than minimum levels of performance on any test to repeat that test and be informed of strengths and weaknesses in performance areas. This regulation implements such duties relative to teacher testing.

Section 1. (1) All new teacher applicants and out-of-state applicants for certification with less than two (2) years of teaching experience as defined in 704 KAR 20:045 shall successfully complete the appropriate written tests prior to initial Kentucky certification. Each applicant shall successfully complete the National Teacher Examinations for communication skills, general knowledge, and professional knowledge, except that the applicants for certification as teachers of industrial education described in 704 KAR 20:222 shall take other designated examinations as specified in 704 KAR 20:310. In addition, each applicant shall successfully complete the appropriate specialty examination corresponding to the teacher's preparation and selected from the National Teacher Examinations specialty tests with the following exceptions:

(a) Applicants prepared for vocational agriculture and applicants prepared for health education shall take the specialty examinations developed by the Department of Education and approved by the State Board of Education.

(b) Applicants for health occupations shall take the examination required for state licensure in the respective health occupations specialty.

(c) Applicants for certification in industrial education - preparation level, as described in 704 KAR 20:222, shall take other designated specialty tests.

(d) Applicants whose teaching specialty is in a major for which no appropriate specialty test is available shall [not be required to take a specialty test, except that effective January 1, 1988, such teacher applicants shall] take the specialty test corresponding to the minor teaching specialty.

(2) In the event that a person who completes an out-of-state teacher preparation program comes to Kentucky after the deadline date for taking the written tests, a temporary certificate may be issued for a period of up to six (6) months, provided the prospective employer cannot otherwise fill the vacant position with a certified teacher. If the written tests are available during the period of the temporary certificate, the teacher shall take the tests. If the person successfully completes the written tests, the certificate shall be extended for the remainder of the year. In the event the person fails the examination, the temporary certificate shall be valid only for the current semester.

Section 2. In order to satisfy the testing prerequisites for teacher certification, each applicant shall score at least [make] the minimum passing score, as set forth hereinafter, on each of the four (4) tests of communication skills, general knowledge, professional knowledge, and the specialty test in the applicant's teaching field. [The minimum passing scaled scores for the respective tests are established as follows:]

(1) Effective for persons applying for initial teacher certification prior to January 1, 1989, the following minimum passing scaled scores for the respective tests will be applicable:

(a) [(1)] The National Teacher Examinations Core Battery Tests.

1. [(a)] Communication skills - 643;
2. [(b)] General knowledge - 637;
3. [(c)] Professional knowledge - 641.

(b) [(2)] The National Teacher Examinations

Specialty Tests.

1. [(a)] Art education - 470;
2. [(b)] Biology and general science - 520;
3. [(c)] Business education - 490;
4. [(d)] Chemistry, physics and general science - 470;
5. [(e)] Early childhood education - 470;
6. [(f)] Education in the elementary school - 480;
7. [(g)] English language and literature - 480;
8. [(h)] French - 460;
9. [(i)] German - 470;
10. [(j)] Home economics education - 500;
11. [(k)] Industrial arts education - 510;
12. [(l)] Mathematics - 460;
13. [(m)] Music education - 480;
14. [(n)] Physical education - 490;
15. [(o)] Social studies - 460;
16. [(p)] Spanish - 480;
17. [(q)] Speech-communication and theater - 410; and
18. [(r)] Media specialist-library and audiovisual services - 550.

(2) Effective for persons applying for initial teacher certification on or after January 1, 1989, the following minimum passing scaled scores for the respective tests will be applicable:

(a) The National Teacher Examinations Core Battery Tests:

1. Communication skills - 646;
2. General Knowledge - 643;
3. Professional knowledge - 644.

(b) The National Teacher Examinations Specialty Tests:

1. Art education - 510;
2. Biology and general science - 550;
3. Business education - 540;
4. Chemistry, physics and general science - 510;
5. Early childhood education - 480;
6. Education in the elementary school - 510;
7. English language and literature - 510;
8. French - 510;
9. German - 490;
10. Home economics education - 540;
11. Industrial arts education - 550;
12. Mathematics - 500;
13. Music education - 510;
14. Physical education - 540;
15. Social studies - 500;
16. Spanish - 490;
17. Speech-communication and theater - 540;
18. Media specialist-library and audiovisual services - 590; and
19. Special education - 500.

(3) Scores on tests completed four (4) or more years prior to application for certification will not be acceptable in meeting the requirements under subsection (1) or (2) of this section.

Section 3. Applicants for certification at the elementary level, middle grade level, school media librarian, and for special education shall take the designated specialty tests indicated below in addition to the tests for communication skills, general knowledge, and professional knowledge:

- (1) Provisional elementary certificate - education in the elementary school test;
- (2) Provisional certificate for teaching in the early elementary grades - early childhood education test;
- (3) Provisional certificate for teaching in

the middle grades - education in the elementary school test;

(4) Provisional certificate for school media librarian - media specialist-library and audiovisual services test;

(5) Provisional certificate for teachers of exceptional children grades K-12 - speech and communication disorders - no appropriate test available;

(6) Provisional certificate for teachers of exceptional children grades K-12 (other than for speech and communication disorders) - for persons applying for certification prior to January 1, 1989 - education in the elementary school test, and for persons applying for certification on or after January 1, 1989 - special education test; and

(7) Provisional certificate for teachers of exceptional children grades 7-12 (other than for speech and communication disorders) - for persons applying for certification on or after January 1, 1989 - the specialty test corresponding to the high school teaching major or the special education test.

Section 4. Applicants for certification at the high school level shall take the test corresponding to the area or major teaching specialty as designated below in addition to the tests for communication skills, general knowledge, and professional knowledge:

(1) Art - art education test;

(2) Basic business - business education test;

(3) Biology - biology and general science test;

(4) Chemistry - chemistry, physics and general science test;

(5) Distributive education - business education test;

(6) Dramatics - speech communication test;

(7) Dramatics-speech - speech communication test;

(8) Earth science - no test available;

(9) Economics - social studies test, see Section 5 of this regulation;

(10) Economics-sociology - social studies test, see Section 5 of this regulation;

(11) English - English language and literature test;

(12) French - French test;

(13) Geography - social studies test, see Section 5 of this regulation.

(14) German - German test;

(15) Health - Department of Education test for health education;

(16) Health occupations - test by the state licensing agency corresponding to the health specialty;

(17) History - social studies test;

(18) History-political science - social studies test;

(19) Industrial education - orientation and exploration levels - industrial arts education test;

(20) Industrial education - preparation level (area) - shall take other designated special test corresponding to the preparation specialty;

(21) Journalism - no test available;

(22) Latin - no test available;

(23) Mathematics - mathematics test;

(24) Mathematics-physical science (area) - select from either mathematics test or chemistry, physics and general science test;

(25) Music (either vocal and/or instrumental) - music education test;

(26) Physical education - physical education

test;

(27) Physics - chemistry, physics, and general science test;

(28) Political science - social studies test;

(29) Psychology - no test available;

(30) Science (area) - select from either biology and general science test or chemistry, physics and general science test;

(31) Secretarial studies - business education test;

(32) Social studies (area) - social studies test;

(33) Sociology - social studies test, see Section 5 of this regulation;

(34) Spanish - Spanish test;

(35) Speech - speech communication test;

(36) Vocational agriculture - Department of Education test for vocational agriculture; and

(37) Vocational home economics - home economics education test.

Section 5. Teacher applicants whose major specialty is in economics, economics-sociology, geography, or sociology shall take the specialty test in social studies for research and validation purposes, but shall not be required to make the passing score established in Section 2 of this regulation.

Section 6. (1) Applicants for initial certification may take the National Teacher Examinations on any of the dates established by the Educational Testing Service for national administration or on such dates as may be established by the Kentucky Department of Education for special administration.

(2) Applicants must authorize test results to be forwarded by the Educational Testing Service to the Kentucky Department of Education and to the appropriate teacher preparation institution.

(3) Public announcement of testing dates and locations shall be issued sufficiently in advance of testing dates to permit advance registration as required by the Educational Testing Service. It shall be the responsibility of each applicant to seek information regarding the dates and location of the tests and to make application for the appropriate examinations prior to the deadlines established and sufficiently in advance of anticipated employment to permit test results to be received by the Department of Education and processed in the normal certification cycle.

Section 7. Applicants shall pay the appropriate [an] examination fee for the relevant test(s) required to be taken, to the Educational Testing Service, [as such fees are currently established by the Educational Testing Service,] publisher of the National Teacher Examinations, unless a lesser fee has been negotiated by the Department of Education. Fees for specialty tests developed by the Department of Education shall be equivalent to the current fees for such tests administered by the Educational Testing Service.

Section 8. Applicants who fail to achieve at least the minimum score on one (1) or more of the core battery examinations (communication skills, general knowledge, professional knowledge) or on the specialty examination appropriate to the teaching field shall be permitted to retake the test or tests during one (1) of the scheduled test administrations.

Section 9. The Department of Education shall collect such data and conduct such analyses of the impact of these tests as to permit a review of these regulations on an annual or biennial basis.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: March 2, 1988

FILED WITH LRC: March 9, 1988 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Friday, April 22, 1988, at 10 a.m., Eastern Standard Time, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 17, 1988. 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: Akeel Zaheer

(1) Type and number of entities affected: Approximately 1,700 individuals seeking initial teacher certification.

(a) Direct and indirect costs or savings to those affected: No additional costs involved.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No additional paperwork involved.

(2) Effects on the promulgating administrative body: Amendment revises passing scores and replaces one required test for certification.

(a) Direct and indirect costs or savings: No additional costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional paperwork.

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Passing scores on designated test required for initial teacher certification under KRS 161.030.

(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. Requirements for certification must be applied uniformly.

EDUCATION AND HUMANITIES CABINET Department of Education Office of Vocational Education (Proposed Amendment)

705 KAR 1:010. Two [Three] year program plan.

RELATES TO: KRS 156.010, 156.035, 163.020, 163.030

PURSUANT TO: KRS 156.035, 156.070, 163.030

NECESSITY AND FUNCTION: KRS 156.010 designates the Department of Education as the sole state agency for developing and approving state plans required by federal law as prerequisites to receiving federal funds for vocational education; KRS 156.035 authorizes the State Board of Education to implement any act of Congress appropriating and apportioning funds to the state and to provide for the proper disbursement of such funds; KRS 163.020 accepts and agrees to comply with federal vocational education acts; and KRS 163.030 gives the State Board authority to comply with state and federal vocational education laws. The 1989-90 [1986-88] Kentucky Two [Three] Year Program Plan for Vocational Education is necessary in order to be eligible to receive federal funds under P.L. 98-524, and this regulation formally adopts such plan developed and approved by the Department of Education.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education, the 1989-90 [1986-88] Kentucky Two [Three] Year Program Plan for Vocational Education as adopted on March 2, 1988 [4, 1987] is hereby prepared and approved by the State Board of Education, in accordance with the appropriate federal guidelines, and submitted to the U.S. Secretary of Education for approval. This document is incorporated by reference and hereinafter shall be referred to as the 1989-90 [1986-88] Kentucky Two [Three] Year Program Plan for Vocational Education, as amended for 1989-90 [1987-88]. Copies of the document may be obtained from the Office of Vocational Education, State Department of Education.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: March 2, 1988

FILED WITH LRC: March 9, 1988 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Friday, April 22, 1988, at 10 a.m., Eastern Standard Time, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 17, 1988. 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: 173 school districts, 14 vocational regions, 83 state operated schools, 7 public universities, 14 community colleges, and approximately 20 community-based organizations.

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

1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
 - (b) Reporting and paperwork requirements:
 - (2) Effects on the promulgating administrative body:
 - (a) Direct and indirect costs or savings:
 1. First year:
 2. Continuing costs or savings:
 3. Additional factors increasing or decreasing costs:
 - (b) Reporting and paperwork requirements:
 - (3) Assessment of anticipated effect on state and local revenues: Permits state to access 15,154,402 federal dollars for vocational education.
 - (4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
 - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
 - (a) Necessity of proposed regulation if in conflict: None
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 - (6) Any additional information or comments: Regulation is necessary to receive federal funds.
- TIERING: Was tiering applied? Yes

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Public Law 98-524 requires a state plan. KRS 163.020 relates to the state accepting all provisions of the acts of congress relating to vocational education. KRS 156.010 designates the Kentucky Department of Education as sole state agency in developing state plans required by federal law. KRS 156.070 delegates approval of vocational plans/programs to State Board of Education. Action by board is in compliance with all laws cited above.
2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No
3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: N/A

EDUCATION AND HUMANITIES CABINET Department of Education Office of Vocational Rehabilitation (Proposed Amendment)

706 KAR 1:020. Independent living rehabilitation services state plan.

RELATES TO: KRS 156.010, 156.035, 163.140, 163.160

PURSUANT TO: KRS 156.035, 156.070, 163.140

NECESSITY AND FUNCTION: Title VII, Part A, P.L. 93-112, as amended, requires the submission of a Three (3) Year State Plan for Independent Living Rehabilitation Services, to the Secretary, Department of Education. The plan must be approved in order for a state to be eligible for grants from the allotment of funds under Title VII, Part A, of the Rehabilitation

Act of 1973, P.L. 93-112, as amended by P. L. 93-516, P. L. 95-602, P. L. 98-221, and P.L. 99-506. This regulation adopts such a plan, and thereby implements statutory responsibility of the Department of Education and the State Board of Education under KRS 156.010, 156.035, 163.140, and 163.160.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.035 and 163.140, the Kentucky State Plan for Independent Living Rehabilitation Services for the period October 1, 1987 through September 30, 1990 is presented herewith for filing with the Legislative Research Commission, and incorporated by reference, as revised March 2, 1988 [September 2, 1987]. This plan describes how federal funds will be utilized to provide services for independent living to individuals with disabilities so severe that they presently do not have potential for employment, and a copy of said plan can be obtained from the Office of Vocational Rehabilitation, Department of Education.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: March 2, 1988

FILED WITH LRC: March 9, 1988 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Friday, April 22, 1988, at 10 a.m., Eastern Standard Time, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 17, 1988. 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: Joan Barker

(1) Type and number of entities affected: Office of Vocational Rehabilitation subgrant programs under Title VII, Part A, of the Rehabilitation Act of 1973.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: No changes from the most recent plan.

(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 anticipated effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Program administration is mandated by the Rehabilitation Act of 1973 as amended, and by federal regulations in 34 CFR Part 365.

(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. Tiering was not applied because the program is offered equally to all persons in the Commonwealth who are eligible for services.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Title VII, Part A, of the Rehabilitation Act of 1973, as amended most recently by the Rehabilitation Act amendments of 1986 (P.L. 99-506), requires a three year state plan for independent living rehabilitation services be implemented. The Kentucky State Plan for Independent Living Rehabilitation Services will be effective for the period October 1, 1987 through September 30, 1990. This plan describes how federal funds will be utilized to provide services for independent living for individuals with severe disabilities to enhance their ability to live independently and function within family or community, and if appropriate, secure and maintain appropriate employment.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: No

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:020. Adoption of 29 CFR Part 1910.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS Chapter 338

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1910 of the Code of Federal Regulations revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows:

"The provisions of this regulation adopt and

extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Secretary of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions or the adoption or use of one (1) or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National consensus standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established federal standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Labor Cabinet, U.S. 127 South, Frankfort, Kentucky 40601.

(3) 29 CFR 1910.16(b)(2)(ix), Longshoring and Marine Terminals, as published in the Federal Register, Volume 52, Number 186, September 25, 1987 is adopted by reference.

(4) 29 CFR 1910.19(f) "Special Provisions for Air Contaminants," is removed as published in the Federal Register, Volume 50, Number 240, December 13, 1985, is adopted by reference.

(5) 29 CFR 1910.19(i), Special Provisions for Air Contaminants, as published in the Federal Register, Volume 52, Number 176, September 11, 1987 is adopted by reference.

(6) 29 CFR 1910.19(j), "Special Provisions for Air Contaminants," as published in the Federal Register, Volume Number 52, December 4, 1987, is adopted by reference.

(7) [(6)] 29 CFR 1910.20 "Access to employee exposure and medical records" is amended as follows:

(a) 29 CFR 1910.20(e)(1)(i) is amended to read "Whenever an employee or designated representative requests access to an exposure or medical record, the employer shall assure that access is provided in a reasonable time, place, and manner, but no longer than fifteen (15) days after the request for access is made unless sufficient reason is given why such a time is unreasonable or impractical."

(b) 29 CFR 1910.20(e)(1)(ii) is amended to read "Whenever an employee or designated representative requests a copy of a record, the employer shall, except as specified in (v) of this section, within the period of time previously specified assure that either:"

(c) 29 CFR 1910.20(e)(1)(v) is added and shall read "Original x-ray film will be made available to the employee and/or designated representative

for inspection, review, and duplication under the supervision of the employer or his representative. The employer is not required to bear the cost of duplication of x-ray film."

