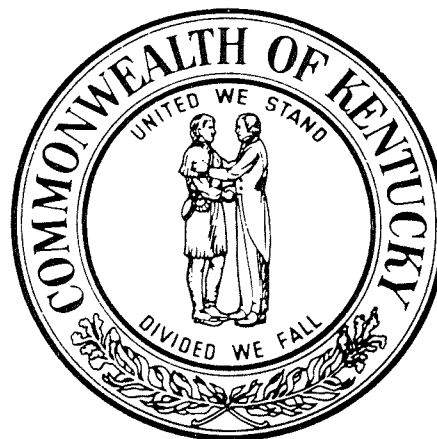


LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 14, NUMBER 12
WEDNESDAY, JUNE 1, 1988



IN THIS ISSUE

Administrative Regulation Review Subcommittee, June Agenda.....	2147
Regulation Review Procedure.....	2148

Emergency Regulations Now In Effect:

Board of Podiatry.....	2149
Education.....	2149
Workers' Compensation Board.....	2150
Human Resources.....	2158

As Amended and Effective May 9, 1988:

Finance and Administration.....	2181
Agriculture.....	2184
Housing, Buildings and Construction.....	2186

Proposed Amendments Received through May 15:

Board of Medical Licensure.....	2191
Board of Nursing.....	2161
Corrections.....	2195
Transportation.....	2202
Education.....	2213
Insurance.....	2219
State Racing Commission.....	2224
Housing, Buildings and Construction.....	2227
Human Resources.....	2233

Proposed Regulations Received Through May 15:

Board of Auctioneers.....	2244
Insurance.....	2245

May Minutes of the Administrative Regulation Review Subcommittee...	2247
---	------

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	L2
KRS Index.....	L12
Subject Index.....	L21

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 June 1, 1988. See tentative agenda on pages 2147-2148 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 - June 1, 1988
(Rm. 107, Capitol Annex @ 10 a.m.)

REVENUE CABINET
Department of Professional and Support Services

Income Tax;Withholding

103 KAR 18:141. Current month payment of individual income tax withheld by larger withholders.

Sales and Use Tax; Registration and Collection

103 KAR 25:131. Current month payment of sales and use taxes by larger taxpayers.

GENERAL GOVERNMENT CABINET

Board of Podiatry

201 KAR 25:021 & E. Annual renewal notice for licenses, fees.

Board of Examiners of Psychologists

201 KAR 26:240 & E. Requirements for temporary licensure and certification.

Kentucky Athletic Commission

201 KAR 27:080. Miscellaneous provisions. (Deferred from May meeting)

TOURISM CABINET

Department of Fish & Wildlife Resources

Game

301 KAR 2:045. Upland game birds, furbearers and small game; seasons, limits.

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

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

301 KAR 2:170. Seasons for deer hunting.

301 KAR 2:230. Shoot to retrieve field trial permits and procedures.

Hunting and Fishing

301 KAR 3:021. Hunting and fishing license fees.

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

COMMERCE CABINET

Department of Agriculture

Livestock Sanitation

302 KAR 20:058. Brucellosis eradication.

CORRECTIONS CABINET

Office of the Secretary

501 KAR 6:030. Kentucky State Reformatory.

501 KAR 6:040. Kentucky State Penitentiary.

501 KAR 6:060. Northpoint Training Center.

501 KAR 6:070. Kentucky Correctional Institute for Women.

TRANSPORTATION CABINET

Department of Highways

Traffic

603 KAR 5:066. Weight limits for trucks.

LABOR CABINET

Department of Workers' Claims

Workers' Compensation Board

803 KAR 25:011 & E. Procedure in Applications for Adjustments of Claims. (Repeals 803 KAR 25:010)

PUBLIC PROTECTION & REGULATION CABINET

Department of Insurance

Motor Vehicle Reparations

806 KAR 39:070. Proof of motor vehicle insurance.

CABINET FOR HUMAN RESOURCES

Department for Health Services

Alcohol, Drugs and Occupational Programs

902 KAR 3:060 & E. Nonmedical alcohol treatment and education centers.

902 KAR 3:210 & E. Drug abuse treatment and education centers.

Maternal and Child Health

902 KAR 4:030. Tests for inborn errors of metabolism.

902 KAR 4:060. Kentucky state plan of program operations and administration for the special supplemental food program for women, infants and children (WIC).

Sanitation

902 KAR 10:021 & E. License fees for frozen food locker plants.

902 KAR 10:030 & E. Sanitarians.

902 KAR 10:060 & E. Onsite sewage disposal.

902 KAR 10:121 & E. Inspection fees for public swimming & bathing facilities.

902 KAR 10:130 & E. Licensing fee for septic tank servicing.

Medical Laboratories

902 KAR 11:010 & E. Application for licensure; fee.

Hospitalization of Mentally Ill and Mentally Retarded

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

Emergency Medical Technicians

902 KAR 13:030. Fees.

Commission for Health Economics Control in Kentucky

902 KAR 20:132. Certificate of need expenditure minimums.

902 KAR 20:135 & E. Certificate of need application fee schedule.

Social Security Act

902 KAR 25:011. Repeal of 902 KAR 25:010.

Food and Cosmetics

902 KAR 45:110 & E. Inspection fees; permit fees; food plants, markets, warehouses, and distributors, vending machine companies and machines.

902 KAR 45:120 & E. Inspection fees; permit fees; food service establishments, hotels, mobile home and recreational vehicle parks.

Controlled Substances

902 KAR 55:010 & E. Licensing of manufacturers and wholesalers.

Radiology

902 KAR 100:012 & E. Fee schedule.

Radiation Operators Certification

902 KAR 105:020 & E. General requirements.

Department for Employment Services

Employment Agencies

903 KAR 1:010 & E. Private employment agencies.

Department for Social Insurance

Public Assistance

904 KAR 2:020. Child Support.

Department for Social Services

Child Welfare

905 KAR 1:091 & E. Standards for facilities and agencies.

Day Care

905 KAR 2:010 & E. Standards for all child day care facilities.

Children's Residential Services

905 KAR 7:230. Education of Youth in the children's residential services programs.

Department for Medicaid Services

Medicaid Services

907 KAR 1:004 & E. Resource and income standard of medically needy.

907 KAR 1:011 & E. Technical eligibility requirements.

907 KAR 1:013 & E. Payments for hospital inpatient services.

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

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.

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 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 reviewed by the Administrative Regulation Review Subcommittee 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 reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the appropriate jurisdictional committee meets or thirty (30) days after being referred by LRC, whichever occurs first.

EMERGENCY REGULATIONS NOW IN EFFECT

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

STATEMENT OF EMERGENCY

Comes the Kentucky State Board of Podiatry (hereinafter the Board) pursuant to KRS 13A.190 and makes the following statement of explanation in support of the attached emergency regulation. (1) The board has not had an increase in licensure renewal and penalty fees for approximately ten years. (2) Since renewal notices must be sent out in June in the absence of this emergency regulation, the board would encounter undue delay in the implementation of this needed public policy. (3) This emergency regulation will be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor
JOSEPH P. LEONE, Chairman

GENERAL GOVERNMENT CABINET
Board of Podiatry

201 KAR 25:021E. Annual renewal notice for licenses, fees.

RELATES TO: KRS 311.450
PURSUANT TO: KRS 311.410(4)
EFFECTIVE: April 19, 1988

NECESSITY AND FUNCTION: KRS 311.450 requires the board to send notices to all podiatrists licensed by this board to their last known address on or before June 1 of each year. This regulation requires the mailing of an annual renewal notice to all licensed podiatrists and requires all licensed podiatrists to complete the annual renewal notice and return it, along with the annual renewal fee to the board. It further requires all licensed podiatrists to keep the board apprised of the current address of the licensee; establishes penalty for noncompliance.

Section 1. The State Board of Podiatry shall on or before June 1 of each year mail to each licensed podiatrist an annual renewal notice. This annual renewal notice must be completed and returned to the board on or before July 1 of each year. The annual renewal fee, in the amount of 100 [fifty (50)] dollars shall be attached to the completed renewal notice when it is returned to the board. Said annual renewal fee shall be paid by certified check, cashier's check or postal money order, payable to the State Board of Podiatry. All information requested on the annual renewal notice form shall be furnished to the board when the completed annual renewal notice form is returned to the board.

Section 2. In addition, the licensed podiatrist shall return with the annual renewal notice form a statement showing his compliance with the continuing education requirements of the board.

Section 3. Failure to complete the requirements for annual renewal of the license by July 1 of the current year shall result in a penalty of 100 [fifty (50)] dollars.

JOSEPH P. LEONE, D.M.D., Chairman
APPROVED: April 13, 1988
FILED WITH LRC: April 19, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

705 KAR 2:120(3)(d) currently provides for three business and office education teachers to be calculated in a formula total for distributing funds to locally-operated area vocational education centers and locally-operated vocational departments. The present distribution formula does not take into consideration local districts serving three or more schools, thereby creating a demand for more than three business and office teachers to meet the needs of enrollment. The amended 705 KAR 2:120 which corrects the above-described situation, will be presented for public hearing on June 28, 1988. This will not allow adequate time to make the necessary funding distribution to local districts prior to the end of the fiscal year on June 30, 1988. Therefore, this emergency regulation will permit distribution of monies in adherence to 705 KAR 2:120.

WALLACE G. WILKINSON, Governor
JOHN H. BROCK, Superintendent

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Vocational Education

705 KAR 2:120E. Distribution of funds for local operation of area vocational education centers and local vocational departments.

RELATES TO: KRS 156.035, 163.030
PURSUANT TO: KRS 156.070, 163.030
EFFECTIVE: May 9, 1988

NECESSITY AND FUNCTION: KRS 156.035(2) authorizes the State Board of Education to provide for the proper disbursement of state funds for the benefit of programs under its control and management; and KRS 163.030 authorizes the state board to carry out the purposes of the state's vocational education program. This regulation establishes a procedure for distribution of appropriated funds to local school districts operating area vocational education centers and local vocational education departments.

Section 1. The funds appropriated by the General Assembly to support locally operated vocational education departments and centers shall be distributed to the local districts named in the biennial budget.

Section 2. All funds shall be distributed according to the following basic formula. Funds will be allotted on a per teacher basis for each approved vocational teacher in the previous school year. For 1987-88, the local district shall receive \$21,000 per teacher for one (1) to five (5) teachers, except that the amount shall vary according to the total funds available; \$16,000 per teacher for six (6) to nine (9) teachers; and \$10,000 per teacher for ten (10) teachers.

or more teachers.

Section 3. Approved teacher count per school shall:

(1) Include all teachers in the school if the number is five (5) or less.

(2) Consist, for those schools above five (5) teachers, of those qualified, approvable teachers included in the actual vocational facility. The teachers counted shall include the following:

(a) All Industrial Education Level III, distributive education and health services teachers;

(b) Only those agriculture teachers in full-time horticulture or agricultural mechanics programs;

(c) Only those home economics teachers in full-time gainful home economics programs such as child care and commercial foods;

(d) Only business education teachers not to exceed three (3) after subtracting two (2) from the total number of business teachers in the home high school unless enrollments from multiple high schools require duplication of advanced course offerings. In such cases, up to an additional two (2) teachers may be added when the local vocational center has enrollees from three (3) or more home high schools; and

(e) Only those special vocational teachers in developmental occupational programs.

Section 4. Districts receiving this supplemental funding must have a plan to provide supervision by a qualified vocational education administrator.

Section 5. Those state operated area vocational education centers which have become locally operated since 1980 shall have a contract of agreement equal to the amount of the funds calculated for the districts specified in Section 1 of this regulation, except that no district shall receive less than the amount received in 1986-87 for basic contract and twenty (20) percent capital outlay funds. Other districts agreeing to local control will receive the amount provided for the districts specified in Section 1 of this regulation.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: May 4, 1988

FILED WITH LRC: May 9, 1988 at 4 p.m.