(d) 29 CFR 1910.20(g)(1) is amended to read: "Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform each employee exposed to toxic substances or harmful physical agents of the following:"

(e) 29 CFR 1910.20(g)(2) is amended to read: "Each employer shall make readily available to employees any informational materials concerning this standard which are provided to the employer by the Assistant Secretary of Labor for Occupational Safety and Health."

(8) [(7)] Subparagraph 29 CFR 1910.23(a)(7) shall be amended to read as follows: "Every temporary or permanent floor opening shall have standard railings, or shall be constantly attended by someone."

(9) [(8)] Revision to 29 CFR 1910.68(e)(3), Manlifts, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(10) [(9)] 29 CFR 1910.95 "Hearing Conservation Program" is amended as follows:

(a) 29 CFR 1910.95(h)(1) shall read: Audiometric tests shall be pure tone, air conduction, hearing threshold examinations with test frequencies including as a minimum 500, 1,000, 2,000, 3,000, 4,000, and 6,000 Hz. Testing at 8,000 Hz must be included in the audiometric tests for employers using audiometers with that capacity and all audiometric tests must include 8,000 Hz after January 15, 1985.

(b) 29 CFR 1910.95(h)(4) shall read: Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix D: Audiometric Test Rooms. When an audiometric test room is located in a mobile test van, background sound pressure level measurements shall be taken at each testing location.

(c) 29 CFR 1910.95(h)(5)(ii) shall read: Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix E: Acoustic Calibration of Audiometers. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this check. Deviations of fifteen (15) decibels or greater require an exhaustive calibration.

(d) 29 CFR 1910.95(h)(5)(iii) shall read: An exhaustive calibration shall be performed at least every two (2) years in accordance with sections 4.1.2; 4.1.3; 4.1.4.3; 4.2; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6-1969. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this calibration.

(e) 29 CFR 1910.95(L)(1) shall read: The employer shall make available to affected employees or their representatives copies of this standard and shall also post a notice of the availability of this standard in the workplace.

(f) 29 CFR 1910.95(o) shall read: Paragraphs (c) through (n) of this section shall not apply to employers engaged in oil and gas well drilling and servicing operations, agriculture,

or construction.

(g) 29 CFR 1910.95 Appendix E shall read: Acoustic Calibration of Audiometers.

This Appendix is Mandatory.

Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerances permitted by American Standard Specification for Audiometers, S3.6-1969.

1. Sound Pressure Output Check.

a. Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.

b. Set the audiometer's hearing threshold level (HTL) dial to seventy (70) dB.

c. Measure the sound pressure level of the tones that each test frequency from 500 Hz through 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) for each earphone.

d. At each frequency the readout on the sound level meter should correspond to the levels in Table E-1 or Table E-2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

2. Linearity check.

a. With the earphone in place, set the frequency to 1,000 Hz and the HTL dial on the audiometer to seventy (70) dB.

b. Measure the sound levels in the coupler at each ten (10) dB decrement from seventy (70) dB to ten (10) dB, noting the sound level meter reading at each setting.

c. For each ten (10) dB decrement on the audiometer the sound level meter should indicate a corresponding ten (10) dB decrease.

d. This measurement may be made electrically with a voltmeter connected to the earphone terminals.

3. Tolerances.

When any of the measured sound levels deviate from the levels in Table E-1 or Table E-2 plus or minus three (3) dB at any test frequency between 500 and 3,000 Hz, four (4) dB at 4,000 Hz, or five (5) dB at 6,000 Hz and 8,000 Hz, an exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than ten (10) dB at any test frequency.

TABLE E-1 - REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-39 EARPHONES

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading dB
500	11.5	81.5
1000	7.0	77.0
2000	9.0	79.0
3000	10.0	80.0
4000	9.5	79.5
6000	15.5	85.5
8000	13.0	83.0

TABLE E-1 - REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-39 EARPHONES

Frequency, Hz	Reference threshold level for TDH-49 earphones, dB	Sound level meter reading dB
500	13.5	83.5
1000	7.5	77.5
2000	11.0	81.0
3000	9.5	79.5
4000	10.5	80.5
6000	13.5	83.5
8000	13.0	83.0

(11) [(10)] 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlets P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(12) [(11)] 29 CFR 1910.106 "Flammable and combustible liquids" is amended as follows: 29 CFR 1910.106(a)(3) shall read: "The term automotive service station, or service stations, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

(13) [(12)] 29 CFR 1910.106(g)(1)(i)(g), Flammable and Combustible Liquids as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is removed.

(14) [(13)] 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response, as published in the Federal Register, December 19, 1986, Volume 51, No. 244, is adopted by reference.

(15) [(14)] 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response, as published in the Federal Register, May 4, 1987, Volume 52, No. 85, is adopted by reference.

(16) [(15)] 29 CFR 1910.134 is amended as follows:

(a) 29 CFR 1910.134(c) shall read: "Proper selection of respirators shall be made according to the guidance of American National Standard Practices for Respiratory Protection Z88.2 - 1980."

(b) 29 CFR 1910.134(d) the third sentence shall read: "Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G-7.1 - 1973."

(c) 29 CFR 1910.134(g) shall read: Identification of Air-purifying Respirator Canisters and Cartridges.

1. The primary means of identifying an air-purifying respirator canister or cartridge shall be by means of properly worded labels. The secondary means of identifying an air-purifying respirator canister or cartridge shall be by an identifying color or colors.

2. All who issue or use air-purifying respirators falling within the scope of this

standard shall ensure that all canisters and cartridges purchased or used by them are properly labeled and colored in accordance with this standard before they are placed in service and that the labels and colors are properly maintained at all times thereafter until the canisters and cartridges have completely served their purpose. The user shall refer to the label wording to determine the type and degree of protection the canister or cartridge will afford.

3. On each air-purifying respirator canister and cartridge, the following shall appear in bold letters:

CANISTER FOR _____
(Name of atmospheric contaminant)
or

CARTRIDGE FOR _____
(Name of atmospheric contaminant)

In addition, either or both of subparagraphs a and b of this paragraph, and subparagraph (c) of this paragraph, shall appear beneath the appropriate phrase on the canister or cartridge label.

a. For respiratory protection in atmospheres containing not more than _____
by volume of

(Concentration)

(Name of atmospheric contaminant)

b. For respiratory protection in atmospheres containing

(Type of particulate contaminant)

c. Do not use in atmospheres containing less than nineteen and five-tenths (19.5) percent oxygen by volume at sea level.

4. Each respirator canister or cartridge, or canister or cartridge label, shall be a distinctive color as indicated in Table I-1. The color coating used shall offer a high degree of resistance to changes such as chipping, scaling, peeling, blistering, and fading, and to the effects of ordinary atmospheres to which they may be exposed under normal conditions of storage and use.

(d) 29 CFR 1910.134 Table I-1 shall read:

TABLE I-1
Color Assigned to Canister or Cartridge

Atmospheric Contaminant(s) to Be Protected Against	Color Assigned	ISCC-NBS Centroid Color Number	ISCC-NBS Centroid Color Name
Acid gases	White	263	White
Organic vapors	Black	267	Black
Ammonia gas	Green	139	Vivid green
Carbon monoxide gas	Blue	178	Strong blue
Acid gases and organic vapors	Yellow	82	Vivid yellow
Acid gases, ammonia, and organic vapors	Brown	75	Deep yellow brown
Acid gases, ammonia, carbon monoxide, and organic vapors	Red	11	Vivid red

Other vapors and gases not listed above	Olive	106	Light olive
Radioactive materials (except tritium and noble gases)	Purple	218	Strong purple
Dusts, fumes, and mists (other than radioactive materials)	Orange	48	Vivid orange

NOTES:

(1) A purple (ISCC-NBS Centroid Number 218) stripe shall be used to identify radioactive materials in combination with any vapor or gas.

(2) An orange (ISCC-NBS Centroid Number 48) stripe shall be used to identify dusts, fumes, and mists in combination with any vapor or gas.

(3) Where labels only are colored to conform with this table, the canister or cartridge body shall be gray (ISCC-NBS Centroid Number 265), or a metal canister or cartridge body may be left in its natural metallic color.

(4) The user shall refer to the wording of the label to determine the type and degree of protection the canister or cartridge will afford.

(17) [(16)] 29 CFR 1910.141(c)(2)(i) shall read as follows: "(1) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(18) [(17)] Amendment to 29 CFR 1910.145(f), Accident Prevention Tags, as published in Federal Register, Volume 51, Number 182, September 19, 1986, is adopted by reference.

(19) [(18)] 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

"(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health."

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first aid supplies approved by the consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees."

"(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First aid supplies approved by the consulting physician shall be readily available."

"(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use."

(20) [(19)] 29 CFR 1910.156(a)(2) "Application" is amended to read: "The requirements of this section apply to fire brigades; industrial fire departments; private fire departments; and municipal public fire departments and fire protection districts.

Personal protective equipment requirements apply to members of fire brigades and fire departments performing interior structural fire fighting. The requirements of this section do not apply to airport crash rescue, forest fire fighting operations, or volunteer fire fighters."

(21) [(20)] Revision to 29 CFR 1910.157(f)(16), Portable Fire Extinguishers, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(22) [(21)] 29 CFR 1910.177(a)(2), Servicing Multipiece and Single Piece Rim Wheels, shall be amended as follows: Amendments as published in the Federal Register, Volume 52, Number 186, September 25, 1987 are adopted by reference.

(23) [(22)] Revisions to 29 CFR 1910.179(j)(2)(iii) and (iv), Overhead and Gantry Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(24) [(23)] Revision to 29 CFR 1910.179(m)(1), Overhead and Gantry Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(25) [(24)] Revision to 29 CFR 1910.180(d)(6), Crawler Locomotive and Truck Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(26) [(25)] Revisions to 29 CFR 1910.180(g)(1) and (2)(ii), Crawler and Locomotive Truck Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(27) [(26)] Revisions to 29 CFR 1910.181(g)(1) and (3), Derricks, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(28) [(27)] 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(29) [(28)] Revisions to 29 CFR 1910.217(e)(1)(i) and (ii), Mechanical Power Presses, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(30) [(29)] Revisions to 29 CFR 1910.218(a)(2)(i) and (ii), Forging Machines, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(31) [(30)] Amendments to 29 CFR 1910.243, "Guarding of Portable Powered Tools" as published in the Federal Register, Volume 50, Number 22, February 1, 1985 are adopted by reference.

(32) [(31)] Subparagraph 29 CFR 1910.252(a)(6)(iv), (d)(2) shall be corrected to read as follows:

"Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.309(a) for Class I, Division 2 locations."

(33) [(32)] Revision to 29 CFR 1910.252(c)(6), Welding, Cutting and Brazing, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(34) [(33)] 29 CFR 1910.268(c), Telecommunications, shall be revised as follows:

Revisions as published in the Federal Register, Volume 52, Number 187, September 28, 1987 are adopted by reference.

(35) 29 CFR 1910.272, "Grain Handling Facilities," as published in the Federal Register, Volume 52, Number 251, December 31, 1987, is adopted by reference.

(36) [(34)] Amendment to 29 CFR 1910.430(e)(1), Commercial Diving Equipment, as published in the Federal Register, Volume 51, Number 181, September 18, 1986, is adopted by reference.

(37) [(35)] 29 CFR 1910.440(a)(1), Commercial Diving Recordkeeping Requirements, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is removed.

(38) [(36)] 29 CFR 1910 Subpart T Appendix B "Commercial Diving Operations" as published in the Federal Register, Volume 50, Number 6, January 9 1985, is adopted by reference.

(39) [(37)] 29 CFR 1910.1000, "Air Contaminants," Table Z-1 is amended as published in the Federal Register, Volume 50, Number 240, December 13, 1985, is adopted by reference.

(40) [(38)] 29 CFR 1910.1000, Table Z-2, Benzene, shall be amended as follows: Amendments as published in the Federal Register, Volume 52, Number 176, September 11, 1987 are adopted by reference.

(41) 29 CFR 1910.1000, Table Z-2, "Formaldehyde," as published in the Federal Register, Volume Number 52, December 4, 1987, is amended.

(42) [(39)] 29 CFR 1910.1001 "Asbestos" is amended as follows:

(a) Amendments as published in the Federal Register, Volume 51, Number 119, June 20, 1986, are adopted by reference.

(b) 29 CFR 1910.1001(d)(6)(ii) is amended to add: "The employer shall ensure that all sampling will be conducted in accordance with the ORM in Appendix A, before sampling commences."

(c) 29 CFR 1910.1001(d)(6)(iv) is amended to add: "The employer shall ensure that all analyses are performed in accordance with the elements outlined in Appendix A, and that all asbestos counters meet the criterion specified in Appendix A. This notice shall be given prior to the start of the analyses."

(d) 29 CFR 1910.1001(g)(3)(i) is amended to read: "Where respiratory protection is required, the employer shall institute a respirator program in accordance with American National Standards Practices for Respiratory Protection, ANSI Z88.2 - 1980, with the exception of Appendix A5, Suggested Procedures for Carrying Out Qualitative Respirator - Fitting Tests, and Appendix A6, Suggested Procedures for Carrying Out Quantitative Respirator - Fitting Tests."

(e) 29 CFR 1910.1001(j)(1)(ii) is amended to read: "Sign specifications. The warning signs required by paragraph (j)(1)(i) of the section shall be of a vertical format measuring twenty (20) inches in length and fourteen (14) inches in width, and shall be printed in letters of sufficient size and contrast as to be readily visible and legible, and shall bear the following information:"

(43) [(40)] 29 CFR 1910.1001, Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite, as published in Federal Register, October 17, 1986, Volume 51, No. 201, is adopted by reference.

(44) [(41)] 29 CFR 1910.1001, Occupational

Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite, as published in Federal Register, May 12, 1987, Volume 52, No. 91, is adopted by reference.

(45) [(42)] 29 CFR 1910.1005 4,4'-methylene bis (2-chloroaniline) and 29 CFR 1910.1003 through .1016 paragraphs (c)(6), Laboratory Activities, printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(46) [(43)] Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows:

"Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(47) [(44)] 29 CFR 1910.1025 "Occupational Exposure to Lead" shall be amended as follows: "Table 1 - Implementation Schedule" is amended to read:

TABLE 1 - Implementation Schedule

INDUSTRY ¹ ug/m ³	COMPLIANCE DATES		
	200 ug/m ³	100 ug/m ³	50
Primary Lead Production	(2)	June 29, 1984	June 29, 1991
Secondary Lead Production	(2)	June 29, 1984	June 29, 1986
Lead Acid Battery Manufacture	(2)	June 29, 1983	June 29, 1986
Automobile/Manufacture/Solder Grinding	(2)	N/A	June 29, 1988
Electronics, Gray Iron Foundries, Ink Manufacture, Paints and Coatings Manufacture, Wall Paper Manufacture, Can Manufactures, and Printing	(2)	N/A	June 29, 1982
Lead Pigment Manufacture, Nonferrous Foundries, Leaded Steel Manufacture, Lead Chemical Manufacture, Ship Building and Ship Repair, Battery Breaking in the Collection and Processing of Scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), Secondary Smelting of Copper, and Lead Casting	(2)	N/A	N/A
All Other Industries	(2)	N/A	June 11, 1984

¹ Includes ancillary activities located on the same worksite.

² On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which

was deleted upon effectiveness of this section.

(48) [(45)] 29 CFR 1910.1028, Benzene, as published in the Federal Register, Volume 52, Number 176, September 11, 1987 is adopted by reference.

(49) [(46)] 29 CFR 1910.1029 "Coke Oven Emissions" shall be amended as follows: Revision as published in the Federal Register, Volume 50, Number 178, September 13, 1985 are adopted by reference.

(50) [(47)] Corrections to 29 CFR 1910.1043, Cotton Dust as published in the Federal Register, Volume 51, Number 128, July 3, 1986, are adopted by reference.

(51) [(48)] Amendments and corrections to 29 CFR 1910.1047, Ethylene Oxide and Appendices A, B, C and D, as published in the Federal Register, Volume 51, Number 132, July 10, 1986 are adopted by reference.

(52) 29 CFR 1910.1048, "Formaldehyde," as published in the Federal Register, Volume Number 52, December 4, 1987, is adopted by reference.

(53) [(49)] 29 CFR 1910.1200, Hazard Communication, shall be amended as follows: Amendments as published in the Federal Register, Volume 52, Number 163, August 24, 1987 are adopted by reference.

(54) [(50)] Revision of 29 CFR 1910.1200(i)(3), Hazard Communication, and an amendment removing the last paragraph in 1910.1200 Appendix D, as published in the Federal Register, Volume 51, Number 189.

CAROL M. PALMORE, Chairman

APPROVED BY AGENCY: March 14, 1988

FILED WITH LRC: March 14, 1988 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing concerning these regulations has been scheduled for April 26, 1988 at 1 p.m. (EST), to be held at the Kentucky Labor Cabinet, U.S. 127 Building South, Bay 2 Conference Room, Frankfort, Kentucky. Those interested in attending must provide by April 21, 1988, written notice to Mr. Guy Schoolfield, Kentucky Labor Cabinet, Division of Education and Training, OSH Technical Assistance Branch, U.S. 127 Building South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoolfield

(1) Type and number of entities affected: This regulation affects all employers in the Commonwealth with operations involving formaldehyde (approximately 2,580 employers) and operating grain handling facilities (approximately 450 employers).

(a) Direct and indirect costs or savings to those affected: These adoptions or amendments will result in an annual cost of approximately \$570 per facility for those operations involving formaldehyde and a total cost of \$2,300 per facility, annually, for those operating grain handling facilities.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No reports or records are required by these adoptions or amendments.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No

costs or savings to the Kentucky OSH Program will occur as a result of these adoptions or amendments.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reports or records are required as a result of these adoptions or amendments.

(3) Assessment of anticipated effect on state and local revenues: These adoptions or amendments will have no effect on state and local revenues.

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No regulations, rules, or governmental policy conflict, overlap, or duplicate these adoptions or amendments.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH program has received worker complaints.

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:027. Adoption of 29 CFR Parts 1915, 1917, 1918 and 1919, maritime employment.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the Board. The following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of Maritime employment. Necessary for effective enforcement of the purposes and policies of the Occupational Safety and Health Act which is to insure so far as is possible, safe and healthful working conditions of Kentucky workers (KRS 338.011).

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1915 as published in the April 20, 1983, Federal Register, Part 1917 as published in July 5, 1983, Federal Register, and Parts 1918 and 1919 of the Code of Federal Regulations revised as of July 1, 1981, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby adopted by reference with

the following additions, exceptions, and deletions.

(1) 29 CFR 1915.1, 1918.1, and 1919.1 shall read as follows: "The provisions of this regulation adopt and extend the applicability of established Federal Maritime Standards contained in 29 CFR 1915, 1916, 1917, 1918, and 1919 to all Maritime employers, Maritime employees, and places of Maritime employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR 1915.4(b) and 1918.3(b) "Secretary" is changed to read: "Commissioner" means the Commissioner of the Department of Workplace Standards, Labor Cabinet, Commonwealth of Kentucky, or his authorized representative.

(3) 29 CFR 1919.2(d) "Assistant Secretary" is changed to read: "Commissioner" means the Commissioner of the Department of Workplace Standards, Department of Workplace Standards, Commonwealth of Kentucky, or his authorized representative.

(4) 29 CFR 1915.97, Health and Sanitation, is revised to read as follows: Revisions as published in the Federal Register, Volume 52, Number 163, August 24, 1987.

(5) 29 CFR 1915.99, Hazard Communication, as published in the Federal Register, Volume 52, Number 163, August 24, 1987 is adopted by reference.

(6) Revision to 29 CFR 1915.113(b)(1), Shackles and Hooks, as published in the Federal Register, Volume 51, Number 188, September 29, 1986 is adopted by reference.

(7) Revision to 29 CFR 1915.172(d), Portable Air Receivers and Other Unfired Pressure Vessels, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(8) 29 CFR 1917.1(a)(2)(x), "Marine Terminals," as published in the Federal Register, Volume Number 52, December 31, 1987, is adopted by reference.

(9) [(8)] 29 CFR 1917.1(a)(2)(ix), Scope and Applicability, as published in the Federal Register, Volume 52, Number 186, September 25, 1987 is adopted by reference.

(10) [(9)] 29 CFR 1917.28, Hazard Communication, as published in the Federal Register, Volume 52, Number 163, August 24, 1987 is adopted by reference.

(11) [(10)] 29 CFR 1917.44(o), General Rules Applicable to Vehicles, shall be amended as follows: Amendments as published in the Federal Register, Volume 52, Number 186, September 25, 1987 are adopted by reference.

(12) 29 CFR 1917.72, "Grain Elevators," (reserved) as published in the Federal Register, Volume Number 52, December 31, 1987, is removed.

(13) [(11)] 29 CFR 1918.90, Hazard Communication, as published in the Federal Register, Volume 52, Number 163, August 24, 1987 is adopted by reference.

(14) [(12)] 29 CFR 1919.2(e) "Administration" is changed to read: "Program" means the Kentucky Occupational Safety and Health Program, Frankfort, Kentucky.

(15) [(13)] An employer, required under 29 CFR 1915, 1918 or 1919 to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Department of Workplace Standards, Labor Cabinet, U.S. 127 South, Frankfort, Kentucky 40601.

CAROL M. PALMORE, Chairman

APPROVED BY AGENCY: March 14, 1988

FILED WITH LRC: March 14, 1988 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing concerning these regulations has been scheduled for April 26, 1988 at 1 p.m. (EST), to be held at the Kentucky Labor Cabinet, U.S. 127 Building South, Bay 2 Conference Room, Frankfort, Kentucky. Those interested in attending must provide by April 21, 1988, written notice to Mr. Guy Schoolfield, Kentucky Labor Cabinet, Division of Education and Training, OSH Technical Assistance Branch, U.S. 127 Building South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoolfield

(1) Type and number of entities affected: This regulation affects all employers in the Commonwealth operating grain handling facilities (16 employers).

(a) Direct and indirect costs or savings to those affected: This adoption or amendment will result in a total cost of \$920 per facility, annually.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No reports or records are required by this adoption or amendment.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of this adoption or amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reports or records are required as a result of this adoption or amendment.

(3) Assessment of anticipated effect on state and local revenues: This adoption will have no effect on state and local revenues.

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No regulations, rules, or governmental policy conflict, overlap, or duplicate this adoption.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH program has received worker complaints.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:030. Adoption of 29 CFR Part 1926.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction.

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1926 of the Code of Federal Regulations, revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby adopted by reference with the following additions, exceptions, and deletions:

(1) 29 CFR Part 1926.1 shall read as follows:

The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1926 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR 1926.58, Asbestos, tremolite, anthophyllite, and actinolite, as published in the Federal Register, Volume 51, Number 119, June 20, 1986 is adopted by reference with the following amendments:

(a) 29 CFR 1926.58(e)(6)(iii) is amended to add: "The employer shall ensure that contractors provide in writing that they have a competent person meeting the requirements of paragraph (b) "competent person" and paragraphs (e)(6)(ii) and (III) before work commences."

(b) 29 CFR 1926.58(f)(3) is amended to add: "The respirators required by this exception are to be Type "C" supplied - air respirators; continuous flow or pressure - demand class."

(c) 29 CFR 1926.58(f)(5)(ii) is amended to

add: "The employer shall ensure that all sampling is conducted in accordance with the ORM in Appendix A before sampling commences."

(d) 29 CFR 1926.58(f)(5)(iii) is amended to add: "The employer shall ensure that all analyses are performed in accordance with the elements outlined in Appendix A, and that all asbestos counters meet the qualifications listed in Appendix A. This notice shall be given prior to the start of the analyses."

(e) 29 CFR 1926.58(h)(3)(i) is amended to read: "Where respiratory protection is used, the employer shall institute a respirator program in accordance with American National Standards Practices for Respiratory Protection, ANSI Z88.2 - 1980, with the exception of Appendix A5, Suggested Procedures for Carrying Out Qualitative Respirator - Fitting Tests, and Appendix A6, Suggested Procedures for Carrying Out Quantitative Respirator - Fitting Tests."

(f) 29 CFR 1926.58(j)(2)(1) is amended to add: "The decontamination area shall be separated from the regulated area by an air lock. Air locks shall be used to separate the clean room, shower area and equipment room. An "air lock" is an open area used to separate the clean room, shower room and equipment room from each other; and to separate the decontamination area from the work area. It is accessible through doorways protected by two overlapping polyethylene sheets."

(g) 29 CFR 1926.58(k)(1)(ii) is amended to read: "Sign specifications. The warning signs required by paragraph (k)(1)(i) of this section shall be of a vertical format measuring twenty (20) inches in length and fourteen (14) inches in width, and shall be printed in letters of sufficient size and contrast as to be readily visible and legible, and shall bear the following information:"

(3) 29 CFR 1926.58, Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite, as published in Federal Register, May 12, 1987, Volume 52, No. 91, is adopted by reference.

(4) 29 CFR 1926.59, Hazard Communication, as published in Federal Register, August 24, 1987, Volume 52, Number 163, is adopted by reference.

(5) 29 CFR 1926.103 "Respiratory Protection" Table E-4 is amended as follows:

(See Table on following pages)

Table E-4
Respirator Protection Factors^a

Type of Respirator	Permitted for Use in Oxygen-deficient Atmosphere	Permitted for Use in Immediately-dangerous-to-life-or-health Atmosphere ^f	Respirator Protection Factor	
			Qualitative Test	Quantitative Test
Particulate-filter, quarter-mask or half-mask face-piece ^{b,c}	No	No	10	As measured on each person with maximum of 100.
Vapor-or gas-removing, quarter-mask or half-mask facepiece ^c	No	No	10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas, ^{1,J} whichever is less.
Combination particulate-filter and vapor- or gas-removing, quarter-mask or half-mask facepiece ^{b,c}	No	No	10, or maximum use limit or cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas, ^{1,J} whichever is less.
Particulate-filter, full facepiece ^b	No	No	100	As measured on each person with maximum of 100 if dust, fume or mist filter is used, or maximum of 1000 if high-efficiency filter is used.
Vapor- or gas-removing, full facepiece	No	No	100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 1000, or maximum use limit of cartridge or canister for vapor or gas ^{1,J} , whichever is less.
Combination particulate-filter and vapor- or gas-removing, full facepiece ^b	No	No	100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100 if dust, fume or mist filter is used and maximum of 1000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.
Powered particulate-filter, any respiratory-inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3000 if high-efficiency filter is used.	N/A
Powered vapor- or gas-removing, any respiratory-inlet covering ^{c,d}	No	No (yes, if escape provisions are provided ^d)	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 3000, or maximum use limit of cartridge or canister for vapor or gas ^{1,J} whichever is less.	N/A

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Powered combination particulate-filter and vapor-or gas-removing, any respiratory-inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)	N/A	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas, ^{i,j} whichever is less.
Airline, demand, quarter-mask or half-mask facepiece, with or without escape provisions ^{c,e}	Yes ^f	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values
Air-line, demand, full facepiece, with or without escape provisions ^e	Yes ^f	No	100	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values
Air-line, continuous-flow or pressure-demand type, any facepiece, without escape provisions ^c	Yes ^f	No	N/A	N/A No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line, continuous-flow or pressure-demand type, any facepiece, with escape provisions ^{c,e}	Yes ^g	Yes	N/A	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factors is 10000 plus ^h .
Air-line, continuous-flow, helmet, hood, suit without escape provisions	Yes ^f	No	N/A	N/A No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line, continuous-flow, helmet, hood, or suit, with escape provisions ^e	Yes ^g	Yes	N/A	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10000 plus ^h .
Hose mask, with or without blower, full facepiece	Yes ^f	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.

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Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, quarter-mask or half-mask facepiece ^c	Yes ^f	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, full facepiece or mouthpiece/nose clamp ^c	Yes ^f (Yes, if respirator is used for mine rescue and mine recovery operations.)	No (yes, if respirator is used for mine rescue and mine recovery operations.)	100	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values except when the respirator is used for mine rescue and mine recovery operations.
Self-contained breathing apparatus, pressure-demand-type open-circuit or positive-pressure-type closed-circuit, quarter-mask or half-mask facepiece, full facepiece, or mouthpiece/nose clamp ^c	Yes ^g	Yes	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10000 plus.	N/A
Combination respirators not listed.	The type and mode of operation having the lowest respirator protection factor shall be applied to the combination respirator.			

N/A means not applicable since a respirator-fitting test is not carried out.

^a A respirator protection factor is a measure of the degree of protection provided by a respirator to a respirator wearer. Multiplying the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or the maximum permissible airborne concentration for a radionuclide, by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance for which the respirator can be used. Limitations of filters, cartridges, and canisters used in air-purifying respirators shall be considered in determining protection factors.

^b When the respirator is used for protection against airborne particulate matter having a permissible time-weighted average concentration less than 0.05 milligram particulate matter per cubic meter of air or less than 2 million particles per cubic foot of air, or for protection against airborne radionuclide particulate matter, the respirator shall be equipped with a high-efficiency filter(s).

^c If the air contaminant causes eye irritation, the wearer of a respirator equipped with a quarter-mask or half-mask facepiece or mouthpiece and nose clamp shall be permitted to use a protective goggle or to use a respirator equipped with a full facepiece.

^d If the powered air-purifying respirator is equipped with a facepiece, the escape provision means that the wearer is able to breathe through the filter, cartridge, or canister and through the pump. If the powered air-purifying respirator is equipped with a helmet, hood, or suit, the escape provision shall be an auxiliary self-contained supply of respirable air.

^e The escape provision shall be an auxiliary self-contained supply of respirable air.

^f "Oxygen deficiency - not immediately dangerous to life or health" - an atmosphere having an oxygen concentration below the minimum legal requirement but above that which is immediately dangerous to life or health.

^g "Oxygen deficiency - immediately dangerous to life or health" - an atmosphere which causes an oxygen partial pressure of 100 millimeters of mercury column or less in the freshly inspired air in the upper portion of the lungs which is saturated with water vapor.

^h The protection factor measurement exceeds the limit of sensitivity of the test apparatus. Therefore, the respirator has been classified for use in atmospheres having unknown concentrations of contaminants.

ⁱ The service life of a vapor- or gas-removing cartridge or canister depends on the specific vapor or gas, the concentration of the vapor or gas in air, the temperature and humidity of the air, the type and quantity of the sorbent in the cartridge or canister, and the activity of the respirator wearer. Cartridges and canisters may provide only very short service lives for certain vapors and gases. Vapor/gas service life testing is recommended to ensure that cartridges and canisters provide adequate service lives. Reference should be made to published reports which give vapor/gas life data for cartridges and canisters.

^j Vapor- and gas-removing respirators are not approved for contaminants that lack adequate warning properties of odor, irritation, or taste at concentrations in air at or above the permissible exposure limits.

NOTE: Respirator protection factors for air-purifying-type respirators equipped with a mouthpiece/nose clamp form of respiratory-inlet covering are not given, since such respirators are approved only for escape purposes.

(6) Amendment to 29 CFR 1926.151(a)(1), as published in the Federal Register, Volume 51, Number 133, July 11, 1986 is adopted by reference.

(7) Revision to 29 CFR 1926.152(b)(4)(v) as published in the Federal Register, Volume 51, Number 133, July 11, 1986 is adopted by reference.

(8) 29 CFR 1926.200(g)(2), .201(a)(2) and .202 shall be amended to require signs, signaling and barricades to conform to specifications as set forth in ANSI D6.1 "Manual of Uniform Traffic Control Devices for Streets and Highways" (1978 Edition). Revisions, Numbers 1 through 4, as adopted by ANSI D6.1 (1978 edition), "Manual on Uniform Traffic Control Devices," are adopted by reference.

(9) Revision to 29 CFR 1926.351(d)(5), as published in the Federal Register, Volume 51, Number 133, July 11, 1986 is adopted by reference.

(10) Revision of 29 CFR 1926, Subpart K, Electrical, 1926.400, .401, .402, .403, .405, .406, .407, .408, .409, .416, .417, .418, .431, .432, .433, .441, .442 and .449, as published in Federal Register, Volume 51, Number 133, July 11, 1986 is adopted by reference.

(11) 29 CFR 1926.451(a)(4) shall read as follows: Guardrails and toeboards shall be installed on all open sides and ends of platforms more than ten (10) feet above the ground or floor, except needle beam scaffolds and floats (see paragraphs (p) and (w) of this section). Toeboards shall not be required on the loading side of platforms which are loaded by means of a high lift tractor or fork truck provided that employees are prohibited from entering the area beneath the scaffolding where they could be exposed to objects which might fall from the scaffolding. Scaffolds four (4) to ten (10) feet in height, having a minimum horizontal dimension in either direction of less than forty-five (45) inches, shall have standard guardrails installed on all open sides and ends of the platform.

(12) 29 CFR 1926.550(b)(2), Cranes and Derricks shall be revised as follows: Revisions as published in the Federal Register, Volume 52, Number 187, September 28, 1987 are adopted by reference.

(13) 29 CFR 1926.552(b)(8) of the paragraph on "Material hoists" shall read as follows: All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists, with the

exception that material hoists manufactured prior to January 1, 1970 may be used with a drum pitch diameter at least eighteen (18) times the nominal rope diameter provided the hoisting wire rope is at least equal in flexibility to 6 x 37 classification wire rope.

(14) 29 CFR 1926.552(c)(15), Material Hoists, Personnel Hoists and Elevators shall be revised as follows: Revisions as published in the Federal Register, Volume 52, Number 187, September 28, 1987 are adopted by reference.