STATEMENT OF EMERGENCY

It is necessary because of the exigencies of the situation that emergency administrative regulation 803 KAR 25:011 be adopted as an emergency regulation upon filing. KRS Chapter 342 has been extensively amended, including a complete change in the way contested workers' compensation claims are adjudicated and appealed. Administrative law judges will now be the initial decision makers and the Workers' Compensation Board will be the first-level appeal body. For these reasons, it is necessary to repeal 803 KAR 25:010 and replace it immediately with this regulation, so that the administrative law judges and the Workers' Compensation Board can begin their work. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
ARMAND ANGELUCCI, Chairman

LABOR CABINET Department of Workers' Claims Workers' Compensation Board

803 KAR 25:011E. Procedure in applications for adjustments of claims.

RELATES TO: KRS Chapter 342

PURSUANT TO: KRS Chapter 13A, 342.260

EFFECTIVE: April 19, 1988

NECESSITY AND FUNCTION: KRS 342.260 requires the Workers' Compensation Board to prepare such rules and regulations as it considers necessary to carry on its own work and the work of the administrative law judges and for carrying out the provisions of KRS Chapter 342. The function of this proposed administrative regulation is to regulate practice and procedure before the administrative law judge.

Section 1. Definitions. (1) "Board" means the Workers' Compensation Board created pursuant to KRS 342.215(1).

(2) "Commissioner" means the individual employed by the board pursuant to KRS 342.230(2).

(3) "Administrative law judge" means an individual appointed pursuant to KRS 342.230(3).

(4) "Employer" means and includes individuals, partnerships, voluntary associations and corporations.

(5) "An employer who has not secured payment of compensation" means any employer who employs covered employees as defined by KRS 342.640, but has not complied with KRS 342.340.

(6) "Date of filing" means the date a pleading, motion or other document is received by the board at its office in Frankfort, Kentucky.

Section 2. Parties. (1) The parties to any application for adjustment of claim filed with the board pursuant to KRS 342.270 shall be designated as "plaintiff" and "defendant." The party filing the original application in such proceedings shall be designated as the "plaintiff" and the adverse party (parties) as "defendant" ("defendants").

(2) All parties shall join as plaintiffs in whom any right to any relief pursuant to KRS Chapter 342, arising out of the same transaction or occurrence, is alleged to exist. If any such person should refuse to join as a plaintiff, he shall then be joined as a defendant, and the fact of his refusal to join as a plaintiff shall be pleaded.

(3) All persons shall be joined as defendants against whom the ultimate right to any relief pursuant to KRS Chapter 342 may exist, whether jointly, severally, or in the alternative. The administrative law judge to whom the matter is assigned may order upon a proper showing that any additional party be joined when the administrative law judge deems the presence of the party necessary or that any party be dismissed when the administrative law judge deems the presence of the party unnecessary.

Section 3. Pleadings. (1) Any application for adjustment of claim for compensation, answer, and other pleading shall be typewritten and the printed forms prescribed by the board shall be used whenever applicable. All forms shall be

furnished by the commissioner to any person who requests them, without charge.

(2) The original application for adjustment of claim shall be fully completed and filed in triplicate with the commissioner. The original and sufficient copies for serving all named parties and the administrative law judge shall be furnished. The commissioner shall serve the application upon all named parties other than the plaintiff by certified mail. The commissioner shall return unfiled to the plaintiff or his attorney any application which is not fully completed or which does not have attached all forms required to be filed with the application. If the application is resubmitted in proper form within ten (10) days of the date it was returned by the commissioner, the filing date shall relate back to the date the application was first received by the commissioner. Otherwise the second date of receipt shall be the filing date.

(3) All pleadings filed with the commissioner subsequent to the original application shall include the certificate of the party or attorney who filed the pleading stating the date and manner of service of a copy of the pleading upon the other parties. Service of these pleadings shall be made in one of the ways provided by Rule 5.02, Kentucky Rules of Civil Procedure. Copies of all pleadings filed after the application has been assigned to an administrative law judge and the parties have received notice of the assignment shall also be served upon the administrative law judge at his office address and the certificate of service shall so show. Service of all pleadings and transcripts of proof by deposition upon the administrative law judge and the commissioner is required.

Section 4. Motions. (1) Every application for an order of the administrative law judge shall be by typewritten motion, served and filed in the manner prescribed by Section 3(3) of this regulation.

(2) When a motion is filed, the party may file with it a short memorandum supporting the motion and the opposing party may file a short memorandum in reply. No further memoranda in support of a motion may be filed.

(3) Every motion, the grounds of which depend upon the existence of facts not appearing in evidence at the time of the filing of the motion, shall be supported by affidavits evidencing such facts, which shall be served and filed with the motion. Contrary affidavits may likewise be served and filed by the opposing party.

(4) Every motion, the grounds of which depend upon the existence of one (1) or more facts which the movant contends are shown in evidence or are admitted by the pleading of the adverse party, shall contain a reference to the hearing transcript of deposition transcript containing the evidence, and to the page where it is to be found, or to the pleading containing the admission.

(5) A motion be considered by an administrative law judge ten (10) days after the date of filing of the motion. A response to a motion will be considered if filed prior to the tenth day after the date of filing of the motion.

(6) Every motion for the allowance of an attorney's fee shall be served upon the adverse party and also upon the attorney's client and

the fact of such service certified as provided in Section 3(3) of this regulation. Every motion for the allowance of an attorney's fee shall set forth the amount of money requested and the percentage of the award represented by the fee. Every motion shall be accompanied by an affidavit of the attorney setting forth in detail the services rendered and the amount of time expended. Every motion shall also be accompanied by a completed Form 109 signed by the attorney and his client, and notarized, as required by KRS 342.320(3). Every motion for allowance of an attorney fee shall be submitted within thirty (30) days following finality of the last appealable order of the administrative law judge.

Section 5. Application for Adjustment of an Injury Claim. (1) The original application for adjustment of injury claim (Form 101) shall be filed with the following attachments:

(a) A complete work history of the plaintiff (Form 104);

(b) A complete medical history of the plaintiff (Form 105);

(c) One (1) medical report describing the injury which is the basis of the claim; and

(d) A signed waiver and consent to release medical information in compliance with KRS 342.020(4) (Form 106).

The medical report required to be filed under paragraph (c) of this subsection may consist of the notes of a treating physician and other materials provided by the physician so long as the notes and materials are legible. Medical reports presented in this form and not on Form 107 shall not be considered as the direct testimony of a physician through a medical report pursuant to KRS 342.033.

(2) A defendant may file an answer to the plaintiff's application for adjustment of an injury claim (Form 101) within twenty (20) days after the date of service upon him of the application, but no such answer is required and if none is filed, all of the allegations of the application will be deemed to be denied. If, however, an answer other than a special answer under subsection (3) of this section is filed, only those allegations which are specifically denied by the answer shall be deemed to be in disagreement.

(3) If any defendant in an application for adjustment of injury claim relies upon an affirmative special defense, he shall plead the defense in a special answer filed within twenty (20) days after the date of service upon him of the application, or within ten (10) days after the defense is discovered if the defense could not have been discovered earlier in the exercise of reasonable diligence. If in the exercise of reasonable diligence, the defense could not have been discovered until the introduction of proof, the pleading shall be filed to conform with the proof within ten (10) days after the proof is taken.

(4) Upon the filing of an application for adjustment of an injury claim (Form 101) all parties may begin discovery and proof. All parties may take discovery and proof for sixty (60) days from the filing date of the application; the defendants may then take discovery and proof for an additional thirty (30) days; following the defendant's discovery and proof time the plaintiffs may take rebuttal discovery and proof for an additional fifteen

(15) days.

All parties shall be furnished with copies of all medical reports and vocational evaluation reports resulting from medical examinations and evaluations by vocational experts within thirty (30) days of the examination or evaluation by the party requesting the examination or evaluation.

(5) Within thirty (30) days after an application for adjustment of an injury claim is filed the commissioner shall assign the case to an administrative law judge, and schedule the time and place for the prehearing conference. The prehearing conference shall be scheduled at least fifteen (15) days after the last day of discovery and proof time in order for transcripts of proof by deposition to be filed prior to the prehearing conference. All parties shall be notified of the assignment and schedule by the commissioner.

Section 6. Application for Adjustment of an Occupational Disease Claim. (1) The original application for adjustment of an occupational disease claim (Form 102) shall be filed with the following attachments:

(a) A complete work history of the plaintiff (Form 104);

(b) A complete medical history of the plaintiff (Form 105);

(c) A signed waiver and consent to release of medical information (Form 106);

(d) Two (2) written medical reports supporting the claim (Form 108) in compliance with KRS 342.316(2)(b)1.

An application for an adjustment of an occupational disease claim (Form 102) may be used to apply for retraining incentive benefits if the plaintiff does not wish to use the expedited procedure described in KRS 342.732 and this section. Retraining incentive benefits may be awarded as an adjustment of an occupational disease claim if the evidence supports such an award, even though this benefit was not requested.

(2) Within sixty (60) days after the date of service upon him of an application for adjustment of an occupational disease claim (Form 102) each defendant shall file a notice of election to resist the application pursuant to KRS 342.316(2)(c)3 or eligibility of the plaintiff for benefits shall be deemed to be conceded.

(3) If any defendant in an application for adjustment of an occupational disease claim relies upon an affirmative special defense, he shall plead the defense in a special answer filed within sixty (60) days after the date of service upon him of the application, or within ten (10) days after the defense is discovered if the defense could not have been discovered earlier in the exercise of reasonable diligence. If the affirmative special defense is not so pled, it is waived. If, in the exercise of reasonable diligence, the defense could not have been discovered until the introduction of proof, the pleading shall be filed to conform with the proof within ten (10) days after the proof is taken.

(4) Upon being served with an application for adjustment of an occupational disease claim pursuant to KRS 342.316(2)(6)1a or KRS 342.732 (Form 102) a defendant may have the plaintiff examined by medical experts and evaluated by vocational experts, at the defendant's expense.

All parties shall be furnished with copies of the resulting medical reports and vocational evaluations within thirty (30) days of the date of the examination or evaluation and within the sixty (60) day discovery time. During this sixty (60) day discovery time, the defendants may depose the plaintiff for discovery purposes. If at the end of the sixty (60) day discovery time the commissioner has received one (1) or more notices of election to resist an application, the commissioner shall assign the case to an administrative law judge, shall schedule the time and place for the prehearing conference and at the same time issue a schedule for the taking of discovery and of proof by deposition prior to the prehearing conference. All parties shall be notified of this assignment and schedule by the commissioner. The schedule for taking discovery and proof by deposition shall provide that all parties may take discovery and proof for sixty (60) days from the date of filing of the scheduling order; the defendants may then take discovery and proof for an additional thirty (30) days; following the defendants' discovery and proof time the plaintiffs may take discovery and proof for an additional fifteen (15) days. The prehearing conference shall be scheduled at least fifteen (15) days after the last day of discovery and proof time in order for transcripts of proof by deposition to be filed prior to the prehearing conference.

(5) When an application for adjustment of an occupational disease claim (Form 102) is filed, and one (1) or more of the medical reports filed with the application pursuant to KRS 342.316 contains the findings of more than one (1) physician, the findings of one (1) physician concerning the x-ray examination, one (1) physician concerning the spirometric testing and one (1) physician concerning the comprehensive clinical examination shall together constitute one (1) "written medical report" and cross-examination by deposition may be taken of all the three (3) physicians contributing to any "written medical report" and be introduced as the "direct testimony" of one (1) physician for the purposes of KRS 342.033. Up to three (3) "written medical reports" may be introduced by any party to an occupational disease claim or application for retraining incentive benefits without prior consent from the administrative law judge, as required by KRS 342.033.

Section 7. Application for Retraining Incentive Benefits. (1) The original application for retraining incentive benefits (expedited procedure) (Form 103) shall be filed with the following attachments:

(a) A complete work history of the plaintiff (Form 104);

(b) A complete medical history of the plaintiff (Form 105);

(c) A signed waiver and consent to release of medical information (Form 106) in compliance with KRS 342.020(4).