(15) Revoke paragraph "514 - Warning Device" of ANSI B56.1 - 1969 - Safety Standards for Powered Industrial Trucks and adopt paragraph "512 - Warning Device" of ANSI B56.1 - 1975 - Low Lift and High Lift Trucks for standard reference as specified in 29 CFR 1926.602(c)(1)(vi): effective July 1, 1979.

(16) Revision of 29 CFR 1926.803(j)(3), as published in the Federal Register, Volume 51, Number 133, July 11, 1986 is adopted by reference.

(17) The following paragraphs of 29 CFR 1926, Subpart U, Blasting and the Use of Explosives, which were previously adopted by reference, are hereby revised and shall read as follows:

(a) 1926.900(k)(3)(i) The prominent display of adequate signs warning against the use of mobile radio transmitters, on all roads within 1,000 feet of blasting operations. Whenever adherence to this 1,000 foot distance would create an operational handicap, a competent person shall be consulted to evaluate the particular situation, and alternative provisions may be made which are adequately designed to prevent premature firing of electric blasting caps. The competent person may be a blaster certified by the Kentucky Department of Mines and Minerals with a working knowledge of mobile radio transmission and receiving hazards as related to use of electric blasting cap firing systems and designated by the employer. A description of any alternative shall be in writing describing the unusual conditions at the site and the alternative measure used. The description shall be maintained at the construction site during the duration of the work and shall be available for inspection by representatives of the Commissioner, Kentucky Department of Labor.

(b) 1926.900(k)(4) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, in other than original containers, shall be de-energized, and have the radio transmission circuit or vehicle effectively locked against transmitter usage.

(c) 1926.900(p) The use of black powder shall be prohibited except when a desired result cannot be obtained with another type of explosive, such as in quarrying certain types of dimension stone.

(d) 1926.900(r) All electric blasts shall be fired with an electric blasting machine or properly designed electric power source, and in accordance with the provisions of subsection .906(a) and (r).

(e) 1926.902(d) Explosives or blasting agents shall be transported in separate vehicles unless the detonators are packaged in specified containers and transported all in compliance with DOT Regulation 49 CFR 177.835(g).

(f) 29 CFR 1926.903(e), Underground Transportation of Explosives, shall be revised as follows: Revisions as published in the Federal Register, Volume 52, Number 187, September 28, 1987 are adopted by reference.

(g) 1926.903(o) deleted.

(h) 1926.905(h) Machines and all tools not used for loading explosives into the boreholes shall be removed from the immediate location of holes before explosives are delivered. Equipment shall not be operated within fifty (50) feet of a loaded hole except that which is required when the containment of the blast is necessary to prevent flyrock. When equipment or machinery is used to place mats, overburden, or protective material on the shot area, a competent person (who may be a blaster certified by the Kentucky Department of Mines and Minerals) shall implement adequate precautions to protect the lead wires or initiating systems such as protecting the components from direct contact with materials which sever, damage, impact, or conduct stray currents to the explosives system. This would include preventing the dragging of blasting mats or running over the holes and systems with the equipment used.

(i) 1926.905(i) No activity of any nature other than that which is required for loading holes with explosives and preparation required for initiating the blast and containment of flyrock from the blast shall be permitted in a blast area.

(j) 1926.905(k) Holes shall be inspected prior to loading to determine depth and conditions. When necessary to drill a hole in proximity to a charged or misfired hole, the distance between these two holes must be greater than the depth being drilled and precautions taken to ensure the integrity of any adjacent-charged hole or misfired hole. This distance must be determined by a competent person (who may be a blaster certified by the Kentucky Department of Mines and Minerals) in order to insure that there is no danger of intersecting the charged or misfired hole.

(k) 1926.905(n) In blasting, explosives in Fume Class I, as set forth by the Institute of the Makers of Explosives, shall be used; however, Fume Class I explosives are not required when adequate ventilation is provided and the workings are abandoned for a period of time sufficient to allow dissipation of all fumes.

(l) 1926.906(p) The blaster shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine except under the immediate physical and visual supervision of the blaster.

(m) 1926.906(q) Blasters, when testing circuits to charged holes, shall use only

blasting galvanometers equipped with a silver chloride cell especially designed for this purpose or an instrument designed solely for use in blasting, which incorporates a current-limiting device into its circuitry. No instrument capable of producing over fifty (50) milliamps on direct short circuit shall be used.

(n) 1926.906(s) Leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(o) 1926.907(a) The use of a fuse that has been hammered or injured in any way shall be forbidden.

(p) 1926.910(b) Sufficient time shall be allowed, not less than fifteen (15) minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the blaster to determine if all charges have been exploded before employees are allowed to return to the operation.

(18) Amend subparagraph 1926.950(c)(1)(i) to read as follows:

"The employee is insulated or guarded from the energized part. Insulating gloves, as well as insulating sleeves when necessary, rated for the voltage involved shall be considered insulation of the employee from the energized part, or"

CAROL M. PALMORE, Chairman

APPROVED BY AGENCY: March 14, 1988

FILED WITH LRC: March 14, 1988 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing concerning these regulations has been scheduled for April 26, 1988 at 1 p.m. (EST), to be held at the Kentucky Labor Cabinet, U.S. 127 Building South, Bay 2 Conference Room, Frankfort, Kentucky. Those interested in attending must provide by April 21, 1988, written notice to Mr. Guy Schoolfield, Kentucky Labor Cabinet, Division of Education and Training, OSH Technical Assistance Branch, U.S. 127 Building South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoolfield

(1) Type and number of entities affected: This regulation affects all employers in the Commonwealth with potential for traffic control.

(a) Direct and indirect costs or savings to those affected: No costs or savings to employers will occur as a result of this adoption of revisions.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No reports or records are required by this adoption of revisions.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of this adoption of revisions.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reports or records are required by a

result of these adoptions or amendments.

(3) Assessment of anticipated effect on state and local revenues: These adoption of revisions will have no effect on state and local revenues.

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No regulations, rules, or governmental policy conflict, overlap, or duplicate this adoption of revisions, except the Transportation Cabinet, which has adopted these revisions.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH program has received worker complaints.

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:032. Adoption of 29 CFR Part 1928.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance, Department of Workplace Standards, in the area of agriculture. Necessary for effective enforcement of the purposes and policies of the Occupational Safety and Health Act which is to insure so far as is possible, safe and healthful working conditions of Kentucky workers (KRS 338.011).

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1928 of the Code of Federal Regulations revised as of July 1, 1981, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby adopted by reference with the following additions, exceptions and deletions.

(1) 29 CFR 1928, Hazard Communication, [shall be amended as follows: Amendments] as published in the Federal Register, Volume 52, Number 163, August 24, 1987 is [are] adopted by reference.

(2) 29 CFR Part 1928.1 shall read as follows:

"This part contains Occupational Safety and Health Standards applicable to agriculture operations. The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1928 to all employers, employees, and

places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(3) 29 CFR "Field Sanitation," as published in the Federal Register, Volume Number 52, May 1, 1987, is adopted by reference.

CAROL M. PALMORE, Chairman

APPROVED BY AGENCY: March 14, 1988

FILED WITH LRC: March 14, 1988 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing concerning these regulations has been scheduled for April 26, 1988 at 1 p.m. (EST), to be held at the Kentucky Labor Cabinet, U.S. 127 Building South, Bay 2 Conference Room, Frankfort, Kentucky. Those interested in attending must provide by April 21, 1988, written notice to Mr. Guy Schoolfield, Kentucky Labor Cabinet, Division of Education and Training, OSH Technical Assistance Branch, U.S. 127 Building South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoolfield

(1) Type and number of entities affected: This regulation affects all employers in the Commonwealth engaged in agricultural hand-labor operations, with eleven or many employees (which totals approximately 30,000 employees).

(a) Direct and indirect costs or savings to those affected: This adoption will result in an approximate cost of \$82 annually, per employee.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No reports or records are required by this adoption.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of this adoption.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reports or records are required by this adoption.

(3) Assessment of anticipated effect on state and local revenues: This adoption will have no effect on state and local revenues.

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No regulations, rules, or governmental policy conflict, overlap, or duplicate 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. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH program has received worker complaints.

PUBLIC PROTECTION & REGULATION CABINET
Department of Alcoholic Beverage Control
(Proposed Amendment)

804 KAR 5:060. Entertainment requirements.

RELATES TO: KRS 244.120, 244.130

PURSUANT TO: KRS 241.060

NECESSITY AND FUNCTION: The types of entertainment provided by licensees of this department on the licensed premises varies widely throughout the state. The licensees of the smaller towns offer little or no entertainment and the metropolitan areas offer everything from strolling violin players to go-go dancing. It is, therefore, necessary for this board to prohibit certain types of entertainment on licensed premises which could be considered improper or immoral.

Section 1. [(1)] No licensee shall knowingly or willfully allow in, upon or about his licensed premises [improper conduct of any kind, type or character; any improper disturbances;] lewd, immoral [activities or brawls, or any indecent, profane,] or obscene [language, songs,] entertainment, activities [literature, pictures] or advertising materials including, but not limited to public display of actual or simulated sex acts, or the fondling or touching of genitalia or of the female breast [; nor shall any entertainment consisting of the spoken language or songs which can or may convey either directly or by implication an immoral meaning be permitted in, upon or about the permit premises].

[(2)] Entertainment consisting of dancing, either solo or otherwise, which may or can, either directly or by implication, suggest an immoral act is prohibited. Nor shall any licensee possess or cause to have printed or distributed any lewd, immoral, indecent, or obscene literature, pictures, or advertising material nor shall any licensee permit dance contests on the licensed premises for which a prize or award is given.]

EDWARD A. FARRIS, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: March 7, 1988

FILED WITH LRC: March 7, 1988 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on the above proposed regulation amendment will be held on Wednesday, April 27, 1988 at 1:30 p.m., EST, in the Hearing Room of the Department of Alcoholic Beverage Control, 123 Walnut, Frankfort, Kentucky. Unless requests for a public hearing are received in writing, five (5) working days before the hearing date, the public hearing will be cancelled. Those who may be interested in attending, please contact: Joyce Ware White, Secretary to the board, Alcoholic Beverage Control, 123 Walnut, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Edward A. Farris

(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 Building Code/1987," Tenth 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 reestablish 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 (1) and Two (2) 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) 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 of this Code.

(7) Delete Section 513.1 in its entirety and amend Section 3202.1 to read as follows: "The provisions in the following Section 3202.1.1 through 3202.1.5 shall apply to existing buildings that will continue to be, or are proposed to be, in Use Groups A, B, E, F, M, R and S. These provisions shall not apply to historic buildings as provided for in Section 102.5."

(8) Change Section 600.8.2 by creating a new subsection which shall read as follows: "600.8.2 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 1100.0 [900.0] by creating a new subsection which shall read as follows: "1100.2 [900.2.1] Certificate of Compliance: the provisions of this article and Article 12 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 in their entirety.

(13) Change subsection 2500.2 to read as follows: "2500.2 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 which shall read as follows:

(a) "2500.3 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 Mechanical Code: All mechanical equipment and systems not covered by 2500.2 or 2500.3 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 including all applicable standards listed within Appendix A."

(15) Delete Article 29 in its entirety.

(16) Amend Article 27 by changing, creating or deleting certain portions thereof, as follows:

(a) Create a new subsection 2700.5 which shall read as follows: "2700.5 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."

(b) Delete Subsections 2701.3, 2704.3, and 2704.4.

(c) In Subsections 2702.1, 2702.3 and 2703.1 change the words "Building Official" to "Certified Electrical Inspector."

(17) Delete subsections 2800.1 through 2807.1 in their entirety and substitute the following: "2800.1 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 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. Buildings equipped throughout with a complete automatic fire suppression system.

4. 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 of the BOCA Basic Building Code are deleted or changed to read as follows:

(1) Change Subsection 2603.4 of Article 26 to read as follows: "2603.4 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 of Article 26 to read as follows: "2602.4.1 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 of Article 26 to read as follows: "2610.1 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 Building Code under "Elevators, Escalators and Moving Walks," add the following citations: "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 Article 3 of the 1987 Edition of the BOCA National Building Code adding a new section 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 noncombustibles.

(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 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. Amend the 1987 Edition of the BOCA National Building Code 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) Amend Figure 1113.1 of Article 11 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

Caldwell
Calloway
Crittenden
Henderson
Hopkins
Lyon
Trigg
Union
Webster

Earthquake Risk Zone #3

Ballard
Carlisle
Fulton
Graves
Hickman
Livingston
Marshall
McCracken

(4) Change subsection 2203.2.1.7 to read as follows: "Glazing in fixed panels having a glazed area in excess of nine (9) square feet (0.84 m²) 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) Change section 2203 by adding a new subsection 2203.3 which shall read as follows:

(a) "2203.3 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) Change subsection 915.4 and the exceptions thereto to read as follows: "915.4 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 m²), 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) 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 Systems NFPA 13-87
Standard for Installation for

Private Fire Service Mains and their Appurtenances	NFPA 24-1984
Aircraft Hangars	NFPA 409
Pyroxylin Plastics	NFPA 40C
Flammable Liquids	NFPA 36
Laboratories	NFPA 45
Fireworks	NFPA 44A
Gaseous Oxidizing Materials	NFPA 43C
L.P. Gas Storage	NFPA 58
Local Protective Signaling Systems	NFPA 72A-87
High Piled Storage in Excess of 12 ft. in height	NFPA 231
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

(8) Amend Article 30 as follows:

In subsection 3005.2, change the words, "Section 2805.4 through 2805.4.3" to read "Article 28, 815 KAR 20:090."

(9) Delete Article 28 in its entirety and substitute the following reference: "2800.1 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 section 812 of the 1987 Edition of the BOCA National Building Code.

(1) Amend the first sentence of subsection 812.4.2 to read as follows: 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."

(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 to read as follows: "1016.1 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 by creating certain portions thereof as follows:

(1) Create a new subsection 905.4 which shall read as follows: "905.4 Combustible Pipe: Combustible Pipe shall be permitted in all use groups and construction types where approved by Article 28 of this Code and the Kentucky State Plumbing Code."

(2) Create a new subsection 905.4.1 which shall read as follows: "905.4.1 Vertical Combustible Pipes: Vertical Combustible Pipes shall comply with Sections 905.4.2 and 915.4."

(3) Create a new subsection 905.4.2 which shall read as follows: "905.4.2 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 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 m²) 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 m²) 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."

Section 14. Amend Table 806 of Article 8 by adding an Exception to Industrial Areas which reads as follows: "Exception: For purposes of determining jurisdiction under Sections 108 and 109, design professional seal requirements, and Article 33 coverage, use 200 gross."

Section 15. Amend subsection 304.1 to read as follows: "304.1 General: All buildings and structures, or parts thereof, other than those used for business training or vocational training, shall be classified in Use Group E which are used by more than five (5) persons at one (1) time for educational purposes including, among others, schools, academies, colleges and universities. Educational type uses with a total occupant load less than fifty (50) shall be classified as Use Group B. School buildings, or parts thereof, for business training or vocational training shall be classified in the same use group as the business or vocation taught."

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: February 18, 1988

FILED WITH LRC: March 2, 1988 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on Tuesday, April 26, 1988 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 April 21, 1988, 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, 1987, 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 March [February] 15, 1988, 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 November 15, 1987, 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 March [February] 15, 1988, 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 March [February] 15, 1988, 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 March [February] 15, 1988, edition of the "Western State Hospital Policy Manual" consisting of thirty-three (33) 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 November 15, 1987, 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 November 15, 1987, 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 November 15, 1987, 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 February 15, 1988, 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 2 - Hazelwood Policy Manual

Volume B - Section E, 8, 2 - Automatic Stop Orders for Drugs - typos corrected on letter Q

Section E, 8, 4 - Drug Samples - in #4 "surplus" is changed to "samples"

A-17 - Death of a Resident - first page, the name of a funeral home is deleted.

Section 4 - Eastern State Hospital Policy Manual

D-1, Page 71 - Verification of current Licensure/ Certification of Personnel.

A new policy outlining procedures to be followed by staff who must produce license or certification to practice.

D-1, Page 17 - Duplication of Personal Copies Revised to increase cost of copying personal data to 10¢ a page.

Section 5 - Central State Policy Manual

Volume E1

Section A No. 1 - Governing Body - cover letter only revised to change the signature of the hospital director.

Section B No. 23 - Hospital Management Staff Meetings - revised policy to update all the management staff.

Section B No. 30 - Hospital Committees - remove the two-sided policy of page 7 and 8 and add the revised copy. A few changes were made in Section 7 - Infection and Epidemiology Committee to include in sentence No. 5. The Hospital Administrator is to be appointed by the Hospital Director.

Section D No. 1 - Medical Staff Bylaws - cover letter only revised to change the signature of the hospital director.

Section HH No. 6.80 - Seclusion - remove old policy and form, and add the revised policy on the seclusion of patients. It is written to comply with federal and state standards on documenting the use of seclusion and the correct indications for such a treatment procedure.

Section 6 - Western State Hospital Policy Manual

F13 - Dietary Policies and Procedures The following new policies are being added in compliance with standards of the Joint Commission on Accreditation of Hospitals.

- SS8 - Disposal of Waste
- SS9 - Cracked or Damaged China and Glassware
- SS10 - Prevention of Foodborne Illness
- SS12 - Cleaning of Cutting Boards
- OP15 - Utilizing leftovers
- QA2 - Maintenance of Equipment

[Section 2 - Hazelwood Policy Manual

Volume B, Section A, #8 - Affirmation of Residents' Rights. The right to vote is added under 5A.

Section 4 - Eastern State Hospital Policy Manual

Volume E1, page 35 - policy changed as follows:

- 1) A visitor will no longer be required to go to the Switchboard to obtain a pass. The Security Guard will issue both a "Grounds Pass" and "Permit to Visit" pass. The guard will call the Switchboard and/or the nursing for verification (to verify that we have the patient and to see if there are any restrictions on visiting) before issuing the pass.
- 2) Visiting hours on Saturday, Sunday and holidays now begins at 10 a.m.

Section 5 - Central State Hospital Policy Manual

Volume E1, Section FF, Page 1 & 2 - change in 1st paragraph to reflect "Department for Mental Health/Mental Retardation Services."

Volume E5 - Dietary Manual - a revised manual replaces the previous Dietary Manual which has been completely revised and rewritten. It has been written to meet all applicable standards of the Joint Commission on Accreditation of Health Organizations, State Licensure Regulations and regulations of the Health Department.

Volume E7 - Plant Operations and Maintenance Manual

This is a new departmental manual which has not been covered in any previous manual. The manual has been written to meet all applicable standards of the Joint Commission on Accreditation of Health Organizations. It replaces the Engineering/Maintenance Manual.

Volume E4 - Administrative Operations Services Manual

This is a new departmental manual, which has not been covered in any previous manual. The manual has been written to meet all applicable standards of the Joint Commission on Accreditation of Health Organizations, where applicable. It covers the Security, Transportation and Switchboard functions of Central State Hospital. It replaces the "Switchboard" Manual.

Section 6 - Western State Hospital Policy Manual

Volume 33 - Infection Control Manual - a new authority statement behind the Philosophy and Objectives page.

Section 10 - Kentucky Correctional Psychiatric Center Policy Manual

Volume J1 - B40 - Packages for Postconvicted Prisoners. This is a new policy in response to facility needs.]

DENNIS D. BOYD, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: March 2, 1988

FILED WITH LRC: March 9, 1988 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 21, 1988, at 9 a.m. in the Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by April 16, 1988 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 ongoing 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 5:290. Employer contribution rates.

RELATES TO: KRS 341.270

PURSUANT TO: KRS 194.050, 341.270

NECESSITY AND FUNCTION: KRS 341.270 requires the Secretary for Human Resources to determine the rate schedule for employer's contributions. The rate schedule in effect for each calendar year is determined by the "trust fund balance" as of December 31, of the preceding year. This regulation applies the mathematical computation required by KRS 341.270 and sets forth the applicable rates to be in effect for the calendar year.

Section 1. Trust Fund Balance. The secretary finds the following to exist:

(1) The "trust fund balance" as of December 31, 1987 [1986], was \$251,483,024.34

[151,205,970.56].

(2) There was no outstanding loan from the Federal Unemployment Trust Fund as of December 31, 1987 [1986].

Section 2. Rate Schedule. On the basis of the findings in Section 1 of this regulation, and in accordance with KRS 341.270(3), Schedule C [D] of Table A shall be in effect for calendar year 1988 [1987], because the "trust fund balance" equals or exceeds \$250,000,000 but is less than \$275,000,000 [exceeded \$150,000,000, but was less than \$250,000,000], on December 31, 1987 [1986]. Rates listed in Schedule C [D] of Table A are listed below.

Employer Reserve Ratio	Rate Schedule
8.0% and over	0.50 [0.60]%
7.0% but under 8.0%	0.60 [0.80]%
6.0% but under 7.0%	0.70 [0.90]%
5.0% but under 6.0%	1.00 [1.20]%
4.6% but under 5.0%	1.40 [1.60]%
4.2% but under 4.6%	1.80 [2.10]%
3.9% but under 4.2%	2.20 [2.40]%
3.6% but under 3.9%	2.40 [2.60]%
3.2% but under 3.6%	2.50 [2.70]%
2.7% but under 3.2%	2.60 [2.80]%
2.0% but under 2.7%	2.70 [2.90]%
1.3% but under 2.0%	2.80 [3.00]%
0.0% but under 1.3%	2.90 [3.10]%
-0.5% but under -0.0%	7.00 [7.25]%
-1.0% but under -0.5%	7.25 [7.50]%
-1.5% but under -1.0%	7.50 [7.75]%
-2.0% but under -1.5%	7.75 [8.00]%
-3.0% but under -2.0%	8.00 [8.25]%
-4.0% but under -3.0%	8.25 [8.50]%
-6.0% but under -4.0%	8.75 [9.00]%
-8.0% but under -6.0%	9.00 [9.25]%
Less than 8.0%	9.50 [9.75]%

JAMES P. DANIELS, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: March 8, 1988

FILED WITH LRC: March 9, 1988 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 21, 1988, at 9 a.m. in the Health Services Auditorium, Health Services Building, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by April 16, 1988, 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: 67,000 Kentucky employers.

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

1. First year: \$16.1 million.

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: Decrease in UI Trust Fund receipts - \$16.1 million.
 (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 taxing employers treated equally.

PROPOSED REGULATIONS RECEIVED THROUGH MARCH 15, 1988

GENERAL GOVERNMENT CABINET
 Board of Hairdressers and Cosmetologists

201 KAR 12:175. Fines in lieu of suspension.

RELATES TO: KRS 317A.140
 PURSUANT TO: KRS 317A.140

NECESSITY AND FUNCTION: KRS 317A.140 provides for the licensee an alternative, subject to approval of the board, to pay in lieu of part or all of the days of suspension of a license a payment of not less than twenty-five (25) dollars per day and not to exceed \$500 total. The board shall set the amounts of such payments by regulation.

Section 1. After a hearing before the board, the licensee may pay in lieu of part or all of the days of any suspension period, as determined by the board, a payment of twenty-five (25) dollars or more per day. Payments in lieu of suspension shall not exceed \$500. This regulation shall apply to any violation of a statute or regulation of the board.

CARROLL ROBERTS, Administrator

APPROVED BY AGENCY: March 1, 1988

FILED WITH LRC: MARCH 11, 1988 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 29, 1988 at 2 p.m. The hearing will be held at 314 West Second Street, Frankfort, Kentucky. Contact Carroll Roberts, Administrator.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carroll Roberts

(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: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

(5) Identify any statute, administrative regulation or government policy which may be in

conflict, overlapping, or duplication: None
 (a) Necessity of proposed regulation if in conflict:
 (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 (6) Any additional information or comments:
 TIERING: Was tiering applied? No. Tiering was not applied as it was not necessary.

GENERAL GOVERNMENT CABINET
 Board of Hairdressers and Cosmetologists

201 KAR 12:180. Hearing procedures.

RELATES TO: KRS 317A.070, 317A.140, 317A.145
 PURSUANT TO: KRS 317A.070

NECESSITY AND FUNCTION: KRS 317A.140 provides for the revocation or suspension of licenses by the board. This regulation sets forth procedural guidelines for hearings before the board.

Section 1. The board may refuse to issue or renew a license or may revoke or suspend such licenses as are issued based upon the grounds set forth in KRS 317A.140.

Section 2. When the board has grounds to refuse to issue or renew or revoke or suspend a license, the board shall give the licensee or applicant twenty (20) days written notice of the board's intent to deny, suspend, or revoke the license prior to taking any final action. The notice shall inform the licensee or applicant of the grounds upon which the denial, suspension, or revocation is based and the licensee's right to request a hearing before the board. The notice shall also inform the licensee or applicant of the date, time and place of the hearing in the event that a hearing is requested, the right to be represented by counsel, the right to present witnesses on his behalf and the right to cross-examine any witnesses who may appear against him.

Section 3. Within ten (10) days of receipt of the board's notice, the licensee shall notify the board in writing if a hearing is requested. If the licensee does not request a hearing, in writing, within ten (10) days, the board may take final action on denial, suspension, or revocation of the license.

Section 4. The chairman of the board or the designated hearing officer shall preside over all hearings and shall have the authority to rule on all motions and objections, to establish the hearing procedures, and to admit or exclude

testimony or other evidence.

Section 5. The rules of civil procedure and the strict rules of evidence shall not apply to hearings before the board. Unless varied by the presiding chairman or designated hearing officer, the order of proof shall be:

- (1) Evidence and witnesses testifying on behalf of the board as to violations and grounds for denial, suspension, or revocation;
- (2) Evidence and witnesses testifying on behalf of the licensee or applicant;
- (3) Rebuttal evidence and witnesses on behalf of the board;
- (4) Closing statement or argument by the licensee or applicant; and
- (5) Closing statement or argument by the board.

Section 6. After the conclusion of the hearing and the board's consideration of the evidence, the board or the designated hearing officer shall prepare findings of fact, conclusions of law and order. The findings of fact, conclusions of law and order shall be reviewed by the board for final approval at the next regularly scheduled meeting of the board or as soon thereafter as possible. Following the board's final approval of the findings of fact, conclusions of law and order, the licensee shall be notified of the board's decision.

CARROLL ROBERTS, Administrator

APPROVED BY AGENCY: March 1, 1988

FILED WITH LRC: MARCH 11, 1988 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 29, 1988 at 2 p.m. The hearing will be held at 314 West Second Street, Frankfort, Kentucky. Contact Carroll Roberts, Administrator.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carroll Roberts

(1) Type and number of entities affected: None

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

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

GENERAL GOVERNMENT CABINET Kentucky Athletic Commission

201 KAR 27:080. Miscellaneous provisions.

RELATES TO: KRS 229.071(2), 229.171

PURSUANT TO: KRS 229.180

NECESSITY AND FUNCTION: KRS 229.071(2) provides that an applicant for a license to conduct professional boxing and wrestling matches must always conduct himself in the best interest of boxing and wrestling generally. KRS 229.171 states that the commission is given the sole control, authority, and jurisdiction over professional boxing and wrestling and all persons who participate therein.

Section 1. No promoter shall promote or conduct a match within seven (7) days of a match promoted or conducted by another promoter within the same town or if outside town limits, within a five (5) mile radius of such match.

Section 2. The thumbs of all boxing gloves shall be sewn, tied, or otherwise attached firmly to the glove so that the thumbs do not protrude from the glove.

Section 3. Prior to commencement of the last event on any program, promoters shall furnish the commission payment in full for all officials on the program. The last event shall not begin until such payment has been received.

Section 4. Contestants shall not leave the ring during a wrestling match, and no wrestler shall throw another wrestler over the top rope. All wrestling rings shall have a fence completely around the ring at least four (4) feet in height and from five (5) to six (6) feet outside the ring designed to prevent contestants from leaving the ring during a wrestling match.

FRED H. LAMPSON, Chairman

APPROVED BY AGENCY: February 23, 1988

FILED WITH LRC: February 26, 1988 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 22, 1988 at 10 a.m. local prevailing time at the offices of the Kentucky Athletic Commission, Kentucky Towers, 430 Muhammad Ali Blvd., Louisville, Kentucky 40202. Any person interested in commenting on this regulation at that hearing should contact Mr. Fred Lampson, Chairman, Kentucky Athletic Commission, Kentucky Towers, 430 Muhammad Ali Blvd., Louisville, Kentucky 40202, in writing, by April 15, 1988.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Fred Lampson

(1) Type and number of entities affected: Approximately 200 licensees.

(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: Minimal

(2) Effects on the promulgating administrative body: No significant effect.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:
 3. Additional factors increasing or decreasing costs:
 - (b) Reporting and paperwork requirements:
 - (3) Assessment of anticipated effect on state and local revenues: N/A
 - (4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
 - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
 - (a) Necessity of proposed regulation if in conflict:
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 - (6) Any additional information or comments:
- TIERING: Was tiering applied? N/A

TOURISM CABINET

Department of Fish and Wildlife Resources

301 KAR 1:210. Free fishing days.

RELATES TO: KRS 150.010, 150.025, 150.170
PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: Free fishing days are designed to promote the sport of fishing and to introduce both adults and youngsters to this healthy and wholesome pastime. This regulation is necessary to allow the department, with the concurrence of the commission, to permit people to fish on designated days without a license.

Section 1. With the concurrence of the commission, the commissioner may issue a proclamation declaring two (2) days each year as "free fishing days" in Kentucky.

Section 2. On such declared free fishing days, any resident or nonresident may fish in any waters of the Commonwealth without possessing a fishing license. However, all anglers are still subject to all other existing statutes and regulations governing fishing and entry onto private lands.

DON R. McCORMICK, Commissioner
MARY RAY OAKEN, Secretary
CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: March 6, 1988

FILED WITH LRC: March 15, 1988 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held April 21, 1988 at 1:30 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: John Wilson, Director, Division of Public Relations, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

- (1) Type and number of entities affected: None
- (a) Direct and indirect costs or savings to those affected: None
 1. First year:
 2. Continuing costs or savings:
 3. Additional factors increasing or decreasing costs (note any effects upon competition):
 - (b) Reporting and paperwork requirements: None
 - (2) Effects on the promulgating administrative

body:

- (a) Direct and indirect costs or savings: None
 1. First year:
 2. Continuing costs or savings:
 3. Additional factors increasing or decreasing costs:
 - (b) Reporting and paperwork requirements: None
 - (3) Assessment of anticipated effect on state and local revenues: None
 - (4) Assessment of alternative methods; reasons why alternatives were rejected: No alternate methods considered.
 - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
 - (a) Necessity of proposed regulation if in conflict:
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 - (6) Any additional information or comments:
- TIERING: Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET

Department of Education
Office of Instruction

704 KAR 20:470. Principal intern program.

RELATES TO: KRS 161.020, 161.027, 161.030
PURSUANT TO: KRS 156.070, 161.027

NECESSITY AND FUNCTION: KRS 161.027 requires a certificate of legal credentials for any public school position for which a certificate is issued. KRS 161.027 requires that effective July 1, 1988, all applicants for certification as school principal with less than two (2) years of appropriate service complete a one (1) year intern program. This regulation establishes the procedures to implement the principal intern program required under KRS 161.027.

Section 1. (1) Effective July 1, 1988, all applicants for certification as a school principal, including vocational principal, shall successfully complete a one (1) year intern program.

(2) Exception to this requirement shall be granted to applicants who have successfully served as a school principal, while holding the appropriate certification required for that position, for two (2) of the ten (10) years immediately preceding application for certification. Successful experience shall be established by recommendation from the school official responsible for evaluating the applicant during the experience as a school principal. Such recommendation shall be submitted on the letterhead of the previously-employing or currently-employing school district and shall be signed by the school official responsible for evaluating the person when employed as a school principal. Recommendations shall be directed to the Kentucky Department of Education, Division of Teacher Education and Certification, and shall include the applicant's name, social security number, dates of employment as a principal, name of school in which employed, and statement of successful performance while employed as a principal.

Section 2. (1) Only applicants who have successfully completed all prerequisites to

certification specified by statute and regulation, including the testing requirements mandated by KRS 161.027, and who have been issued a Statement of Eligibility for Internship by the Kentucky Department of Education shall be eligible to participate in the principal intern program specified by this regulation.

(2) The principal internship specified by KRS 161.027 shall take place when a person holding a valid Statement of Eligibility for Internship is employed as a principal or assistant principal in a school that is accredited by the Kentucky State Board of Education.

Section 3. (1) The primary purpose of the principal intern program shall be to provide beginning principals with the opportunity for learning under the supervision of experienced educators.

(2) A secondary purpose shall be to provide continuing certification only upon the demonstration of achievement by the principal intern.

(3) These purposes shall be accomplished through the principal intern committee which shall be assigned to supervise, assist, and assess the principal intern. As a significant part of this process, the committee shall utilize performance evaluation in the areas of instructional leadership, school management, interpersonal relationships, and professional responsibilities. These areas reflect the research and literature on effective schools and effective principals. Evaluation areas and performance descriptors shall be included in the Handbook for the Principal Intern and Handbook for Principal Intern Committee which are incorporated herein by reference. The Handbook for the Principal Intern and Handbook for the Principal Intern Committee shall be distributed by the Kentucky Department of Education, Division of Teacher Education and Certification.

Section 4. (1) Members of the principal intern committee shall include a principal mentor, employing school district superintendent or designee, and an administrator educator.

(2) The principal mentor shall be selected by the superintendent of the school district employing the principal intern. Preference in selection shall be given to the following criteria in the order stated:

(a) A currently-employed principal of a similar school level within the employing district;

(b) A currently-employed principal of a similar school level in a nearby school district;

(c) A currently-employed principal of a different school level within the employing school district;

(d) A currently-employed principal of a different school level in a nearby school district;

(e) A recently-retired successful principal of a similar school level; and

(f) A recently-retired successful principal of a different school level.