(2) Within sixty (60) days after the date of service upon him of an application for retraining incentive benefits (expedited procedure) (Form 103) each defendant shall file a notice of election to resist the application pursuant to KRS 342.316(2)(c)3 or eligibility of the plaintiff for benefits shall be deemed to be conceded.

(3) If any defendant in an application for retraining incentive benefits (expedited

procedure) relies upon an affirmative special defense, he shall plead the defense in a special answer filed within sixty (60) days after the date of service upon him of the application or within ten (10) days after the defense is discovered if the defense could not have been discovered earlier in the exercise of reasonable diligence. If the affirmative special defense is not so pled, it is waived. If, in the exercise of reasonable diligence, the defense could not have been discovered until the introduction of proof, the pleading shall be filed to conform with the proof within ten (10) days after the proof is taken. Failure of the plaintiff to file and pursue in good faith a claim under the federal Coal Mine Health and Safety Act as required by KRS 342.800 when pneumoconiosis or silicosis benefits are sought shall not be an affirmative special defense when rehabilitation incentive benefits are sought in an expedited procedure.

(4) When an application for retraining incentive benefits (expedited procedure) (Form 103) has been filed, the commissioner shall appoint a physician to conduct a comprehensive clinical examination, radiographic testing and spirometric testing of the plaintiff, or may appoint up to three (3) physicians if any one (1) physician is not qualified to conduct all these procedures. The findings of this physician or these physicians shall constitute a report of the "examination" which the claimant may elect pursuant to KRS 342.732(b)(a). The examination shall be conducted and the findings filed and served on all parties within fifty (50) days of the appointment. No other medical examination shall be conducted.

(5) If at the end of the sixty (60) days discovery time, the commissioner has received one (1) or more notices of election to resist the application the commissioner shall assign the case to an administrative law judge, shall schedule the time and place for the hearing and at the same time shall issue a schedule for the taking of proof. During this proof-taking time, direct testimony may be taken from the physicians who conducted the examination, and proof may be taken by deposition concerning any special defenses pleaded by the employer at the time of filing of the Notice of Resistance. All parties shall be notified of this assignment and schedule by the commissioner. The schedule for taking discovery and proof by deposition shall provide that all parties may take discovery and proof for sixty (60) days from the date of filing of the scheduling order; the defendants may then take discovery and proof for an additional thirty (30) days; following the defendants' discovery and proof time the plaintiff may take discovery and proof for an additional fifteen (15) days. The hearing shall be scheduled at least fifteen (15) days after the last day of discovery and proof time in order for transcripts of proof by deposition to be filed prior to the hearing. There shall be no prehearing conference in a claim which is initiated by an application for retraining benefits (expedited procedure).

Section 8. Prehearing Conference. (1) The purposes of the prehearing conference are to expedite the processing of contested cases and to avoid whenever possible the need for a formal hearing. The conference is an informal procedure, presided over by the administrative

law judge. No transcript of the proceedings of the conference shall be made. At the conference every effort shall be made by all parties to dispose of controversies whenever possible, to narrow and define issues, and to facilitate prompt settlement of the claim.

(2) The plaintiff and his representative, the defendant employer/insurer or its representative, and the representatives of all other parties shall attend the prehearing conference. The representative of any party must have authority to resolve disputed issues and settle the claim at the conference. The administrative law judge may upon motion waive the requirement that the plaintiff shall attend the conference, but only for good cause shown in the motion and with a showing that the plaintiff's representative will attend the conference with full authority to settle the claim.

(3) The representative of a party may seek rescheduling or postponement of a prehearing conference by motion filed at least fifteen (15) days prior to the schedule date of the conference, stating the reason for the request. A motion to postpone or reschedule shall be sustained only upon good cause shown at the discretion of the administrative law judge.

(4) If all parties agree upon a settlement prior to the prehearing conference, the settlement agreement shall be filed for the approval of the administrative law judge. If the agreement is approved by the administrative law judge, the prehearing conference shall be cancelled and notice of the cancellation served on all parties.

(5) If the parties reach agreement on all issues at the prehearing conference and the claim is settled, the administrative law judge shall summarize the terms of the agreement using a Form 110. This record of the terms of the agreement shall be signed by the parties. The administrative law judge may approve the agreement at the conference or retain it for review for up to ten (10) days prior to approval. The administrative law judge shall cause copies of the agreement form to be served on all parties, and the claim will thereafter be closed.

(6) If at the conclusion of the conference the parties have not reached agreement on all the issues, the administrative law judge shall prepare a stipulated summary of all contested and uncontested issues, which shall be signed by representatives of the parties and by the administrative law judge. This stipulation shall be filed and only the contested issues shall be the subject of further proceedings before the administrative law judge.

(7) In the sole discretion of the administrative law judge upon motion of a party with good cause shown, the administrative law judge may order that additional discovery or proof by deposition be taken on a contested issue between the prehearing conference and the hearing. Taking of this proof shall not be a valid reason for continuing the date for the hearing.

(8) If the claim is not settled, the administrative law judge shall schedule a date for the hearing on the claim at the prehearing conference. The date for the hearing shall be within sixty (60) days from the date of the prehearing conference. Representatives of the parties shall come to the prehearing conference

prepared to schedule a hearing during the conference. The hearing date will not be changed except for good cause shown on motion of the representative requesting the change.

(9) If the parties agree upon a settlement after the prehearing conference but before the hearing, the settlement agreement shall be filed for the approval of the administrative law judge. The administrative law judge shall approve or disapprove the settlement agreement within ten (10) days of filing. If the agreement is approved by the administrative law judge, the hearing shall be cancelled and notice of the cancellation served on all parties.

Section 9. Interlocutory Relief. (1) The plaintiff may seek three (3) forms of interlocutory relief while his claim is in process of consideration for adjustment.

(a) If the plaintiff is totally disabled he may seek to have income benefits paid pursuant to KRS 342.730 while the claim is pending.

(b) He may seek to have medical and hospital bills paid pursuant to 342.020 while the claim is pending.

(c) He may seek provision of rehabilitation services pursuant to KRS 342.710 while the claim is pending. The defendants may also request rehabilitation services for the plaintiff while the claim is pending.

(2) The plaintiff may seek one (1) or more forms of interlocutory relief by completing the appropriate section of the application for adjustment of claim. The plaintiff or defendants may seek interlocutory relief by motion if the need for interlocutory relief arises after the application is filed.

(3) If the plaintiff seeks interlocutory relief in his application for adjustment of claim or by motion at least twenty (20) days prior to the prehearing conference, or if there is agreement of all parties, the request for interlocutory relief may be considered at or before the prehearing conference. If the motion is filed within twenty (20) days of the prehearing conference or after the prehearing conference but before the hearing, it may be considered at or before the hearing.

(4) One (1) or more of the forms of interlocutory relief described in Section 7(1) of this regulation may be granted by the administrative law judge if the plaintiff shows by means of affidavits, or his own deposition or other evidence of record that he is eligible for the interlocutory remedies being sought under KRS Chapter 342 and that if he does not receive the interlocutory relief sought he will suffer immediate and irreparable injury, loss, or damage pending a final decision on the application. A defendant may be granted the right to provide rehabilitation services to the plaintiff while the claim is pending upon a showing that the plaintiff will benefit from the services and have a better chance of returning to work as a result.

(5) When the plaintiff seeks interlocutory relief by either of the two (2) ways authorized in Section 7(2) of this regulation the defendant shall file his response, if any, and supporting affidavits as appropriate within twenty (20) days of filing of the application or twenty (20) days of the filing of the motion of the plaintiff or defendant.

(6) When the plaintiff seeks interlocutory relief, the administrative law judge shall

review all pleadings, affidavits, and other evidence in the record and at the prehearing conference or hearing may in his discretion hear oral arguments in support of each party's position. The administrative law judge shall render his decision, file it in the record, and serve it on all parties.

(7) When the administrative law judge awards to the plaintiff interlocutory relief in the form of income benefits while he is totally disabled, the application shall be placed in abeyance, unless the plaintiff shows that he will be irreparably harmed thereby. While the application is in abeyance, the parties shall submit in writing to the administrative law judge a report on the plaintiff's continued total disability every sixty (60) days. If in the administrative law judge's discretion new evidence shows that the plaintiff is no longer totally disabled, the administrative law judge may revoke the interlocutory payment of income benefits based on total disability, and remove the claim from abeyance.

(8) If the claim remains in abeyance for one (1) year and the plaintiff continues to be totally disabled, the administrative law judge shall on his own motion order the claim to be removed from abeyance and scheduled for hearing, unless in response to the motion a party shows good cause for the claim to remain in abeyance.

(9) No interlocutory relief may be sought or granted when the claim is an application for retraining incentive benefits (expedited procedure).

(10) When the administrative law judge awards to the plaintiff interlocutory relief in the form of income benefits while he is totally disabled, an attorney fee in the amounts authorized by KRS 342.320 but in no case to exceed twenty (20) percent of the weekly income benefit awarded may be ordered by the administrative law judge upon motion of the attorney. The administrative law judge may award the fee on a sixty (60) day basis, renewable for additional sixty (60) day periods if the interlocutory benefit is renewed pursuant to Section 7(7) of this regulation. All provisions of KRS 342.320 and Section 4(7) of this regulation must be complied with. The fee awarded shall be deducted in equal amounts from the weekly income benefits awarded and paid directly to the attorney awarded the fee at the beginning of each sixty (60) day period.

Section 10. Hearings. (1) If the parties have not arrived at a settlement prior to the scheduled hearing date, a hearing shall be held to complete proof on all contested issues set forth in the stipulated summary filed pursuant to Section 6(6) of this regulation.

(2) The administrative law judge to whom the case has been assigned shall conduct the hearing. No proof shall be taken following the hearing.

(3) The plaintiff shall appear at the hearing and shall present his testimony concerning the contested issues still before the administrative law judge, even if the plaintiff's testimony has previously been taken by deposition. Defendants may cross-examine. Other proof may be taken at the hearing only if it has not previously been taken by deposition.

(4) If the plaintiff fails to appear at the hearing of his claim and no good cause is shown for his failure to appear, the administrative

law judge may dismiss the case for want of prosecution. If good cause is shown, the case may be continued until the plaintiff is able to appear.

(5) When a defendant or his representative fails to appear at the hearing, the hearing may proceed as scheduled.

(6) At the conclusion of the hearing the administrative law judge may take the application under submission immediately or request briefs from the parties, to be filed according to a schedule announced by the administrative law judge at the hearing. Upon filing of the last brief scheduled or passage of the due date for that brief the case shall stand submitted. The administrative law judge may announce his decision at the conclusion of the hearing and subsequently file his written opinion, serving it on the parties when filed, or the administrative law judge may defer his decision until he files the written opinion. In either case, the time for filing a petition for reconsideration shall not begin to run until the date of filing of the written opinion.

Section 11. Petitions for Reconsideration. (1) Within fourteen (14) days from the date the written opinion announcing an order, award, or decision is filed, any party may file a petition for reconsideration of the award, order or decision. The petition shall clearly identify the error "patently appearing upon the face" of the award, order or decision which the petitioner seeks to have corrected, and set forth arguments and authorities supporting the correction sought.

(2) Any party may file a response to the petition within ten (10) days after the date of filing of the petition.

(3) The administrative law judge shall by order overrule or sustain the petition for reconsideration within ten (10) days after the date the responses are due.

(4) If the administrative law judge finds that the petition is frivolous, he may assess costs and attorney fees against the petitioner or his attorney.

Section 12. Appeals to the Workers' Compensation Board. (1) Within thirty (30) days after the date of filing of a written opinion, order or decision finally adjudicating a case, a party aggrieved by the opinion, order or decision may appeal the opinion, order, or decision to the Workers' Compensation Board. Opinions, orders or decisions of administrative law judges and of the (old) Workers' Compensation Board established pursuant to KRS 342.215(5) shall be appealed in this manner.

(2) The appeal shall be initiated by the filing of a notice of appeal. The notice of appeal shall style the appealing party first as the "petitioner" and all other parties against whom the appeal is being taken as the "respondents." The Workers' Compensation Board case number shall be retained in the petition and in all other pleadings related to the appeal to the board. The administrative law judge who rendered the opinion, order or decision appealed from or the (old) Workers' Compensation Board shall be named as a "respondent." If appropriate, the Director of the Special Fund shall be named as a "respondent" pursuant to KRS 342.316(10)(6).

(3) Any party other than the petitioner in the

appeal may file a cross-appeal against a party who has taken an appeal against him. All cross-appeals shall be filed by notice of cross-appeal within ten (10) days after notice of appeal is filed. If a cross-appeal is filed, the style of the appealed and cross-appealed case shall designate the parties as appropriate (i.e., petitioner-cross-respondent). The Workers' Compensation Board number shall remain the same.

(4) The notice of appeal or cross-appeal, and enough copies for service on all respondents shall be filed with the commissioner. The commissioner shall cause all respondents to be served by certified mail with a copy of the notice of appeal or cross-appeal. All subsequent pleadings shall be served on the respondents as provided in Section 3(3) of this regulation.

(5) When a notice of appeal is filed, the record in the case shall be transferred to the Workers' Compensation Board in its entirety, unpaginated. All references to specific evidence in the record shall be by the title of the evidence referenced and the page number at which the specific entry occurs (i.e., Deposition of Dr. A. B., p. 17.)

(6) If a ground for the appeal is fraud or misconduct pursuant to KRS 342.285(3), the board shall immediately schedule a hearing on that issue before the board. All testimony concerning the issue shall be transcribed and placed in the record and notice of filing of the transcript shall be given to all parties by the commissioner. All subsequent time in such a case shall be calculated from the date the transcript is filed instead of the date of filing of the notice of appeal.

(7) The petitioner's brief shall be filed with the board within thirty (30) days of filing of the notice of appeal. The organization and contents of the petitioner's brief shall be as provided in Rule 76.12(4)(c) of the Kentucky Rules of Civil Procedure except that no index or contents page shall be required and the only appendix shall be a copy of the decision appealed from, including the decision of the administrative law judge, all petitions for reconsideration of the opinion and all rulings on petitions for reconsideration.

(8) The respondent's brief shall be filed with the board within thirty (30) days of the date the petitioner's brief was filed. The organization and contents of the respondent's brief shall be as provided in Rule 76.12(4)(d) of the Kentucky Rules of Civil Procedure, except that no index or contents page shall be required and the only appendix shall be a copy of any response filed to a petition for reconsideration. If a respondent is also a cross-petitioner, a combined brief shall be filed addressing issues raised by the petitioner's brief and by the cross-appeal.

(9) The petitioner's reply brief shall be filed within fifteen (15) days after the date on which the last respondent's brief was filed or due. The organization and contents of the petitioner's reply brief shall be as provided in Rule 76.12(4)(e) except that no appendix, index or contents page shall be required. If the petitioner is also a cross-respondent, a combined brief shall be filed addressing issues raised by the response, and issues raised by the cross-petitioner's brief.

(10) If a cross-appeal has been filed, the cross-petitioner's reply brief shall be filed

within fifteen (15) days after the date on which the last cross-respondent's brief was filed or due. The organization and contents of the cross-petitioner's reply brief shall be as provided in Rule 76.12(4)(e) except that no appendix, index or contents page shall be required.

(11) The petitioner's brief and the respondent's brief shall be limited to fifteen (15) pages each in overall length. Reply briefs shall be limited to five (5) pages in overall length. Combined briefs shall be limited to twenty (20) pages each in overall length. The requirements of this rule with respect to a "statement of points and authorities" shall not apply to any brief of five (5) pages or less. Permission to increase the length of a brief shall be sought by motion. Cause must be shown for the increase. All pleadings shall be typewritten and conform to the requirements set forth in Rule 7.02(4) of the Kentucky Rules of Civil Procedure. Pleadings shall be filed without covers, but the style of the case, including the board number, and the title of the pleading shall appear on the first page of the pleading.

(12) When all briefs have been filed or the due date is past on the last brief due, any party shall by motion move for submission of the appeal to the board for decision. Upon issuance of the board's order, the case shall stand submitted.

(13) Within thirty (30) days of the filing of the board's order of submission, the board shall enter its decision affirming, modifying or setting aside the decision, order or award appealed from, or in its discretion remanding the claim to the administrative law judge for further proceedings in conformity with the direction of the board.

(14) The decision of the board may be appealed to the Kentucky Court of Appeals as provided in Rule 76.25, Kentucky Rules of Civil Procedure.

Section 13. Medical Reports. (1) As provided in KRS 342.033, any party may introduce direct testimony (proof) from a physician through a written medical report, subject to the limitations of KRS 342.033, Section 5(3) of this regulation and the scheduling order issued by the administrative law judge pursuant to Section 5 of this regulation.

(2) Any written medical report sought to be introduced as evidence shall be submitted on a Form 107 (injury) or Form 108 (occupational disease) whichever is appropriate.

(3) Any written medical report sought to be introduced as evidence shall be signed by the physician making the report, bearing an original signature. A photocopied or reproduced medical report which is not originally signed is not admissible as evidence unless accompanied by an originally signed affidavit from the physician verifying the contents of the report.

(4) Any written medical report sought to be introduced into evidence shall include within the body of the report or as an attachment a statement of qualifications of the person making the report.

(5) Any narrative in a written medical report on a Form 107 or Form 108 sought to be introduced into evidence shall be typewritten. Any written medical report or any attachment to a written medical report, such as spirometric tracings, shall be clearly legible in the

original and on the copies served on other parties.

(6) The written medical reports required by KRS 342.316(2)(b)1a shall be filed with the application for adjustment of an occupational disease claim as required by that section.

(7) All other written medical reports shall be introduced by motion for admission. The written medical report shall be attached to the motion. The party seeking admission of the report may also file a memorandum in support of the motion.

(8) Any objection to the filing of a written medical report shall be filed within ten (10) days of the filing of the motion for admission. Grounds for the objection shall be stated with particularity. The objecting party may file a memorandum in support of his objection.

(9) The administrative law judge shall rule on the motion for admission within fifteen (15) days of the filing of the motion.

(10) If a written medical report is admitted as direct testimony, any adverse party may depose the physician making the written report as cross-examination concerning it and the deposition shall be filed as proof without a motion.

Section 14. Continuances, Extensions and Motions to Hold in Abeyance. (1) Continuances of hearings and prehearing conferences may be granted by the administrative law judge upon motion supported by affidavits stating facts making a proper showing of good cause for a continuance. A motion for a continuance must be filed no later than twenty (20) days prior to the conference or hearing unless there is a showing of personal emergency or circumstances beyond the control of the requesting party which prohibited timely filing of the motion. The opposing parties may have ten (10) days from the filing date of the motion to respond, with a brief memorandum with affidavits in support of his position.

(2) Extensions of time for the taking of discovery or proof by deposition shall not be granted except upon a good cause showing of extraordinary circumstances preventing the party moving for an extension from timely taking discovery or proof by deposition. The motion for extension of time must be filed no later than five (5) days before the deadline sought to be extended. The motion for extension of time and supporting affidavits must clearly set forth the following:

(a) A showing of timely and diligent efforts by counsel to take the discovery or proof by deposition in question must be detailed.

(b) The facts which prevent taking of the needed discovery or proof by deposition must be detailed.

(c) The date of availability of the evidence needed and the probability of its production must be detailed.

(d) Where possible, supporting documentation giving rise to the need for the extension should be filed with the motion.

(3) In the absence of unusual circumstances, only one (1) thirty (30) day extension shall be granted to each side for completion of discovery or proof by deposition.

(4) The granting of an extension of time for completion of discovery or proof shall enlarge the time to all plaintiffs, if the extension is granted to a plaintiff, or to all defendants should an extension be granted to a defendant.

(5) The provisions of this section shall apply to motions requesting that a claim be held in abeyance pending settlement or for any other reason.

Section 15. Stipulation of Facts and Judicial Notice. (1) Stipulation of facts which are not in issue is mandatory and the refusal without good cause to stipulate facts which are not at issue, within the sound discretion of the administrative law judge, may result in assessment of the costs of the hearing against the party who without good cause has refused to stipulate to routine matters not in issue. The assertion of the fact that a party has not had sufficient time or opportunity to ascertain the facts will not be necessarily considered "good cause" within the meaning of this regulation.

(2) Every party to a stipulation shall be considered bound to the same. For good cause shown, however, any party may be relieved of a stipulation he has made provided that the motion for relief is filed at least ten (10) days prior to the date of the hearing. Upon granting relief from a stipulation, the administrative law judge shall grant a continuation of the hearing and shall schedule additional discovery or proof time for the opposing party or parties to complete their discovery or proof so as to prevent prejudice or surprise.

(3) At the prehearing conference, the administrative law judge shall ask the appropriate questions in order to determine the reasons for an inability or unwillingness to stipulate. The plaintiff and the defendants have the joint responsibility of resolving jurisdictional issues and preaward payment of compensation and explaining why these cannot be stipulated.

(4) The administrative law judge will take judicial notice that the Act is mandatory except for those employers exempted by KRS 342.650 and those employees rejecting the Act pursuant to KRS 342.395 and 342.400.

(5) Upon the filing of a claim, the commissioner shall ascertain whether the employer or any other person against whom a claim is filed and who is not exempted by KRS 342.650, has secured payment of compensation by obtaining insurance coverage or qualifying as a self-insurer pursuant to KRS 342.340. Should the employer or any other person against whom a claim is filed not have insurance coverage or qualify as a self-insurer, the commissioner within twenty (20) days after the filing of the claim shall certify to the file that the defendant or any other person against whom a claim has been filed has failed to secure payment of compensation as required by KRS Chapter 342, and shall notify the administrative law judge and all parties by service of a copy of the certification of no coverage.

Section 16. Evidence: Rules Applicable. (1) The same rules of evidence that apply in judicial proceedings and that are governed by the common law and the statutes in effect in this Commonwealth, apply in all hearings and depositions taken to be used in cases before the administrative law judges.

(2) An exception to the above rule applies in medical reports submitted by and depositions taken of evaluating physicians who are nontreating physicians. In those instances the nontreating physician is permitted to use the

case history related to him by the patient and the subjective symptomatology related to him by the patient in arriving at and formulating his opinion as to causation and disability.

Section 17. Discovery and Depositions. The parties may obtain discovery and take depositions in accordance with the provisions of Rules 26 to 37, inclusive, of the Kentucky Rules of Civil Procedure, except for Rules 27.33 and 36, which are not adopted by the board and which shall not apply to practice before the administrative law judges or the board.

Section 18. Depositions of Physicians Appointed under KRS 342.121. (1) An examining physician appointed by an administrative law judge pursuant to KRS 342.121(1) shall make his report to the administrative law judge on either Form 107 or Form 108 as appropriate, and his report shall be filed as direct testimony. An examining physician appointed by the administrative law judge shall not be examined by deposition on his report except by permission of the administrative law judge.

(2) Motions to join the special fund shall include a designation of the area of medical specialty for appointment of the physician designated pursuant to KRS 342.121.

Section 19. Examinations by Disinterested Physicians. When a disinterested physician or surgeon has been appointed by an administrative law judge pursuant to KRS 342.315, no party shall furnish to the physician or surgeon any copies of reports previously made or depositions given by any physicians or surgeons who have examined the claimant in the case. Either party, however, may transmit to the appointed physician or surgeon, through the administrative law judge, properly identified x-ray photographs made by another person. The transmittal shall be accompanied by certification of service upon all parties.

Section 20. Appearances. (1) Only attorneys-at-law duly licensed in Kentucky may appear or practice before the administrative law judges or the board, except that any natural person who is a party to any proceeding may represent himself only but shall not, either directly or indirectly, represent or appear in behalf of any legal entity other than himself.

(2) Any party who elects to represent himself without the aid of counsel shall be held accountable in the same manner, and to the same degree, as qualified counsel.

Section 21. Withdrawal of Records. (1) No paper, or other portion of any original record of the board shall be withdrawn except on order of the administrative law judge.