(3) Selection of a principal mentor from another school district shall be subject to the approval of the superintendent of the proposed principal mentor. An assistant principal shall not serve in this capacity. Should no principal mentor be available through these options, a qualified person shall be identified by the Kentucky Department of Education.

(4) The superintendent of the employing local school district shall serve or shall appoint a designee who has had experience as a principal or assistant principal.

(5) An administrator educator, who is a faculty member in a state-approved administrator training program at an institution of higher education, shall be appointed by the Kentucky Department of Education in consultation with the employing institution of higher education. The administrator educator shall have had experience as a principal or assistant principal. If an administrator educator is not available, the Kentucky Department of Education shall identify a qualified person.

Section 5. (1) Each member of the principal intern committee shall successfully complete a specified number of hours of approved training provided by the Kentucky Department of Education in the supervision, assistance, and assessment of principal interns.

(2) Such training shall provide for a high degree of consistency of implementation throughout the state.

(3) The cost of travel expenses incurred during such training shall be reimbursed by the Kentucky Department of Education in accordance with state travel regulations.

(4) Training sessions shall be scheduled during the summer months when possible.

(5) Training for administrator educators shall be scheduled through the institutions of higher education.

Section 6. (1) The period of internship shall include the term of employment covered by the contract with the school district.

(2) In unusual circumstances when a principal intern is employed after the school year has commenced, the period of internship shall not be less than 140 contract days. In some instances, the period of internship may span two (2) school years.

Section 7. (1) The school district employing a principal intern shall complete Part B of the "Statement of Eligibility and Confirmation of Employment for the Principal Internship" form and furnish such to the Kentucky Department of Education, Division of Teacher Education and Certification. Except in unforeseen circumstances, this form shall be received by the Kentucky Department of Education not later than July 1 of the employment year.

(2) When a principal is employed after July 1, the form shall be submitted not later than twenty (20) calendar days following employment.

(3) Upon receipt of the "Statement of Eligibility and Confirmation of Employment for the Principal Internship" form, the Kentucky Department of Education shall appoint the administrator educator member to the principal intern committee.

Section 8. (1) The Kentucky Department of Education shall prepare handbooks describing the principal intern program which shall be distributed to principal interns and to members of principal intern committees.

(2) The superintendent of the employing school district shall provide an orientation meeting for each principal intern to clearly inform the intern of the requirements of the program. The orientation meeting should ordinarily be held

prior to activities necessary to begin a new school year. At that time, or as soon as possible thereafter, the principal intern shall be provided the names of members of the principal intern committee.

Section 9. (1) The employing school district shall provide to the Kentucky Department of Education information related to the principal mentor and superintendent or designee who will serve as members of each principal intern committee as soon as these members are identified. Such information shall include name, social security number, address, and telephone number.

(2) If a principal mentor is not available through the options specified in Section 5(1) of this regulation, the employing school district shall request that the Kentucky Department of Education, Division of Teacher Education and Certification, assist in the identification of a principal mentor.

Section 10. (1) The superintendent of the local school district employing the principal intern shall schedule a meeting of all members of the principal intern committee to be held not later than fifteen (15) days following appointment of all committee members. At that time, the committee shall meet with the principal intern to clarify roles, procedures and expectations. The committee shall also select a chairperson who shall be responsible for scheduling all future visits and conferences and for the completion of required reports.

(2) The principal mentor shall spend a minimum of fifty (50) hours outside of scheduled school hours with the principal intern. The number of hours spent with the intern shall be reported to the principal intern committee at each committee meeting, and a final report of the total number of hours shall be made in writing by the committee to the superintendent of the local school district employing the principal intern. A copy of the committee's report confirming the number of hours spent by the principal mentor shall be submitted to the Kentucky Department of Education by the local school district in applying for reimbursement of funds as specified in Section 12(1) of this regulation.

(3) All committee members shall make a minimum of three (3) performance observations of the principal intern. Following each performance observation, all committee members shall meet to discuss observed performance. A conference shall then be held with the principal intern by committee members to provide information on the skill level demonstrated and suggestions for professional growth.

(4) Except in unforeseen circumstances, the committee shall follow these guidelines for scheduling a sequence of observations, meetings, and conferences. The first sequence shall be completed during the period from July 1 through November 1. The second sequence shall be completed during the period from November 2 through March 1. The third sequence shall be completed during the period from March 1 through May 31.

(5) The final meeting of the principal intern committee shall include a decision regarding the successful completion of the internship.

Section 11. (1) In arriving at a professional judgment of the successful completion of

internship, the committee shall consider the progress of the principal intern throughout the entire school year, with particular emphasis on the progress demonstrated during the final months of the internship.

(2) At the completion of the internship experience as defined in Section 5 of this regulation, the chairperson shall report to the Kentucky Department of Education and to the superintendent of the employing local school district, if the superintendent is not a member of the committee, the committee's decision regarding the principal intern's successful completion of the intern program.

(3) If a principal intern committee believes that an intern not successfully completing an internship could benefit from a second year of internship if the intern was employed as a principal or assistant principal by the same or another school district, the committee may attach to its decision a summary of the mitigating or extenuating circumstances.

(4) If a principal intern does not successfully complete the internship, the principal intern may repeat the intern program one (1) time if employed as a principal or assistant principal by the same or another local school district.

(5) If such employment is not obtained within the four (4) year period of eligibility for internship, the person must reestablish eligibility for internship by successfully completing the examination prerequisites in effect at that time.

Section 12. (1) The Kentucky Department of Education shall reimburse the school district employing the principal intern for the payment to each principal mentor of mileage expenses in accordance with state travel regulations and for an amount not to exceed \$1,000 to each principal mentor as compensation for out-of-school time spent with the principal intern. A form to be used in submitting these expenses shall be included in the handbook to be developed and disseminated by the Kentucky Department of Education. A copy of the committee's report of the number of hours spent by the principal mentor with the principal intern shall be attached to this form.

(2) The Kentucky Department of Education shall contract with institutions of higher education to pay an amount of \$200 for each administrator educator and for mileage expenses in accordance with state travel regulations. Each institution shall make its own determination as to the allocation of funds received from this program.

(3) If the administrator educator member of the committee does not represent an institution of higher education, the Kentucky Department of Education shall reimburse the appropriate agency or individual for mileage expenses in accordance with state travel regulations and for an amount not to exceed \$200.

(4) All costs for the superintendent or designee, except travel reimbursement to attend required training, shall be the responsibility of the local school district.

(5) Payments to members of principal intern committees for vocational principal interns shall be administered by the Kentucky Department of Education, Office of Vocational Education.

Section 13. Complaints relative to the failure of the principal intern committee to comply with

ADMINISTRATIVE REGISTER - 1999

statutory and regulatory provisions of the principal intern program shall be directed to and evaluated by, the Kentucky Department of Education. Whenever practical, a decision on such complaints shall be made within sixty (60) days following receipt of the complaint.

Section 14. The Kentucky Department of Education shall collect and analyze data, on an annual or biennial basis, which permit evaluation of the principal intern program covered by this regulation.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: March 2, 1988

FILED WITH LRC: March 9, 1988 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Friday, April 22, 1988, at 10 a.m., Eastern Standard Time, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 17, 1988. 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: Akeel Zaheer

(1) Type and number of entities affected: Approximately 100 candidates for Principalship each year. Employing local districts and preparing institutions of higher education.

(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: Local district superintendent will have to maintain records of the internship year for the beginning principal and send annual report to Department of Education.

(2) Effects on the promulgating administrative body: Department of Education will have to coordinate program and provide training to intern team and maintain system of recordkeeping.

(a) Direct and indirect costs or savings: Direct costs approximately \$2,500 per intern. Indirect costs approximately \$500 per intern.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Issuance of statement of eligibility to candidates for internship and collecting and maintaining assessment reports.

(3) Assessment of anticipated effect on state and local revenues: State funding of principal intern program provided for in Governor's budget request.

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

(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.
Certification requirements must be applied uniformly.

EDUCATION AND HUMANITIES CABINET

Department of Education
Office of Instruction

704 KAR 20:480. Repeal of 704 KAR 20:185, 704 KAR 20:200 and 704 KAR 20:208.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 156.070, 156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. This regulation provides for phasing out certification programs for any future certification for the positions of educational diagnostician, school psychometrist, and special education supervisor by announcing a date for automatic repeal.

Section 1. 704 KAR 20:185, 704 KAR 20:200, and 704 KAR 20:208 are repealed, effective June 30, 1988.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: March 2, 1988

FILED WITH LRC: March 9, 1988 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on Friday, April 22, 1988, at 10 a.m., Eastern Standard Time, in the State Board Room, 1st Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Sheila A. Collins, Secretary, State Board of Education, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 17, 1988. 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: Akeel Zaheer

(1) Type and number of entities affected: None

(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: 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

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(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: Repeal regulations for certification programs no longer offered or superseded by other equivalent preparation/certification.

TIERING: Was tiering applied? No. Repeal of regulations will affect all relevant programs uniformly.

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

904 KAR 2:201. Repeal of 904 KAR 2:200.

RELATES TO: KRS 194.030

PURSUANT TO: KRS 13A.310, 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources is authorized by KRS Chapters 194 and 205 to operate public assistance programs, and is empowered by KRS 194.050 to promulgate regulations necessary for the administration of its programs. A regulation, 904 KAR 2:200, Collection program, was promulgated to incorporate into regulatory form by reference the Collection Branch Policy and Procedure Manual. The Collection Branch Policy and Procedures Manual is now obsolete and 904 KAR 2:200 is no longer needed. This regulation acts specifically to repeal 904 KAR 2:200.

Section 1. 904 KAR 2:200 is hereby repealed.

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: February 11, 1988

FILED WITH LRC: March 9, 1988 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on

this regulation has been scheduled for April 21, 1988 at 9 a.m. in the Health Services Auditorium, 1st Floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by April 16, 1988 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall

(1) Type and number of entities affected: 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:

(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: 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: Repeals 904 KAR 2:200, which is no longer needed.

TIERING: Was tiering applied? No. Not applicable.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the March 10, 1988 Meeting

The March meeting of the Administrative Regulation Review Subcommittee was held on Thursday, March 10, 1988 at Noon in Room 107. Representative Mark D. O'Brien, Chairman, called the meeting to order, and the secretary called the roll. The minutes of the February 8, 1988 meeting were approved without objection.

Present March 10, 1988 were:

Members: Representative Mark D. O'Brien, Chairman; Senators Harold Haering and Bill Quinlan; Representative Joe Meyer.

Guests: Tommy Thompson, Board of Medical Licensure; Susan Stopher, Real Estate Commission; Alta Haunsz, Mary Romelfanger, Bill Shouse, Sharon M. Weisenbeck, Board of Nursing; Kay Harker, Teresa McGinnis, Natural Resources & Environmental Protection Cabinet; Michael Bradley, Corrections Cabinet; G. Stephen Anders, Robert K. Bird, Bill Debord, Sandy Pullen, Transportation Cabinet; David Garnett, Motor Vehicle Commission; Gary Bale, Audrey Carr,

Akeel Zaheer, Department of Education; Carl B. Larsen, Harness Racing Commission; Betty Beshoar, Barbara Coleman, Karen Doyle, Eva Ellis, N. Clifton Howard, Anita Moore, Larry W. Moore, Sharon Perry, Larry Taylor, Cabinet for Human Resources; Buddy C. Yount, Federal Highway Administration; George E. Johnson, Executive V.P., Greater Louisville Automobile Dealers Association, Inc.

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Donna Pierce, Ann Gordon & Carla Arnold.

The Administrative Regulation Review Subcommittee met on February 10, 1988, and submits this report:

The Subcommittee determined that the following regulations, as amended, complied with KRS Chapter 13A:

General Government Cabinet: Board of Nursing

201 KAR 20:095 (Inactive nurse licensure status.) This administrative regulation was amended by the Subcommittee and agency to limit the amount of continuing education required of inactive nurses seeking to return to active status. The previous requirements would have imposed an undue burden on these licensees. The amendment provides more reasonable standards and compliance periods.

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Waste Management: Identification and Listing of Hazardous Waste

401 KAR 31:060 (Rulemaking petitions for hazardous waste.) This administrative regulation was amended to reflect that the words "or an equivalent testing or analytical method" as shown in Section 4(3), which relates to repeal or modification of an exclusion, was new language.

Corrections Cabinet: Office of the Secretary

501 KAR 6:060 (Northpoint Training Center.) This administrative regulation was amended to designate the specific pay scale and to identify the test referred to in NTC 20-01-01.

Cabinet for Human Resources: Department for Social Insurance: Public Assistance

904 KAR 2:116 (Low income home energy assistance program.) This administrative regulation was amended to increase the amount of benefit funds reserved for the crisis component and to provide that additional funds from the Energy Assistance Trust Fund shall be held as a contingency fund subject to allocation to a local agency to provide low income home energy assistance.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

General Government Cabinet: Board of Medical Licensure

201 KAR 9:101 (Definitions relating to paramedics.)

201 KAR 9:161 (Skills, authorized procedures.)

Real Estate Commission

201 KAR 11:220 (Errors and omissions insurance requirements.)

Board of Nursing

201 KAR 20:110 (Licensure by endorsement.)

201 KAR 20:225 (Reinstatement of license.)

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Waste Management: General Administrative Procedures

401 KAR 30:010 (Definitions.)

401 KAR 30:020 (General provisions.)

401 KAR 30:070 (Reference documents.)

401 KAR 30:080 (Standards for variances.)

Identification and Listing of Hazardous Waste

401 KAR 31:010 (General provisions for hazardous wastes.)

401 KAR 31:030 (Characteristics of hazardous waste.)

401 KAR 31:040 (Lists of hazardous wastes.)

401 KAR 31:120 (Appendix on chemical analysis test methods.)

401 KAR 31:160 (Appendix on basis for listing hazardous waste.)

401 KAR 31:170 (Appendix on hazardous constituents.)

Standards Applicable to Generators of Hazardous Waste

401 KAR 32:010 (General provisions for generators.)

401 KAR 32:030 (Pretransport requirements.)

401 KAR 32:040 (Recordkeeping and reporting.)

401 KAR 32:050 (Special conditions.)

401 KAR 32:100 (Appendix on hazardous waste manifest and instructions.)

Standards Applicable to Transporters of Hazardous Waste

401 KAR 33:010 (General provisions for transporters.)

401 KAR 33:020 (Compliance with the manifest system and recordkeeping.)

Standards for Owners and Operators of Hazardous Waste Storage, Treatment and Disposal Facilities

401 KAR 34:010 (General provisions for facilities.)

401 KAR 34:020 (General facility standards.)

401 KAR 34:050 (Manifest system, recordkeeping and reporting.)

401 KAR 34:070 (Closure and postclosure.)

401 KAR 34:080 (General financial requirements.)

401 KAR 34:090 (Closure financial requirements.)

401 KAR 34:100 (Postclosure financial requirements.)

401 KAR 34:190 (Tanks.)

401 KAR 34:200 (Surface impoundments.)

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

401 KAR 35:010 (General provisions for facilities (IS).)

401 KAR 35:020 (General facilities standards (IS).)

401 KAR 35:050 (Manifest system, recordkeeping and reporting (IS).)

401 KAR 35:070 (Closure and postclosure (IS).)

401 KAR 35:080 (General financial requirements (IS).)

401 KAR 35:090 (Closure financial requirements (IS).)

401 KAR 35:100 (Postclosure financial requirements (IS).)

401 KAR 35:190 (Tanks (IS).)

401 KAR 35:200 (Surface impoundments (IS).)

Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

401 KAR 36:030 (Recyclable materials used in a manner constituting disposal.)

401 KAR 36:040 (Hazardous waste burned for energy recovery.)

401 KAR 36:050 (Used oil burned for energy recovery.)

Waste Management - Land Disposal Restrictions

401 KAR 37:010 (General provisions for land disposal restrictions.)

401 KAR 37:030 (Prohibitions on land disposal.)

401 KAR 37:040 (Treatment standards.)

401 KAR 37:050 (Prohibitions on storage.)

401 KAR 37:100 (Appendix on treatment standards.)

Hazardous Waste Permitting Process

401 KAR 38:010 (General provisions for permitting.)

401 KAR 38:020 (Interim status provisions.)

401 KAR 38:030 (Conditions applicable to all permits.)

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401 KAR 38:040 (Changes to permits; expiration of permits.)
401 KAR 38:070 (Application procedures.)
401 KAR 38:090 (General contents of Part B application.)
401 KAR 38:100 (Specific Part B requirements for groundwater protection.)
401 KAR 38:160 (Specific Part B requirements for tanks.)
401 KAR 39:010 (Generator registration fees.)
401 KAR 39:080 (Recycling fees.)
401 KAR 39:090 (Postclosure fees.)
401 KAR 39:100 (Exposure information report fee.)

Underground Storage Tanks

401 KAR 42:010 (General provisions for underground storage tanks.)

Corrections Cabinet: Office of the Secretary

501 KAR 6:030 (Kentucky State Reformatory.)
501 KAR 6:040 (Kentucky State Penitentiary.)
501 KAR 6:070 (Kentucky Correctional Institutional for Women.)
501 KAR 6:130 (Western Kentucky Farm Center.)

Transportation Cabinet: Department of Vehicle Regulation: Division of Motor Carriers

601 KAR 1:025 (Transporting hazardous materials; permit.)

Motor Vehicle Tax

601 KAR 9:130 (Motor vehicle registration.)
601 KAR 9:135 (Apportioned registration.)

Department of Highways: Preconstruction

603 KAR 2:015 (Prequalification for construction; certificate of eligibility; and contract claims dispute.)

Motor Vehicle Commission

605 KAR 1:170 (Temporary sale or display event license for a motor vehicle dealer trade association.)

Education and Humanities Cabinet: Department of Education: Office of Instruction: Teacher Certification

704 KAR 20:330 (Endorsement for individual intellectual assessment.)

Office of Programs: Adult Education

709 KAR 1:070 (Minimum standards of admission for long-term adult students in vocational programs.)

Public Protection and Regulation Cabinet:

Harness Racing Commission: Harness Racing Rules

811 KAR 1:125 (Pari-mutuel rules.)
811 KAR 1:225 (Substance abuse by commission employees and licensees.)

Quarter Horse, Appaloosa and Arabian Racing Rules

811 KAR 2:035 (Associations.)

811 KAR 2:040 (Owners.)

811 KAR 2:045 (Trainers.)

811 KAR 2:050 (Jockeys.)

811 KAR 2:060 (Pari-mutuel wagering.)

811 KAR 2:070 (Entries, subscriptions and declarations.)

811 KAR 2:080 (Claiming races.)

811 KAR 2:085 (Running of the race.)

811 KAR 2:096 (Medication of horses.)

811 KAR 2:110 (Substance abuse by commission employees and licensees.)

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.)

Department for Employment Services: Unemployment Insurance

903 KAR 5:300 (Required reports and due dates.)

Department for Social Insurance: Public Assistance

904 KAR 2:015 (Supplemental programs for the aged, blind, and disabled.)

904 KAR 2:140 (Supplementary policies for programs administered by the Department for Social Insurance.)

904 KAR 2:170 (Incorporation by reference of materials relating to the child support program.)

Food Stamp Program

904 KAR 3:030 (Application process.)

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:

Transportation Cabinet: Department of Vehicle Regulation: Division of Motor Carriers

601 KAR 1:115 (Taxicabs.)

Education and Humanities Cabinet: Department of Education: Office of Local Services: School Terms, Attendance and Operation

702 KAR 7:090 (Requirements for coaches and other personnel staffing interscholastic athletic programs.)

Office of Instruction: Elementary and Secondary Education Act

704 KAR 10:022 (Elementary, middle and secondary schools standards.)

Teacher Education

704 KAR 15:080 (Paraprofessional employees and volunteer personnel.)

The Subcommittee had no objections to emergency regulations which had been filed.

The Subcommittee adjourned at 12:30 p.m. until April 14, 1988.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	J2
KRS Index.....	J11
Subject Index to Volume 14.....	J19

LOCATOR INDEX -- EFFECTIVE DATES

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

VOLUME 13

Regulation	13 Ky.R. Page No.	Effective Date	Regulation	13 Ky.R. Page No.	Effective Date
201 KAR 8:006	1859 (See 14 Ky.R.)		902 KAR 13:010		
201 KAR 8:390	1860 (See 14 Ky.R.)		Amended	2121	8-5-87
201 KAR 27:017	2169	8-5-87	902 KAR 13:030		
806 KAR 12:110			Amended	2122	8-5-87
Amended	2107	8-5-87	902 KAR 13:050		
806 KAR 38:060			Amended	2123	8-5-87
Amended	2109	8-5-87	902 KAR 13:080		
806 KAR 38:080			Amended	2125	8-5-87
Amended	2111	8-5-87	902 KAR 13:090		
			Amended	2126	8-5-87

VOLUME 14

Emergency Regulation	14 Ky.R. Page No.	Effective Date	Emergency Regulation	14 Ky.R. Page No.	Effective Date
101 KAR 2:040E	1045	10-15-87	401 KAR 34:144E	710	10-15-87
Replaced	832	12-11-87	Replaced	868	1-4-88
101 KAR 2:050E	1048	10-15-87	401 KAR 34:159E	712	10-15-87
Replaced	834	12-11-87	Replaced	870	1-4-88
201 KAR 25:011E	544	8-24-87	401 KAR 34:162E	713	10-15-87
Replaced	597	12-11-87	Replaced	873	1-4-88
201 KAR 25:012E	545	8-24-87	401 KAR 34:165E	716	10-15-87
Replaced	598	12-11-87	Replaced	876	1-4-88
201 KAR 27:017E			401 KAR 35:120E	718	10-15-87
Replaced		8-5-87	Replaced	1201	1-4-88
201 KAR 27:018E	545	8-27-87	401 KAR 47:010E	408	8-14-87
Replaced	669	12-11-87	Expired		10-29-87
201 KAR 27:019E	546	8-27-87	401 KAR 47:020E	408	8-14-87
Replaced	669	12-11-87	Expired		10-29-87
301 KAR 1:190E	546	8-27-87	401 KAR 47:040E	411	8-14-87
Replaced	670	11-6-87	Replaced	821	11-6-87
301 KAR 2:044E	407	8-7-87	401 KAR 49:030E	416	8-14-87
Replaced	463	10-2-87	Replaced	827	11-6-87
301 KAR 2:220E	686	9-16-87	401 KAR 49:050E	419	8-14-87
Replaced	598	11-6-87	Replaced	829	11-6-87
301 KAR 2:230E	691	9-25-87	405 KAR 7:070E	4	6-15-87
Replaced	841	12-11-87	Replaced	432	9-10-87
301 KAR 3:021E	692	9-25-87	500 KAR 6:010E	122	7-1-87
Replaced	842	12-11-87	Replaced	328	10-2-87
301 KAR 4:050E	693	9-16-87	500 KAR 6:020E	124	7-1-87
Replaced	604	11-6-87	Replaced	330	10-2-87
302 KAR 20:040E	693	10-8-87	500 KAR 6:030E	126	7-1-87
Replaced	844	12-11-87	Replaced	332	10-2-87
302 KAR 20:055E	698	10-8-87	500 KAR 6:040E	127	7-1-87
Replaced	850	12-11-87	Replaced	333	10-2-87
Resubmitted	1887	2-26-88	500 KAR 6:050E	128	7-1-87
302 KAR 20:065E	700	10-8-87	Replaced	334	10-2-87
Replaced	854	12-11-87	500 KAR 6:060E	129	7-1-87
Resubmitted	1889	2-29-88	Replaced	336	10-2-87
302 KAR 20:070E	702	10-8-87	500 KAR 6:070E	130	7-1-87
Replaced	858	12-11-87	Replaced	337	10-2-87
Resubmitted	1891	2-26-88	500 KAR 6:080E	131	7-1-87
302 KAR 20:210E	706	10-8-87	Replaced	338	10-2-87
Replaced	1023	12-11-87	500 KAR 6:090E	132	7-1-87
Resubmitted	1895	2-26-88	Replaced	339	10-2-87
302 KAR 34:050E	121	7-2-87	500 KAR 6:100E	133	7-1-87
Expired		10-31-87	Replaced	340	10-2-87
302 KAR 36:010E	1187	12-4-87	500 KAR 6:110E	134	7-1-87
Replaced	1542	2-8-88	Replaced	342	10-2-87
401 KAR 34:120E	707	10-15-87	500 KAR 6:120E	136	7-1-87
Replaced	1198	1-4-88	Replaced	344	10-2-87

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Emergency Regulation	14 Ky.R. Page No.	Effective Date	Emergency Regulation	14 Ky.R. Page No.	Effective Date
500 KAR 6:130E	137	7-1-87	904 KAR 2:015E	802	10-8-87
Replaced	346	10-2-87	Replaced	1003	12-11-87
500 KAR 6:140E	138	7-1-87	Resubmitted	1738	1-18-88
Replaced	346	10-2-87	Replaced	1697	3-10-88
500 KAR 6:150E	138	7-1-87	904 KAR 2:016E	422	8-13-87
Replaced	347	10-2-87	Replaced	512	10-2-87
500 KAR 6:160E	139	7-1-87	Resubmitted	1057	11-6-87
Replaced	348	10-2-87	Replaced	1562	1-4-88
500 KAR 6:170E	140	7-1-87	Resubmitted	1741	2-3-88
Replaced	349	10-2-87	904 KAR 2:020E	1062	10-23-87
500 KAR 6:180E	140	7-1-87	Replaced	1165	1-4-88
Replaced	349	10-2-87	904 KAR 2:116E	804	9-16-87
501 KAR 6:020E	10	6-15-87	Replaced	648	11-6-87
Replaced	45	8-5-87	Resubmitted	1573	1-14-88
Resubmitted	1188	12-7-87	Replaced	1699	3-10-88
Replaced	1509	2-8-88	904 KAR 3:010E	807	10-2-87
Resubmitted	1897	2-25-88	Replaced	1006	12-11-87
501 KAR 6:030E	12	5-19-87	904 KAR 3:020E	553	9-2-87
501 KAR 6:040E	13	6-15-87	Replaced	652	11-6-87
Replaced	48	8-5-87	904 KAR 3:030E	1193	12-2-87
Resubmitted	546	8-17-87	Replaced	1846	3-10-88
Replaced	478	10-2-87	904 KAR 3:045E	1194	12-2-87
Resubmitted	721	10-13-87	Replaced	1539	2-8-88
Replaced	907	12-11-87	905 KAR 1:091E	427	8-7-87
501 KAR 6:060E	15	6-15-87	Replaced	521	10-2-87
Replaced	50	8-5-87	905 KAR 1:180E	1064	11-10-87
Resubmitted	548	8-17-87	905 KAR 1:200E	141	7-6-87
Replaced	481	10-2-87	Replaced	389	9-10-87
501 KAR 6:070E	1734	1-19-88	905 KAR 1:210E	146	7-6-87
Replaced	1643	3-10-88	Replaced	525	9-10-87
501 KAR 6:080E	16	6-15-87	905 KAR 1:220E	810	10-15-87
Replaced	52	8-5-87	Expired		12-4-87
Resubmitted	1899	2-25-88	907 KAR 1:004E	811	10-6-87
501 KAR 6:120E	722	9-25-87	Replaced	1011	12-11-87
Replaced	911	12-11-87	907 KAR 1:010E	1065	11-6-87
501 KAR 6:130E	1190	11-16-87	Replaced	1168	1-4-88
Replaced	1091	1-4-88	907 KAR 1:011E	817	10-2-87
501 KAR 6:140E	1191	11-16-87	Replaced	1017	12-11-87
Replaced	1092	1-4-88	907 KAR 1:016E	431	7-17-87
Resubmitted	1899	2-25-88	Replaced	512	10-2-87
600 KAR 4:010E	1049	10-15-87	907 KAR 1:031E	150	7-1-87
Replaced	1203	1-4-88	Replaced	301	9-10-87
600 KAR 4:020E	1053	10-15-87	907 KAR 1:036E	152	7-1-87
Replaced	1208	1-4-88	Replaced	303	9-10-87
603 KAR 5:210E	725	10-15-87	907 KAR 1:037E	158	7-1-87
Replaced	1211	1-4-88	Replaced	310	9-10-87
603 KAR 5:230E	755	10-15-87	907 KAR 1:042E	159	7-1-87
Replaced	1241	1-4-88	Replaced	310	9-10-87
605 KAR 1:160E	550	9-15-87	907 KAR 1:045E	160	7-8-87
Replaced	678	11-6-87	Replaced	312	9-10-87
701 KAR 5:070E	1901	3-8-88	907 KAR 1:140E	17	6-8-87
702 KAR 3:190E	550	9-8-87	Replaced	81	8-5-87
Replaced	615	11-6-87	907 KAR 1:150E	19	6-8-87
702 KAR 7:065E	800	10-14-87	Replaced	83	8-5-87
Replaced	989	12-11-87	907 KAR 1:250E	20	6-8-87
807 KAR 5:008E	1056	10-30-87	Replaced	85	8-5-87
Replaced	1109	1-4-88			
810 KAR 1:018E	1736	2-8-88			
811 KAR 2:096E	420	7-24-87	Regulation	14 Ky.R. Page No.	Effective Date
Replaced	535	10-2-87	101 KAR 1		
815 KAR 7:070E	551	8-27-87	101 KAR 1:325		
Replaced	632	11-6-87	Amended	831	12-11-87
902 KAR 4:050E	800	10-2-87	101 KAR 2:040		
Replaced	993	12-11-87	Amended	832	12-11-87
902 KAR 8:020E	801	9-25-87	101 KAR 2:050		
Replaced	1151	12-11-87	Amended	834	12-11-87
902 KAR 10:120E			103 KAR 18:140	1879	
Replaced	214	8-5-87	103 KAR 25:130	1880	
903 KAR 5:270E	17	6-15-87	200 KAR 6:040		
Replaced	80	8-5-87	Amended	1931	
903 KAR 5:290E	1902	3-10-88	201 KAR 1:062		
			Amended	161	7-2-87

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Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
201 KAR 8:006			201 KAR 20:380	667	11-6-87
Amended	821	10-2-87	201 KAR 23:040		
201 KAR 8:390			Amended	167	8-5-87
Amended	1196	12-11-87	201 KAR 23:060		
201 KAR 9:101			Amended	168	8-5-87
Amended	1577	3-10-88	201 KAR 23:070		
201 KAR 9:121			Amended	168	8-5-87
Amended	836	12-11-87	201 KAR 25:011		
201 KAR 9:161			Amended	597	12-11-87
Amended	1578	3-10-88	201 KAR 25:012		
201 KAR 11:220	1021	12-11-87	Amended	598	12-11-87
Amended	1579	3-10-88	201 KAR 26:171	526	10-2-87
201 KAR 12:170	666	11-6-87	201 KAR 26:200		
201 KAR 12:175	1994		Amended	231	9-10-87
201 KAR 12:180	1994		201 KAR 26:210	313	9-10-87
201 KAR 18:050			201 KAR 26:220	314	9-10-87
Amended	571	11-6-87	201 KAR 26:230	528	10-2-87
201 KAR 18:170	1170	1-4-88	201 KAR 27:018	669	
201 KAR 19:095			Amended	1197	12-11-87
Amended	837	12-11-87	201 KAR 27:019	669	12-11-87
201 KAR 20:057			201 KAR 27:080	1995	
Amended	30	9-10-87	201 KAR 28:010		
201 KAR 20:070			Amended	1847	
Amended	571	11-6-87	201 KAR 28:050		
201 KAR 20:090			Amended	31	8-5-87
Amended	573	11-6-87	201 KAR 28:060		
201 KAR 20:095			Amended	32	8-5-87
Amended	574		201 KAR 28:080		
Amended	1066	11-6-87	Amended	232	9-10-87
Amended	1581		201 KAR 28:090		
Amended	1903	3-10-88	Amended	233	9-10-87
201 KAR 20:110			201 KAR 28:110		
Amended	575		Amended	33	8-5-87
Amended	1067	11-6-87	201 KAR 28:120		
Amended	1582	3-10-88	Amended	1849	
201 KAR 20:115			301 KAR 1:055		
Amended	576	11-6-87	Repealed	1170	1-4-88
201 KAR 20:161			301 KAR 1:075		
Amended	578		Amended	1080	1-4-88
Amended	1068	11-6-87	301 KAR 1:085		
201 KAR 20:162			Amended	1288	2-8-88
Amended	579		301 KAR 1:120		
Amended	1069	11-6-87	Amended	1081	1-4-88
201 KAR 20:205			301 KAR 1:140		
Amended	581	11-6-87	Amended	1935	
201 KAR 20:210			301 KAR 1:145		
Amended	582	11-6-87	Amended	1082	1-4-88
201 KAR 20:215			301 KAR 1:190	670	11-6-87
Amended	583	11-6-87	Repealed	1542	2-8-88
201 KAR 20:220			301 KAR 1:191	1542	2-8-88
Amended	584	11-6-87	301 KAR 1:200	1170	1-4-88
201 KAR 20:225			301 KAR 1:210	1996	
Amended	585		301 KAR 2:044		
Amended	1071	11-6-87	Amended	463	10-2-87
Amended	1583	3-10-88	301 KAR 2:050		
201 KAR 20:230			Amended	33	8-5-87
Amended	587	11-6-87	301 KAR 2:110		
201 KAR 20:240			Amended	35	8-5-87
Amended	588	11-6-87	301 KAR 2:140		
201 KAR 20:270			Amended	839	12-11-87
Amended	589	11-6-87	301 KAR 2:220		
201 KAR 20:290			Amended	598	11-6-87
Amended	590	11-6-87	301 KAR 2:230		
201 KAR 20:310			Amended	841	12-11-87
Amended	591	11-6-87	301 KAR 2:240	87	8-5-87
201 KAR 20:320			301 KAR 3:021		
Amended	593	11-6-87	Amended	842	12-11-87
201 KAR 20:330			301 KAR 3:030		
Amended	594	11-6-87	Amended	36	8-5-87
201 KAR 20:360			301 KAR 4:050		
Amended	595	11-6-87	Amended	604	11-6-87
201 KAR 20:370			302 KAR 16:040		
Amended	596	11-6-87	Amended	234	9-10-87