(2) All physical exhibits, including x-rays, will be disposed of sixty (60) days after the case is finally closed, unless the filing party makes arrangements to claim the exhibit prior to that time. If the unclaimed exhibit has no money value, it will be destroyed; if the unclaimed exhibit has a value of more than \$100, it will be sold as surplus property; the unclaimed exhibit will be donated to an appropriate state agency if it has a value of less than \$100; if the unclaimed exhibit has historic or museum value it will be sent to the state archives.

Section 22. Routine Records Admission. Any party may file in the record of a case any routine hospital, armed forces and Social Security records. These shall be made part of the record and considered for their statistical content only and any opinion contained therein shall be stricken and not considered. A party, however, may depose the proper agent in the manner provided in these regulation in order to have these records admitted as to any opinion contained therein.

Section 23. Exceptions. Formal exceptions to rulings or orders of the administrative law judges or the board are unnecessary.

Section 24. Frivolous Filings. All provisions of Rule 11 and Rule 73.02(4), Kentucky Rules of Civil Procedure, are incorporated into this rule by reference.

Section 25. Retraining Incentive Benefits. If an applicant for retraining incentive benefits is working in the coal industry at the time his application is filed, the insurance company responsible is the one insuring the applicant's employer on the date of the filing. Otherwise, the insurance company responsible is the one insuring the applicant's employer on the date of his last exposure.

Section 26. Forms. Forms 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111 are hereby adopted by reference.

Section 27. Repeal of 803 KAR 25:010. 803 KAR 25:010 is hereby repealed.

ARMAND ANGELUCCI, Chairman

APPROVED BY AGENCY: April 15, 1988

FILED WITH LRC: April 19, 1988 at 9 a.m.

STATEMENT OF EMERGENCY

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

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

CABINET FOR HUMAN RESOURCES Department for Mental Health and Mental Retardation Services

902 KAR 3:060E. Licensing procedures, nonmedical alcohol treatment and education centers.

RELATES TO: KRS 222.210 to 222.310, HB 516
Part IIA #42 of the 1988 GA

PURSUANT TO: KRS 194.050, 222.230

EFFECTIVE: April 18, 1988

NECESSITY AND FUNCTION: KRS 194.050 and 222.230 empowers the cabinet to promulgate rules

and regulations establishing standards for the licensing and approval of facilities offering alcoholism rehabilitation programs. The purpose of this regulation is to establish standards for determining what types of programs must have a nonmedical alcohol treatment and education center license to operate and the procedures for obtaining and maintaining such a license.

Section 1. Licensing and Approval Procedures. Applications for licensing, or waivers requesting exemptions from licensure standard(s) shall be obtained from and submitted to the Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky 40601.

(1) Application for licensure shall be filed by all agencies operating a nonmedical alcohol treatment and education center in the Commonwealth with the following exceptions:

(a) Group meetings organized among alcoholics, recovering alcoholics or alcohol abusers, families and others, held on a nonresidential basis and without professional staff intervention, for the purpose of discussing problems related to use of alcohol where no fee is involved.

(b) Transportation Cabinet, Alcohol Driver Education, pursuant to: KRS Chapter 189A and 601 KAR 13:050.

(c) Programs conducted in a facility established and maintained by a licensed hospital; nursing homes; and department, agency or institution of the federal government or the Commonwealth.

(d) All chemical dependency treatment services and facilities licensed under 902 KAR 20:160.

(2) The Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation shall conduct all licensure surveys to determine whether an agency's nonmedical alcohol treatment and education center is in compliance with the applicable licensure standards.

(3) The cabinet shall notify the applicant agency for a nonmedical alcohol treatment and education center license of any pending licensure action taken, and shall provide written reports citing observed deficiencies as they relate to the standards. A copy of this report shall be forwarded to the applicant agency. Upon receipt of this report the applicant agency must submit an acceptable plan of correction for cited deficiencies to the cabinet within ten (10) days.

(4) Licensure is not transferable. Both the license holder and the new operator shall be responsible to notify the cabinet when the agency possessing the nonmedical alcohol treatment and education center license changes ownership or control or undergoes a major change in its capacity or in the category(ies) of programs offered, with disclosure of all factors involved in the change. If it is the decision of the cabinet that a reapplication is in order the applicant shall apply within twenty (20) days of notification by the cabinet. Failure to comply with these provisions shall result in loss of license.

(5) The cabinet shall be notified in writing prior to the merger of a the agency possessing a nonmedical alcohol treatment and education center license with another agency and an immediate request for licensure be filed with the cabinet. The merged agency's nonmedical

alcohol program(s) shall be surveyed within one (1) year of such notification. For the purposes of licensure, a merged agency shall be a legal entity with a single governing body, a single administration, a single staff, and, where applicable, a single set of bylaws, rules and regulations.

(6) The cabinet shall publish on an annual basis a list of licensed nonmedical alcohol treatment and education centers identifying types of programs and their locations and shall make it available to the public upon request.

(7) Licenses granted to agencies deemed responsible and suitable to carry out nonmedical alcohol treatment and education center programs shall meet applicable standards and requirements for a period not exceeding one (1) year and renewable for a like period, and subject to revocation for cause.

(8)(a) A nonmedical alcohol treatment and education center license shall be issued by the Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation to an agency that meets the required program standards. Such a license shall identify the location of the facility and the year of issuance of the license and the individual facility(ies) providing alcohol detoxification, alcohol residential, alcohol residential transitional, alcohol outpatient, alcohol day/night intensive outpatient treatment or alcohol education programs for which they have been approved. Each agency licensed shall receive a certificate of licensure indicating its approved status.

(b) An agency may be provided additional certificates of licensure for its nonmedical alcohol program(s) upon payment of the cost of reproduction. The certificate and all copies shall remain the property of the cabinet and shall be returned to the cabinet if the agency is issued a new certificate of licensure reflecting a change in name or programs for which it is licensed, or if the license is revoked for any cause.

(9) Hearing procedures involving licenses shall be conducted in accordance with KRS 222.230(6).

(10) Applications for a permit to operate a nonmedical alcohol treatment and education center shall be accompanied by a fee of \$130 [100] and shall excepting conditional permits, be renewable annually upon expiration and reapplication when accompanied by a renewal fee of sixty-five (65) [fifty (50)] dollars. All licensure fees are to be forwarded to the Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky 40621.

(11) Exception. An agency possessing a nonmedical alcohol treatment and education center license shall be exempt from paying licensure fees set forth in licensing procedures standards, subsection (11) of this section, when the specific nonmedical alcohol program such as detoxification, residential treatment, residential transitional treatment, outpatient, day/night intensive outpatient treatment and education has already paid licensure fees as a drug abuse treatment and education (DATE) center program in compliance with 902 KAR 3:210.

DENNIS D. BOYD, Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 12, 1988
FILED WITH LRC: April 18, 1988 at 9 a.m.

STATEMENT OF EMERGENCY

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

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

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

902 KAR 3:210E. Licensing procedures, (DATE) centers.

RELATES TO: KRS 210.610 to 210.680, 210.990(3)

PURSUANT TO: KRS 194.050, 210.620

EFFECTIVE: April 18, 1988

NECESSITY AND FUNCTION: KRS 194.050 and 210.620 empowers the cabinet to establish guidelines and provide for the systematic evaluation of the effectiveness of drug abuse treatment and education (DATE) centers. The purpose of this regulation is to establish standards for determining what types of programs must have a drug abuse treatment and education (DATE) center license to operate and the procedures for obtaining and maintaining such a license.

Section 1. Licensing and Approval Procedures. Applications for licensing, or waivers requesting exemptions from licensure standard(s) shall be obtained from and submitted to the Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky 40601.

(1) Application for licensure shall be filed by all agencies operating a drug abuse treatment and education (DATE) center in the Commonwealth with the following exceptions:

(a) Group meetings organized among drug abusers, recovering addicts or drug abusers, families and others, held on a nonresidential basis and without professional staff intervention, for the purpose of discussing problems related to use of drugs where no fee is involved.

(b) Transportation Cabinet, Alcohol Driver Education, pursuant to: KRS Chapter 189A and 601 KAR 13:050.

(c) Programs conducted in a facility established and maintained by a licensed hospital; nursing homes; and department, agency or institution of the federal government or the Commonwealth.

(d) All chemical dependency treatment services and facilities licensed under 902 KAR 20:160.

(2) The Cabinet for Human Resources, Office of Inspector General, Division of Licensing and

Regulation shall conduct all licensure surveys to determine whether an agency's drug abuse treatment and education (DATE) center is in compliance with the applicable licensure standards.

(3) The cabinet shall notify the applicant agency for a drug abuse treatment and education (DATE) center license of any pending licensure action taken, and shall provide written reports citing observed deficiencies as they relate to the standards. A copy of this report shall be forwarded to the applicant agency. Upon receipt of this report the applicant agency must submit an acceptable plan of correction for cited deficiencies to the cabinet within ten (10) days.

(4) Licensure is not transferable. Both the license holder and the new operator shall be responsible to notify the cabinet when the agency possessing the drug abuse treatment and education (DATE) center license changes ownership or control or undergoes a major change in its capacity or in the category(ies) of programs offered, with disclosure of all factors involved in the change. If it is the decision of the cabinet that a reapplication is in order the applicant shall apply within twenty (20) days of notification by the cabinet. Failure to comply with these provisions shall result in loss of license.

(5) The cabinet shall be notified in writing prior to the merger of the agency possessing a drug abuse treatment and education (DATE) center license with another agency and an immediate request for licensure be filed with the cabinet. The merged agency's drug abuse treatment and education (DATE) center shall be surveyed within one (1) year of such notification. For the purposes of licensure, a merged agency shall be a legal entity with a single governing body, a single administration, a single staff, and, where applicable, a single set of bylaws, rules and regulations.

(6) The cabinet shall publish on an annual basis a list of licensed drug abuse treatment and education (DATE) centers identifying types of programs and their locations and shall make it available to the public upon request.

(7) Licenses granted to agencies deemed responsible and suitable to carry out drug abuse treatment and education (DATE) center programs shall meet applicable standards and requirements for a period not exceeding one (1) year and renewable for a like period, and subject to revocation for cause.

(8)(a) A drug abuse treatment and education (DATE) center license shall be issued by the Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation to an agency that meets the required program standards. Such a license shall identify the location of the facility and the year of issuance of the license and the type of drug abuse treatment and education (DATE) center licensed such as: residential rehabilitation center, nonresidential day care center, educational information center or communication center for which they have been approved. Each agency licensed shall receive a certificate of licensure indicating its approved status.

(b) An agency may be provided additional certificates of licensure for its drug abuse treatment and education (DATE) center programs upon payment of the cost of reproduction. The certificate and all copies shall remain the property of the cabinet and shall be returned to

the cabinet if the agency is issued a new certificate of licensure reflecting a change in name or programs for which it is licensed, or if the license is revoked for any cause.

(9) Hearing procedures involving licenses shall be conducted in accordance with KRS 222.230(6).

(10) Licensure fees per drug abuse treatment and education (DATE) center shall be paid in accordance with KRS 210.620, Section 4. This statute requires that applications for a permit to operate a drug abuse treatment and education (DATE) center shall be accompanied by a fee of \$130 [100] and shall, excepting conditional permits, be renewable upon expiration and reapplication when accompanied by a renewal fee of sixty-five (65) [fifty (50)] dollars. All licensure fees are to be forwarded to the Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky 40621.

DENNIS D. BOYD, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 12, 1988

FILED WITH LRC: April 18, 1988 at 9 a.m.

STATEMENT OF EMERGENCY

Emergency regulation 902 KAR 10:021E is necessary in order to assure availability of funds to provide the Department for Health Services with technical and management expertise; and financial assistance to local health departments in carrying out required programs. An ordinary administrative regulation cannot suffice because agency policy cannot be reflected in a timely manner with existing time tables for fee collections. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor

HARRY J. COWHERD, M.D., Secretary

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Food and Sanitation

902 KAR 10:021E. License fees for frozen food locker plants.

RELATES TO: KRS 221.020, HB 516

PURSUANT TO: KRS 194.050, 221.020, HB 516 Part IIA #42 of the 1988 GA

EFFECTIVE: April 15, 1988

NECESSITY AND FUNCTION: KRS 194.050 and HB 516 authorizes the Secretary for Human Resources to adopt a reasonable schedule after covering all charges for health services provided by the Cabinet for Human Resources and any local health department. This regulation is to set forth a licensing fee relative to frozen food locker plants.