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Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
302 KAR 20:040			401 KAR 34:050		
Amended	844	12-11-87	Amended	1386	
302 KAR 20:055			Amended	1798	3-10-88
Amended	850	12-11-87	401 KAR 34:070		
Amended	1936		Amended	1389	
302 KAR 20:065			Amended	1800	3-10-88
Amended	854	12-11-87	401 KAR 34:080		
Amended	1939		Amended	1395	3-10-88
302 KAR 20:070			401 KAR 34:090		
Amended	858	12-11-87	Amended	1397	
Amended	1942		Amended	1806	3-10-88
302 KAR 20:210	1023	12-11-87	401 KAR 34:100		
Amended	1947		Amended	1406	3-10-88
302 KAR 34:050	315		401 KAR 34:120		
Amended	1746	2-8-88	Amended	864	
302 KAR 36:010	1542	2-8-88	Amended	1198	1-4-88
302 KAR 45:010			401 KAR 34:144		
Amended	431	8-5-87	Amended	868	1-4-88
401 KAR 4:060	316		401 KAR 34:159		
Amended	556	10-2-87	Amended	870	1-4-88
401 KAR 5:010			401 KAR 34:162		
Amended	1289	2-8-88	Amended	873	1-4-88
401 KAR 6:040			401 KAR 34:165		
Amended	1292	2-8-88	Amended	876	1-4-88
401 KAR 30:010			401 KAR 34:190		
Amended	1297		Amended	1415	
Amended	1756	3-10-88	Amended	1813	3-10-88
401 KAR 30:020			401 KAR 34:200		
Amended	1309		Amended	1424	3-10-88
Amended	1767	3-10-88	401 KAR 35:010		
401 KAR 30:070			Amended	1428	3-10-88
Amended	1311		401 KAR 35:020		
Amended	1768	3-10-88	Amended	1430	3-10-88
401 KAR 30:080			401 KAR 35:050		
Amended	1313	3-10-88	Amended	1433	
401 KAR 31:010			Amended	1821	3-10-88
Amended	1316		401 KAR 35:070		
Amended	1769	3-10-88	Amended	1437	
401 KAR 31:030			Amended	1823	3-10-88
Amended	1325	3-10-88	401 KAR 35:080		
401 KAR 31:040			Amended	1444	
Amended	1327		Amended	1829	3-10-88
Amended	1779	3-10-88	401 KAR 35:090		
401 KAR 31:060			Amended	1446	3-10-88
Amended	1340	3-10-88	401 KAR 35:100		
401 KAR 31:120			Amended	1454	3-10-88
Amended	1343	3-10-88	401 KAR 35:120		
401 KAR 31:160			Amended	879	
Amended	1347	3-10-88	Amended	1201	1-4-88
401 KAR 31:170			401 KAR 35:190		
Amended	1350	3-10-88	Amended	1462	
401 KAR 32:010			Amended	1831	3-10-88
Amended	1360	3-10-88	401 KAR 35:200		
401 KAR 32:030			Amended	1470	3-10-88
Amended	1362		401 KAR 36:030		
Amended	1790	3-10-88	Amended	1473	3-10-88
401 KAR 32:040			401 KAR 36:040		
Amended	1363	3-10-88	Amended	1474	3-10-88
401 KAR 32:050			401 KAR 36:050	1543	3-10-88
Amended	1365		401 KAR 37:010	1546	
Amended	1791	3-10-88	Amended	1838	3-10-88
401 KAR 32:100			401 KAR 37:030	1551	3-10-88
Amended	1369	3-10-88	401 KAR 37:040	1553	3-10-88
401 KAR 33:010			401 KAR 37:050	1555	3-10-88
Amended	1376		401 KAR 37:100	1557	3-10-88
Amended	1794	3-10-88	401 KAR 38:010		
401 KAR 33:020			Amended	1479	3-10-88
Amended	1377	3-10-88	401 KAR 38:020		
401 KAR 34:010			Amended	1482	3-10-88
Amended	1380	3-10-88	401 KAR 38:030		
401 KAR 34:020			Amended	1485	3-10-88
Amended	1381				
Amended	1795	3-10-88			

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Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
401 KAR 38:040			401 KAR 61:170		
Amended	1489		Amended	1636	
Amended	1842	3-10-88	Amended	1916	
401 KAR 38:070			401 KAR 63:041	320	*(No eff. date)
Amended	1493	3-10-88	*Since Statement of Consideration was not received by 15th day following hearing, proposed regulation must be refiled. (KRS 13A.280(2))		
401 KAR 38:090			401 KAR 63:042	670	11-6-87
Amended	1496	3-10-88	405 KAR 7:070		
401 KAR 38:100			Amended	37	
Amended	1501	3-10-88	Amended	432	9-10-87
401 KAR 38:160			405 KAR 16:060		
Amended	1503		Amended	22	
Amended	1845	3-10-88	405 KAR 18:060		
401 KAR 39:010			Amended	24	
Amended	1504	3-10-88	405 KAR 18:190		
401 KAR 39:080			Amended	27	
Amended	1506	3-10-88	500 KAR 4:030		
401 KAR 39:090	1559	3-10-88	Amended	162	7-2-87
401 KAR 39:100	1560	3-10-88	500 KAR 4:040		
401 KAR 42:010			Amended	163	7-2-87
Amended	1507	3-10-88	500 KAR 4:050		
401 KAR 47:010	529		Amended	163	7-2-87
Withdrawn		10-29-87	500 KAR 4:060		
401 KAR 47:020			Amended	164	7-2-87
Amended	464		500 KAR 4:070		
Withdrawn		10-29-87	Amended	165	7-2-87
401 KAR 47:040			500 KAR 6:010	328	10-2-87
Amended	468		500 KAR 6:020	330	10-2-87
Amended	821	11-6-87	500 KAR 6:030	332	10-2-87
401 KAR 49:030			500 KAR 6:040	333	10-2-87
Amended	475		500 KAR 6:050	334	10-2-87
Amended	827	11-6-87	500 KAR 6:060	336	10-2-87
401 KAR 49:050	530		500 KAR 6:070	337	10-2-87
Amended	829	11-6-87	500 KAR 6:080	338	10-2-87
401 KAR 50:010			500 KAR 6:090	339	10-2-87
Amended	1585		500 KAR 6:100	340	10-2-87
Amended	1906		500 KAR 6:110	342	10-2-87
401 KAR 50:015			500 KAR 6:120	344	10-2-87
Amended	1589		500 KAR 6:130	346	10-2-87
401 KAR 50:035			500 KAR 6:140	346	10-2-87
Amended	1593		500 KAR 6:150	347	10-2-87
401 KAR 51:010			500 KAR 6:160	348	10-2-87
Amended	1598		500 KAR 6:170	349	10-2-87
401 KAR 51:017			500 KAR 6:180	349	10-2-87
Amended	883	12-11-87	500 KAR 6:190	531	*(No eff. date)
Amended	1601		*Since Statement of Consideration was not received by 15th day following hearing, proposed regulation must be refiled. (KRS 13A.280(2))		
401 KAR 51:052			500 KAR 6:200	1171	1-4-88
Amended	892	12-11-87	501 KAR 6:020		
Amended	1612		Amended	45	8-5-87
Amended	1909		Amended	235	9-10-87
401 KAR 53:005			Amended	1509	
Amended	1619		Amended	1746	2-8-88
401 KAR 53:010			Amended	1850	
Amended	1621		Amended	1949	
401 KAR 55:005			501 KAR 6:030		
Amended	1624		Amended	47	8-5-87
401 KAR 55:010			Amended	236	9-10-87
Amended	1625		Amended	605	11-6-87
401 KAR 57:045			Amended	905	12-11-87
Amended	900	12-11-87	Amended	1083	1-4-88
401 KAR 59:010			Amended	1511	2-8-88
Amended	1627		Amended	1638	3-10-88
401 KAR 59:050			Amended	1852	
Amended	1629		Amended	1951	
401 KAR 59:052	1706				
401 KAR 59:221					
Amended	902	12-11-87			
401 KAR 59:236	1707				
401 KAR 59:305					
Amended	903	12-11-87			
401 KAR 59:310	1025	12-11-87			
401 KAR 61:020					
Amended	1633				

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Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
501 KAR 6:040			601 KAR 1:020		
Amended	48	8-5-87	Amended	484	
Amended	238	9-10-87	Amended	830	11-6-87
Amended	478	10-2-87	601 KAR 1:025		
Amended	907	12-11-87	Amended	1097	
Amended	1085	1-4-88	Amended	1576	3-10-88
Amended	1639	3-10-88	601 KAR 1:115		
Amended	1854		Amended	246	
Amended	1953		Amended	560	
501 KAR 6:050			601 KAR 2:010		
Amended	480	10-2-87	Amended	248	9-10-87
Amended	908	12-11-87	601 KAR 9:010		
Amended	1513	2-8-88	Amended	249	9-10-87
Amended	1855		601 KAR 9:012		
501 KAR 6:060			Amended	250	9-10-87
Amended	50	8-5-87	601 KAR 9:013		
Amended	239	9-10-87	Amended	251	9-10-87
Amended	481	10-2-87	601 KAR 9:015		
Amended	910	12-11-87	Amended	252	9-10-87
Amended	1086	1-4-88	601 KAR 9:040		
Amended	1641	3-10-88	Amended	252	9-10-87
Amended	1857		601 KAR 9:047		
Amended	1955		Amended	254	9-10-87
501 KAR 6:070			601 KAR 9:050		
Amended	1515	2-8-88	Repealed	1709	3-10-88
Amended	1643	3-10-88	601 KAR 9:060		
501 KAR 6:080			Amended	255	9-10-87
Amended	52	8-5-87	601 KAR 9:074		
Amended	1858		Amended	256	*(No eff. date)
501 KAR 6:110			Amended	1098	1-4-88
Amended	1957		*Since Statement of Consideration was not received by 15th day following hearing, proposed regulation must be refiled. (KRS 13A.280(2))		
501 KAR 6:120			601 KAR 9:080		
Amended	52	8-5-87	Amended	260	9-10-87
Amended	911	12-11-87	601 KAR 9:085		
Amended	1088	1-4-88	Amended	261	9-10-87
Amended	1859		601 KAR 9:125	91	8-5-87
Amended	1958		Amended	614	11-6-87
501 KAR 6:130			601 KAR 9:130	1709	3-10-88
Amended	54	8-5-87	601 KAR 9:135	1710	3-10-88
Amended	241	9-10-87	601 KAR 12:020		
Amended	483	10-2-87	Amended	485	10-2-87
Amended	1091	1-4-88	601 KAR 12:030		
Amended	1644	3-10-88	Amended	486	10-2-87
Amended	1861		601 KAR 12:040		
Amended	1961		Amended	486	10-2-87
501 KAR 6:140			601 KAR 13:010		
Amended	533	10-2-87	Amended	487	10-2-87
Amended	1092	1-4-88	601 KAR 13:020		
Amended	1862		Amended	489	10-2-87
Amended	1962		601 KAR 13:030		
501 KAR 8:010	88	9-10-87	Amended	491	10-2-87
502 KAR 20:020			602 KAR 15:010		
Amended	607	11-6-87	Amended	262	9-10-87
503 KAR 1:100			602 KAR 15:020		
Amended	242	9-10-87	Amended	263	9-10-87
503 KAR 5:090			602 KAR 50:010		
Amended	608		Amended	265	9-10-87
Withdrawn		11-16-87	602 KAR 50:030		
600 KAR 1:050			Amended	267	9-10-87
Amended	611	12-11-87	602 KAR 50:050		
600 KAR 1:070			Amended	268	9-10-87
Amended	55	8-5-87	602 KAR 50:120		
600 KAR 2:010			Amended	269	9-10-87
Amended	243	9-10-87	603 KAR 1:030		
600 KAR 2:020			Amended	492	10-2-87
Amended	244	9-10-87	603 KAR 2:015		
600 KAR 2:030			Amended	171	9-10-87
Amended	245	9-10-87	Amended	1645	3-10-88
600 KAR 4:010	1027		603 KAR 5:025		
Amended	1203	1-4-88	Amended	271	9-10-87
600 KAR 4:020	1032				
Amended	1208	1-4-88			
601 KAR 1:005					
Amended	1094	1-4-88			

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Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
603 KAR 5:061			706 KAR 1:020		
Amended	55	8-5-87	Amended	619	12-11-87
603 KAR 5:066			Amended	1971	
Amended	272	9-10-87	707 KAR 1:003		
603 KAR 5:075			Amended	279	9-10-87
Amended	274	9-10-87	709 KAR 1:070		
603 KAR 5:100			Amended	1108	1-4-88
Amended	492	10-2-87	Amended	1655	3-10-88
603 KAR 5:110			720 KAR 1:010		
Amended	57	8-5-87	Amended	1516	2-8-88
603 KAR 5:120			803 KAR 2:020		
Amended	1648		Amended	59	8-5-87
Amended	1917		Amended	1518	2-8-88
603 KAR 5:210			Amended	1972	
Amended	914		803 KAR 2:027		
Amended	1211	1-4-88	Amended	1523	2-8-88
603 KAR 5:230			Amended	1977	
Amended	174	8-5-87	803 KAR 2:030		
Amended	945		Amended	65	8-5-87
Amended	1241	1-4-88	Amended	1524	2-8-88
603 KAR 8:010			Amended	1979	
Amended	275	9-10-87	803 KAR 2:032		
605 KAR 1:160	678	11-6-87	Amended	1530	2-8-88
605 KAR 1:170	1712	3-10-88	Amended	1985	
701 KAR 5:070			804 KAR 4:245	534	10-2-87
Amended	1963		804 KAR 5:060		
702 KAR 3:190			Amended	1986	
Amended	615	11-6-87	806 KAR 5:050		
702 KAR 7:065			Amended	212	8-5-87
Amended	989	12-11-87	806 KAR 6:090	1035	
702 KAR 7:090			Amended	1285	1-4-88
Amended	1651		806 KAR 9:200		
704 KAR 3:030			Amended	212	8-5-87
Amended	1102	1-4-88	806 KAR 9:210		
704 KAR 3:340			Amended	213	8-5-87
Amended	1965		807 KAR 5:008		
704 KAR 10:022			Amended	1109	1-4-88
Amended	277	9-10-87	808 KAR 3:050		
Amended	1103		Amended	71	8-5-87
704 KAR 15:030			810 KAR 1:011		
Amended	1104	1-4-88	Amended	620	11-6-87
704 KAR 15:080			810 KAR 1:013		
Amended	1652		Amended	493	10-2-87
704 KAR 20:005			Amended	625	11-6-87
Amended	616	11-6-87	Amended	990	
Amended	1966		Withdrawn		12-11-87
704 KAR 20:215			810 KAR 1:018		
Amended	1105	1-4-88	Amended	1864	
704 KAR 20:280			811 KAR 1:090		
Amended	617	11-6-87	Amended	1531	2-8-88
704 KAR 20:305			811 KAR 1:105		
Amended	1967		Amended	628	11-6-87
704 KAR 20:330			811 KAR 1:125		
Amended	1654	3-10-88	Amended	1656	3-10-88
704 KAR 20:450	350	9-10-87	811 KAR 1:215		
704 KAR 20:460	1174	1-4-88	Amended	630	11-6-87
704 KAR 20:470	1996		811 KAR 1:225		
704 KAR 20:480	1999		Amended	1663	3-10-88
705 KAR 1:010			811 KAR 2:035		
Amended	1970		Amended	1666	3-10-88
705 KAR 2:120	351		811 KAR 2:040		
Amended	561	10-2-87	Amended	1670	3-10-88
705 KAR 4:210			811 KAR 2:045		
Amended	1107	1-4-88	Amended	1673	3-10-88
705 KAR 5:060			811 KAR 2:050		
Amended	278	9-10-87	Amended	1674	3-10-88
705 KAR 5:100	352	9-10-87	811 KAR 2:060		
705 KAR 5:110	353	9-10-87	Amended	1533	2-8-88
705 KAR 5:130	1175	1-4-88	Amended	1676	3-10-88
706 KAR 1:010			811 KAR 2:070		
Amended	279	9-10-87	Amended	1683	3-10-88
Amended	618	11-6-87	811 KAR 2:080		
			Amended	1686	3-10-88

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