Section 1. All applications for a license to operate a frozen food locker plant or branch frozen food locker plant shall be accompanied by a license fee of fifteen (15) dollars.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 12, 1988
FILED WITH LRC: April 15, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

Emergency regulation 902 KAR 10:030E is necessary in order to assure availability of funds to provide the Department for Health Services with technical and management expertise; and financial assistance to local health departments in carrying out required programs. An ordinary administrative regulation cannot suffice because agency policy cannot be reflected in a timely manner with existing time tables for fee collections. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Food and Sanitation

902 KAR 10:030E. Sanitarians.

RELATES TO: KRS 223.010 to 223.080, 223.990
PURSUANT TO: KRS 194.050, 211.090, HB 516 Part
IIA #42 of the 1988 GA

EFFECTIVE: April 15, 1988

NECESSITY AND FUNCTION: KRS 223.010 to 223.080, [and] 223.990 and HB 516 authorizes the Cabinet for Human Resources to establish minimum standards and qualifications for registered sanitarians. This regulation provides uniform standards for registered sanitarians and procedures for processing applications and to establish fees for examination and registration.

Section 1. Definitions. As used in this regulation:

(1) "Committee" means the Sanitarian Examining Committee consisting of five (5) members who are appointed in accordance with KRS 223.020.

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

(3) "Registered sanitarian" means a person trained in the field of public health sanitation who has qualified for registration in accordance with the provisions of KRS 223.010 to 223.080 and 223.990, and the regulations promulgated thereunder.

(4) "Secretary" means the Secretary of the Cabinet for Human Resources.

Section 2. Minimum Standards and Qualifications. In addition to the specific requirements provided by KRS 223.030, an applicant for registration as a sanitarian shall:

(1) Have graduated from an accredited college or university with a baccalaureate or higher degree, which shall include satisfactory completion of at least twenty-seven (27) quarter hours, or eighteen (18) semester hours, of academic training in the basic physical, chemical, biological, or sanitary sciences; [provided, however, that any sanitarian employed full-time in the field of public health sanitation on the effective date of this regulation who does not meet the requirements of this subsection, may be registered if he meets all other requirements of this regulation; and,

provided further, that he files an application for registration within thirty (30) months after the effective date of this regulation;] and
(2) Be of good moral character.

Section 3. Applications for Registration. Applications for registration as a registered sanitarian shall be submitted to the committee on forms prepared and issued by them. Each application fee shall be remitted by a Post Office or express money order, bank draft, or check payable to the order of the cabinet. The committee may correspond with any references given on the applicant's application and may also contact any former employer of the applicant concerning his prior service in the field of public health sanitation.

Section 4. Examinations. The committee shall conduct examinations at least once a year at such time and place as it may deem expedient. The examination may be either oral, written, or both. A fee of twenty-five (25) dollars shall accompany the application for examination. All registration certificates issued under the provisions of this regulation shall expire June 30 following date of issue, unless renewed by the payment of a ten (10) dollar registration fee.

Section 5. Certificates of Registration. After the committee has approved an application and all the requirements provided by law are fulfilled, the committee shall certify such fact to the secretary, who in turn shall issue a small card to the approved applicant certifying that he holds a certificate of registration. The committee shall assign serial numbers to each certificate of registration.

Section 6. Renewals. It shall be the duty of the secretary-treasurer of the committee to notify all registered sanitarians at least thirty (30) days prior to the expiration date of their certificate that they renew their certificate of registration as provided by law.

Section 7. Revocation of Certificates of Registration. In any action involving the revocation of a certificate of registration, the secretary shall refer to matter to the committee. The committee is authorized to set the time and place of a hearing and the respondent shall be given at least thirty (30) days prior notice. At the conclusion of the hearing, the committee shall make a recommendation to the secretary in writing. The secretary is authorized to affirm, reverse, cancel, or modify the recommendation of the committee.

Section 8. Expenditure of Funds. Expenditures for examinations, clerical expenses, training and reference materials, including approved home study courses, and for affiliation with any national sanitarian registration organization, may be made out of the trust and agency fund created by KRS 223.050.

C. HERNANDEZ, MD, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: April 12, 1988
FILED WITH LRC: April 15, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

Emergency regulation 902 KAR 10:060E is necessary in order to assure availability of funds to provide the Department for Health Services with technical and management expertise; and financial assistance to local health departments in carrying out required programs. An ordinary administrative regulation cannot suffice because agency policy cannot be reflected in a timely manner with existing time tables for fee collections. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Food and Sanitation

902 KAR 10:060E. On-site sewage disposal.

RELATES TO: KRS 211.350
PURSUANT TO: KRS 194.050, 211.350, HB 516 Part
IIA #42 of the 1988 GA

EFFECTIVE: April 15, 1988

NECESSITY AND FUNCTION: KRS 211.350(5) and HB 516 authorizes the Cabinet for Human Resources to establish a schedule of reasonable fees to cover the costs of services performed by the cabinet with respect to on-site sewage disposal systems. The function of this regulation is to set forth the fee to be charged in order to cover the actual cost to the cabinet of the administration of the on-site sewage disposal system program.

Section 1. All applications for a permit to construct, install, or alter an on-site sewage disposal system filed with the cabinet or its agent shall be accompanied by a fee of twenty (20) [fifteen (15)] dollars.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: April 12, 1988
FILED WITH LRC: April 15, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

Emergency regulation 902 KAR 10:121E is necessary in order to assure availability of funds to provide the Department for Health Services with technical and management expertise; and financial assistance to local health departments in carrying out required programs. An ordinary administrative regulation cannot suffice because agency policy cannot be reflected in a timely manner with existing time tables for fee collections. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Food and Sanitation

902 KAR 10:121E. Inspection fees for public swimming and bathing facilities.

RELATES TO: HB 492, HB 516

PURSUANT TO: KRS 194.050, HB 492, HB 516 Part
IIA #42 of the 1988 GA

EFFECTIVE: April 15, 1988

NECESSITY AND FUNCTION: KRS 194.050 and HB 516 authorizes the Secretary for Human Resources to adopt a schedule of reasonable fees covering the cost of annual inspections provided by the Cabinet for Human Resources and any local health department. This regulation sets forth a schedule of fees for inspectional services related to public swimming and bathing facilities.

Section 1. Fees for Inspections. For inspections conducted by the department or its representatives to determine compliance with regulation 902 KAR 10:120 adopted by the cabinet pursuant to KRS 194.050, HB 492 and HB 516, public swimming and bathing facilities shall be subject to the payment of the following fees:

(1) Swimming and bathing facilities with a total water surface area of less than 1,000 square feet; or beach fronts of less than 150 linear feet - fifty (50) dollars per year.

(2) Swimming and bathing facilities with a total water surface area of 1,000 square feet or greater; or beach fronts of 150 linear feet or greater - \$100 per year.

Section 2. Payment of Fees. (1) Fees shall be paid to the local health department having jurisdiction. Fees received by local health department shall be deposited in the Kentucky State Treasury in a trust and agency account for use solely in administering the program. Inspection fees shall be submitted annually prior to July 1. For newly constructed facilities such fees shall be initially submitted at the preopening inspection and at each July 1 date thereafter.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: April 12, 1988
FILED WITH LRC: April 15, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

Emergency regulation 902 KAR 10:130E is necessary in order to assure availability of funds to provide the Department for Health Services with technical and management expertise; and financial assistance to local health departments in carrying out required programs. An ordinary administrative regulation cannot suffice because agency policy cannot be reflected in a timely manner with existing time tables for fee collections. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

**CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Food and Sanitation**

902 KAR 10:130E. Licensing fee for septic tank servicing.

RELATES TO: KRS 211.972, HB 516
PURSUANT TO: KRS 194.050, 211.972, HB 516 Part IIA #42 of the 1988 GA
EFFECTIVE: April 15, 1988
NECESSITY AND FUNCTION: KRS 194.050 and HB 516 authorizes the Secretary for Human Resources to adopt a reasonable schedule of fees to cover all charges for health services provided by the Cabinet for Human Resources with respect to the servicing of septic tanks. The function of this regulation is to set forth the fees to be charged in order to cover the cost to the cabinet of the administration of the septic tank servicing program.

Section 1. All applications for a business license to service or maintain a septic tank, seepage pits, or cesspools shall be accompanied by a license fee of ninety (90) dollars.

Section 2. All applications for a vehicle license to service or maintain septic tanks, seepage pits, or cesspools shall be accompanied by a license fee of thirty (30) dollars for each vehicle.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: April 12, 1988
FILED WITH LRC: April 15, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

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

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

**CABINET FOR HUMAN RESOURCES
Department for Health Services**

902 KAR 11:010E. Application for licensure; fee.

RELATES TO: KRS Chapter 333, HB 516 Part IIA #42 of the 1988 GA
PURSUANT TO: KRS 194.050, 333.070
EFFECTIVE: April 18, 1988
NECESSITY AND FUNCTION: KRS Chapter 333 empowers the Cabinet for Human Resources to license and regulate medical laboratories in Kentucky including applications for licenses and the setting of reasonable license fees. The function of this regulation is to establish application procedures for licensure and to establish reasonable licensure fees.

Section 1. Licenses. (1) Except as otherwise provided by KRS 333.040 no person shall operate any medical laboratory in this Commonwealth without first obtaining the appropriate license therefor.

(2) All applications for licensure shall be filed with the Cabinet for Human Resources, Office of Inspector General, Division for Licensing and Regulation, Frankfort, Kentucky 40621 and shall be accompanied by a fee of \$130.

(3) All applicants for licenses shall, as a condition precedent to licensure, be in compliance with the applicable regulations relating to the particular medical laboratory.

(4) All licenses shall expire on December 31 following the date of issuance.

(5) Licenses may be renewed upon payment of sixty-five (65) dollars [the prescribed fee provided the medical laboratory is in compliance with the applicable provisions of KRS Chapter 333 and the regulations of the cabinet.]

[Section 2. Fee Schedule. The initial application fee for a license shall be \$100. The annual renewal thereof for each medical laboratory shall be fifty (50) dollars.]

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: April 13, 1988
FILED WITH LRC: April 18, 1988 at 9 a.m.

STATEMENT OF EMERGENCY

Emergency regulation 902 KAR 45:110E is necessary in order to assure availability of funds to provide the Department for Health Services with technical and management expertise; and financial assistance to local health departments in carrying out required programs. An ordinary administrative regulation cannot suffice because agency policy cannot be reflected in a timely manner with existing time tables for fee collections. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

**CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Food and Sanitation**

902 KAR 45:110E. Inspection fees; permit fees; food plants, markets, warehouses and distributors, vending machine companies and machines.

RELATES TO: KRS 217.025, 217.035, 217.037, 217.125, 217.811
PURSUANT TO: KRS 194.050, 217.125(2), 217.811, HB 516 Part IIA #42 of the 1988 GA
EFFECTIVE: April 15, 1988
NECESSITY AND FUNCTION: KRS 217.125(2), 217.811, and HB 516 authorizes the Secretary of Human Resources to provide by regulation a schedule of reasonable fees to be paid by food manufacturing plants, food storage warehouses, retail food markets, salvage distributors, [and] salvage processing plants, and vending machine companies for inspectional activities carried out by the Cabinet for Human Resources. This

regulation is to set forth the fee to be charged.

Section 1. Definitions. (1) "Cabinet" means Cabinet for Human Resources.

(2) "Department" means Department for Health Services and local health departments having jurisdiction.

Section 2. Fees for Inspections. (1) For inspections conducted by the department or its representatives to determine compliance with regulations adopted by the cabinet for salvage distributors and salvage processing plants, and to determine compliance with KRS 217.025, 217.035 and 217.037 applicable to food manufacturing plants and food storage warehouses, a fee of twenty (20) [sixteen (16)] dollars per inspection hour not to exceed the total amount of \$250 [200] per year shall be assessed.

(2) With respect to retail food markets, for inspections conducted by the department or its representative to determine compliance with regulations adopted by the cabinet pertaining to adulteration, misbranding, packaging and labeling of food products pursuant to KRS 217.025, 217.035, 217.037 and 217.125, a fee of twenty (20) [sixteen (16)] dollars per inspection hour shall be assessed. In no event shall the fee exceed in any year the sum of sixty (60) [fifty (50)] dollars.

(3) With respect to vending companies, each application for a permit shall be accompanied by a fee of fifteen (15) dollars for each vending commissary plus a fee for the total number of vending machines operated by the applicant as follows:

<u>1-25 machines</u>	<u>Fee</u>	<u>\$ 60</u>
<u>26-50 machines</u>	<u>Fee</u>	<u>\$ 95</u>
<u>51-100 machines</u>	<u>Fee</u>	<u>\$125</u>
<u>101-150 machines</u>	<u>Fee</u>	<u>\$150</u>
<u>151 and over machines</u>	<u>Fee</u>	<u>\$250</u>

Section 3. Payment of Fees. (1) Payment of fees shall be made to the local health department having jurisdiction. Fees received by local health departments shall be deposited in the Kentucky State Treasury.

(2) Inspection fees shall be due thirty (30) days from the date of the billing.

Section 4. Exemptions. State and local government agencies shall be exempt from the payment of fees.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: April 13, 1988

FILED WITH LRC: April 15, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

Emergency regulation 902 KAR 45:120E is necessary in order to assure availability of funds to provide the Department for Health Services with technical and management expertise; and financial assistance to local health departments in carrying out required programs. An ordinary administrative regulation cannot suffice because agency policy cannot be reflected in a timely manner with existing time tables for fee collections. This emergency regulation will be replaced by an ordinary

administrative regulation in accordance with KRS Chapter 13A.

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

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Food and Sanitation

902 KAR 45:120E. Inspection fees; permit fees; food service establishments, hotels, mobile home and recreational vehicle parks.

RELATES TO: KRS 219.031, 219.041, 219.330, 219.350

PURSUANT TO: KRS 194.050, 219.041(4), 219.340, 219.350, HB 516 Part IIA #42 of the 1988 GA

EFFECTIVE: April 15, 1988

NECESSITY AND FUNCTION: KRS 219.041(4) and HB 516 authorizes the Secretary for Human Resources to provide by regulation a schedule of reasonable fees to be paid by food service establishments and hotels, mobile home and recreational vehicle parks to cover the cost of inspection activities carried out by the Cabinet for Human Resources. This regulation is to set forth the fees to be charged.

Section 1. Definitions. (1) "Cabinet" means Cabinet for Human Resources.

(2) "Department" means Department for Health Services and local health departments having jurisdiction.

Section 2. Fees for Inspections. For inspections conducted by the department or its representative to determine compliance with regulations adopted by the cabinet pursuant to KRS 219.041, food service establishments and hotels shall be subject to the payment of the following fees:

(1) Hotels with twenty-five (25) rooms or less - thirty (30) [twenty-five (25)] dollars per year.

(2) Hotels with twenty-six (26) rooms or more - sixty (60) [fifty (50)] dollars per year.

(3) Permanent food service establishments with no seats or twenty-five (25) or less - thirty-five (35) [thirty (30)] dollars per year.

(4) Permanent food service establishments with twenty-six (26) to fifty (50) seats - fifty (50) [forty (40)] dollars per year.

(5) Permanent food service establishments with more than fifty (50) seats - sixty (60) [fifty (50)] dollars per year.

Section 3. Permit Fees for Hotels and Mobile Home and Recreational Vehicle Parks, and Food Service Establishments. (1) Each application for an annual permit to operate a food service establishment shall be accompanied by a fee of thirty (30) dollars.

(2) Applications for a permit to operate a temporary food service establishment shall be accompanied by a fee of fifteen (15) dollars.

(3) Each application for an annual permit to operate a hotel, shall be accompanied by a fee as follows:

(a) Hotels with twenty-five or less - thirty (30) dollars per year.

(b) Hotels with twenty-six (26) rooms or more - sixty (60) dollars per year.

(4) Each application for an annual permit to operate a mobile home or recreational vehicle

park shall be accompanied by a fee as follows:

(a) Mobile home or recreational vehicle park with ten (10) spaces or less - sixty (60) dollars.

(b) Parks with more than ten (10) spaces - ninety-five (95) dollars.

(5) Each application for a permit to construct or alter a mobile home or recreational vehicle park shall be accompanied by a fee of thirty (30) dollars.

Section 4. [3.] Payment of Fees. (1) Fees shall be paid to the local health department having jurisdiction. Fees received by local health departments shall be deposited in the Kentucky State Treasury. Inspection fees shall be submitted with the application for a permit to operate as required by KRS 219.021 or 219.340 as applicable.

Section 5. [4.] Exemptions. Private, parochial, and public school cafeterias or lunchroom facilities through the 12th grade and all facilities operated by the cabinet or the Cabinet or Corrections shall be exempt from the payment of inspection fees.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 13, 1988

FILED WITH LRC: April 15, 1988 at 3 p.m.

STATEMENT OF EMERGENCY

Emergency regulation 902 KAR 55:010E is necessary in order to assure availability of sufficient funds to provide the Health Services drug control program with technical and management expertise and data processing services so that licensing activities can be continued. An ordinary administrative regulation cannot suffice because agency policy will not be reflected in a timely manner, resulting in less than adequate revenue for the program. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor

HARRY J. COWHERD, M.D., Secretary

CABINET FOR HUMAN RESOURCES Department for Health Services

902 KAR 55:010E. Licensing of manufacturers and wholesalers.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS 194.050, 211.090, 218A.250, HB 516 Part IIA #42 of the 1988 GA

EFFECTIVE: April 18, 1988

NECESSITY AND FUNCTION: KRS 218A.150, 218A.160 and 218A.170 authorizes the Cabinet for Human Resources to license manufacturers and wholesalers of controlled substances. It is the purpose of this regulation to establish uniform requirements for such licenses.

Section 1. State License Required of Manufacturers and Wholesalers. No person shall manufacture, wholesale, distribute, or repack any controlled substance in this state without having first obtained a license to do so from the Cabinet for Human Resources.

Section 2. Out-of-state Exemptions. Manufacturers, wholesalers, distributors, and repackers not located within the Commonwealth of Kentucky, but who are registered with the appropriate federal agency pursuant to the provisions of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513: 84 Stat. 1236) and the regulations promulgated thereunder, are hereby exempted from the licensure requirements of this regulation and are authorized to operate as such in this state by virtue of their federal registration.

Section 3. Joint Venture Exemptions. Two (2) or more pharmacies, who engage in a joint venture for the purpose of purchasing drugs in order to effectuate a savings in the purchase price thereof and in which no profit is realized in the transaction by any of the participating pharmacies, are exempt from the licensure requirements of this regulation provided proper records of the transaction are maintained.

Section 4. Qualifications for Licensing. (1) No license shall be issued pursuant to this regulation unless and until the applicant has furnished proof satisfactory to the Cabinet for Human Resources:

(a) That the applicant is in compliance with all applicable federal and state laws and regulations relating to controlled substances and is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character; and

(b) That the applicant is equipped as to land, buildings, and security to properly carry on the business described in his application.

(2) No license shall be granted to any person who has been convicted of a misdemeanor involving any controlled substance or who has been convicted of any felony.

(3) A license issued pursuant to this regulation may be suspended or revoked for cause.

Section 5. License Fees; Renewals. All applications for a license under the provisions of this regulation shall be submitted to the Cabinet for Human Resources on forms furnished by the department and shall be accompanied by a license fee of \$200 [150]. All licenses shall expire on June 30th following date of issuance and be renewable annually thereafter upon payment of a renewal fee of \$150 [100] and shall be nontransferable.

Section 6. Codeine Registry. All wholesalers and manufacturers (including distributors and repackers) shall keep a separate codeine registry showing the following: date, registration number of recipient, name of recipient, address, name of preparation, and quantity.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 13, 1988

FILED WITH LRC: April 18, 1988 at 9 a.m.

STATEMENT OF EMERGENCY

Emergency regulation 902 KAR 100:012E is necessary in order to assure availability of sufficient funds to provide the Division of

Radiation and Product Safety with technical and management expertise, data processing services and proper instrumentation so that various registration, certification, licensing and inspection activities can continue. An ordinary administrative regulation cannot suffice because agency policy will not be reflected in a timely manner, resulting in less than adequate revenue for the program. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 100:012E. Fee schedule.

RELATES TO: KRS 211.840 to 211.852, 211.990(4)
PURSUANT TO: KRS 194.050, 211.090, 211.848, HB
516 Part IIA #42 of the 1988 GA

EFFECTIVE: April 18, 1988

NECESSITY AND FUNCTION: The Cabinet for Human Resources is empowered by KRS 211.848 to provide by regulation for a reasonable schedule of fees and charges to be paid by applicants for registration of radiation producing machines and radioactive material licenses and for the renewal thereof and for inspections and environmental surveillance activities conducted by the cabinet. The purpose of this regulation is to establish a fee schedule for registration, licensing and inspection services.

Section 1. Applicability. This regulation relating to fees applies to all applicants, registrants and licensees of radiation producing machines and radioactive materials, except governmental agencies.

Section 2. Radiation Producing Machine Schedule of Annual Fees and Charges. The following schedule of annual fees applies to radiation producing machine registrants [and radioactive material licensees]. All applications for registration [or licensing,] or annual renewals thereof, shall be accompanied by the appropriate fee set forth below:

(1) [X-ray tubes.

(a)] Each diagnostic x-ray tube; therapeutic x-ray tube capable of operating up to 150 kVp; or industrial x-ray tube - \$35 [25].

(2) [(b)] Each therapeutic x-ray tube capable of operating at 150 kVp or above (including particle accelerators) - \$35.

(3) [(c)] Any other x-ray tube not specified above - \$35 [25].

[(d)] The total registration fees charged for x-ray tubes at any institution, facility or office shall not exceed - \$200.]

[(2) Radioactive material licenses.]

[(a) Human use of radioactive, source, or special nuclear material - \$200.]

[(b) Use of radioactive material authorized by an in vitro or in vivo registration certificate - \$30.]

[(c) Industrial radiography; wire line service; nuclear pharmacy (including distribution) - \$200.]

[(d) Processing, manufacturing or distribution of radioactive, source, or special nuclear material or items containing radioactive, source or special nuclear material - \$400.]

[(e) Industrial gauging, measuring, level detection, or similar use - \$100.]

[(f) All other radioactive, source, or special nuclear material licenses not specified above - \$100.]

[(g) The licensing fee charged for a radioactive material license at any institution, facility or office shall not exceed - \$400.]

[(h) Application for distribution of a new sealed source and device, or the application for the use of a custom device in addition to fees specified in paragraphs (a) through (g) of this subsection - \$400.]

[(i) Application for amendment to an existing license - \$50.]

Section 3. Radioactive Material License Schedule of Annual Fees and Charges. The following schedule applies to radioactive material licenses. Initial and renewal applications shall be accompanied by the appropriate fee set forth in this section.

(1) Specific radioactive material licenses initial and annual fee.

(a) Human use.

1. Nuclear medicine - \$300.

2. Teletherapy - \$250.

3. Mobile scanning - \$300.

4. Other - \$300.

(b) Industrial radioactivity - \$300.

(c) Wireline service - \$300.

(d) Broad scope - \$400.

(e) Nuclear laundry - \$600.

(f) Irradiator.

1. Self-contained - \$150.

2. Unshielded during irradiation - \$600.

(g) Manufacturing/processing/distribution.

1. Industrial gauging devices - \$500.

2. Invitro/Invivo kits - \$400.

3. Radiopharmaceuticals - \$600.

4. Other - \$600.

(h) Industrial gauging devices - \$150.

(i) Invitro and clinical laboratory - \$150.

(j) Veterinary use - \$250.

(k) Services (e.g., leak testing) - \$100.

(l) Other (nonspecified) - \$150.

(2) General radioactive material licenses initial and annual fee.

(a) Invitro or medical use specified in 902 KAR 100:050, Sections 4 and 5 - \$50.

(b) Measuring, gauging or controlling devices (except emergency exit signs) - \$50.

(3) An application to amend an existing specific license - \$50.

Section 4. [3.] General Requirements. (1) All general radioactive material licenses and registration certificates shall expire on July 31 following the date of issuance.

(2) All general radioactive material license and registration renewal [registration] fees shall be paid on or before July 31 of each year. Registration renewals postmarked after September 30 are subject to \$100 late payment penalty which is in addition to the registration fee.

(3) All specific radioactive material licenses shall be renewed annually based on the expiration date stated in the license.

(4) Payment of fees and other charges shall be submitted to Radiation Control, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621, in the form of a check or money order payable to the Kentucky State Treasurer. The cabinet may designate the form of payment.

[(5) In the event a registration certificate has heretofore been issued prior to the effective date of this regulation, specifying an expiration date other than June 30, the cabinet shall upon renewal of the registration certificate specify an expiration date of June 30.]

[(5) [(6)] Registration and licensing application fees are nonrefundable.

[(6) [(7)] Failure to submit any applicable fee set forth in this regulation shall be deemed a violation and subject to the provisions of 902 KAR 100:170.

Section 5. [4.] Exemptions. State and local governmental agencies shall be exempt from the payment of fees but shall comply with the other applicable provisions of these regulations.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 13, 1988

FILED WITH LRC: April 18, 1988 at 9 a.m.

STATEMENT OF EMERGENCY

Emergency regulation 902 KAR 105:020E is necessary in order to assure availability of sufficient funds to provide the Division of Radiation and Product Safety with technical and management expertise, data processing services and proper instrumentation so that various registration, certification, licensing and inspection activities can continue. An ordinary administrative regulation cannot suffice because agency policy will not be reflected in a timely manner, resulting in less than adequate revenue for the program. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

CABINET FOR HUMAN RESOURCES Department for Health Services

902 KAR 105:020E. General requirements.

RELATES TO: KRS 211.870, 211.890, 211.993

PURSUANT TO: KRS 194.050, 211.090, HB 516 Part IIA #42 of the 1988 GA

EFFECTIVE: April 18, 1988

NECESSITY AND FUNCTION: The Cabinet for Human Resources is empowered by KRS 211.870, 211.890 and 211.993 to regulate operators of sources of radiation other than licensed practitioners of the healing arts, including but not limited to: the classification and certification of operators; examinations; standards of training and experience; curricula standards for institutions teaching persons to operate sources of radiation; issuance, renewal, and revocation of certificates; the fixing of a reasonable schedule of fees and charges to be paid by applicants for examinations, certificates, and renewal certificates; and to set such other standards as may be appropriate for the protection of health and safety. The purpose of this regulation is to establish uniform general requirements for the certification of operators of sources of radiation.

Section 1. General Applicability. The Cabinet

for Human Resources' regulations relating to radiation operators require the certification of all operators of sources of radiation, other than licensed practitioners of the healing arts, for which a specific regulation has been adopted requiring certification within a particular field of practice or operation. The regulation of sources of ionizing or electronic product radiation and the handling and disposal of radioactive waste are not covered by these regulations. Nothing contained in these regulations shall be deemed to require the certification of students enrolled in an approved course of instruction in relation to the healing arts or allied health sciences and employees of the federal government, while engaged in the performance, within this state, of their official duties.

Section 2. Application for Certification. (1) All applications for certification as an operator of sources of radiation shall be filed with the Cabinet for Human Resources, Radiation Control, 275 East Main Street, Frankfort, Kentucky 40621. All applications shall be submitted on forms provided by the cabinet.

(2) All applicants for certification shall, as a condition precedent to certification, be in compliance with the applicable regulations of the cabinet relating to their particular field of practice or operation.

(3) General and limited certificates shall expire on the last day of the month, two (2) years after the date of issuance.

(4) Temporary and provisional certificates shall expire on the last day of the month, one (1) year after the date of issuance and are not renewable.

Section 3. Examinations. (1) A general or limited certificate shall be issued upon successful passage of an appropriate examination, approved by the cabinet, in the field of practice or operation for which certification is sought. All examinations shall be divided into appropriate sections and a minimum grade of seventy-five (75) percent is required for the passage of each respective section. An individual who fails a particular section shall be required to retake that section; provided, however, individuals who fail two (2) or more sections shall be required to retake the entire examination. An individual shall be allowed to retake the limited examination no more than three (3) times within a calendar quarter.

(2) The cabinet may accept, in lieu of an examination conducted by the cabinet, a valid certificate from a national organization acceptable to the cabinet, provided that the holder is otherwise qualified for certification and has earned his certificate by passing an appropriate examination.

(3) The cabinet may accept, in lieu of an examination conducted by the cabinet, a valid certificate from another state or political subdivision acceptable to the cabinet, provided that the holder is otherwise qualified for certification and has earned his certificate by passing an appropriate examination.

(4) Acceptance of an examination from a national organization shall be contingent [upon the annual submission of a current examination] together with an outline by subject and an item analysis of each examination section relative to

individuals graduating from teaching institutions within this state. Acceptance of an examination from a state or political subdivision shall be contingent together with an outline by subject and an item analysis of each examination section. The cabinet shall hold such examination information confidential and only make its contents available to authorized representatives of the cabinet.

(5) The cabinet may accept, in lieu of the examination requirements for a general certificate, an individual's current certificate from a national organization acceptable to the cabinet that was issued prior to the effective date of these regulations.

Section 4. Fee Schedule. The following fees shall be paid in connection with the certification of operators of sources of radiation other than licensed practitioners of the healing arts:

- (1) Application for Certification (nonrefundable) - \$15.
- (2) Issuance of a General or Limited Certificate - \$25 [20].
- (3) Issuance of a Temporary or Provisional Certificate - \$15 [10].
- (4) Renewal of a General or Limited Certificate - \$25 [20].
- (5) Duplicate Certificate - \$10 [5].

Section 5. Continuing Education Requirements for Renewal. (1) The continuing education requirements of this section shall be a condition precedent to the renewal of a general or limited certificate.

(2) A general certificate holder shall, during each twenty-four (24) month period that he holds his certificate, obtain a minimum of eighteen (18) clock hours of continuing education approved by the cabinet.

(3) A limited certificate holder shall, during each twenty-four (24) month period that he holds his certificate, obtain a minimum of twelve (12) clock hours of continuing education approved by the cabinet.

(4) Certificate holders attending or participating in continuing education related to their field of practice or operation shall send documented evidence of attendance or participation to the cabinet within a reasonable time frame, not to exceed forty-five (45) days. Such evidence shall include the certificate holder's name, certificate number, subject title, date(s) attended, clock hours of instruction and the instructor's name and title.

(5) Operators of sources of radiation may receive up to six (6) clock hours credit, on an hour-for-hour basis, toward certificate renewal for continuing education lectures if they are the instructor.

(6) Continuing education clock hours may be accrued by attending seminars, lectures, or courses relating to the individual's field of practice or operation.

Section 6. General Requirements. (1) It shall be the responsibility of each employer to insure that all of his employees operating sources of radiation are certified as set forth in these regulations.

(2) The cabinet may impose upon any operator of sources of radiation or institutions teaching individuals to operate or use sources of radiation such requirements, in addition to

those established in these regulations, as it deems appropriate or necessary to minimize danger to public health or safety.

(3) Only individuals holding a general certificate shall be employed as an operator of sources of radiation at facilities where contrast studies are performed.

(4) It shall be the responsibility of a certified operator to notify the cabinet within sixty (60) days regarding any change of name or address.

(5) An individual certified as an operator of sources of radiation shall display or have available his certificate or a photocopy at his place of employment.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 13, 1988

FILED WITH LRC: April 18, 1988 at 9 a.m.

STATEMENT OF EMERGENCY

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

WALLACE G. WILKINSON, Governor

HARRY J. COWHERD, M.D., Secretary

CABINET FOR HUMAN RESOURCES

Department for Employment Services

903 KAR 1:010E. Private employment agencies.

RELATES TO: KRS Chapter 340, HB 516 Part IIA #42 of the 1988 GA

PURSUANT TO: KRS 194.050, 340.070

EFFECTIVE: April 18, 1988

NECESSITY AND FUNCTION: The Cabinet for Human Resources is empowered by KRS Chapter 340 to regulate employment agencies in Kentucky. The purpose of this regulation is to establish uniform standards and requirements for employment agencies in order to protect the welfare, personal dignity, integrity and sufficiency of the individual citizens of the Commonwealth.

Section 1. Applicability. The provisions of this regulation apply to all "employment agencies," as defined by KRS 340.010(3), that operate in Kentucky.

Section 2. Application for Permit. Applications for a permit to operate an employment agency shall be submitted to the Cabinet for Human Resources, Office of Inspector General [Bureau for Administration and Operations], Division for Licensing and Regulation. Initial applications for licensure shall be accompanied by a fee of \$315. Licenses may be renewed upon payment of \$160.

Section 3. Fee Schedules. (1) Every person

conducting an employment agency shall file with the department a schedule of fees to be charged and collected in the conduct of its business. In the schedule, the salary ranges by which the fee is to be computed or determined shall be clearly shown and the maximum fee shall be indicated and shall include charges of every kind rendered by the agency in each case or transaction on behalf of the prospective employer or employee. Changes in the schedule may be made, but no change shall become effective until seven (7) days after the date of filing thereof with the cabinet and until posted for not less than seven (7) days in a conspicuous place in the agency.

(2) A copy of the schedule in effect with changes noted thereon shall be kept posted in the employment agency in a conspicuous place, and the posted schedule and changes therein shall be in lettering or printed of not less than standard pica capitals. The effective date of the original schedule and of each change thereto shall appear on the posted copies. No fee charged or collected shall be in excess of the fee as scheduled.

Section 4. Records. Employment agencies shall keep a record of jobs advertised correlated to show date and publication in which the ad appeared for a period of one (1) year. Each agency shall file for review by the cabinet its system for maintaining such records. Copies of all job orders and agency agreements shall be retained by the agency for not less than three (3) years.

JAMES P. DANIELS, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 13, 1988

FILED WITH LRC: April 18, 1988 at 9 a.m.

STATEMENT OF EMERGENCY

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

WALLACE G. WILKINSON, Governor

HARRY J. COWHERD, M.D., Secretary

CABINET FOR HUMAN RESOURCES Department for Social Services

905 KAR 1:091E. Standards for facilities and agencies.

RELATES TO: KRS 199.011, 199.640, 199.650, 199.660, 199.670. HB 516 Part IIA #42 of the 1988 GA

PURSUANT TO: KRS 194.050

EFFECTIVE: April 18, 1988

NECESSITY AND FUNCTION: This regulation is necessary to carry out the provisions of KRS 199.640. It serves to provide minimum standards for the operation of all child caring facilities and child placing agencies.

Section 1. Definitions. The following definitions shall apply to all regulations and standards for child caring and child placing facilities and agencies.

(1) "Secretary" means the Secretary for Human Resources.

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

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

(4) "Preschool child" means a child under six (6) years of age.

(5) "Child caring facility" means any institution or group home other than a state facility, or one certified by an appropriate agency as operated primarily for educational or medical purposes, providing residential care on a twenty-four (24) hour basis to children, not related by blood, adoption, or marriage to the person maintaining the facility.

(6) "Child placing agency" means any agency other than a state agency which supervises the placement of children in foster family homes or child caring facilities, or which places children for adoption.

(7) "Institution" means a child caring facility providing care and/or maintenance for nine (9) or more children.

(8) "Group home" means a homelike facility for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources.

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

(10) "Infant" shall mean a child under two (2) years of age.

(11) "Emergency shelter" is a group home, private residence or similar homelike facility which provides temporary or emergency care of children and adequate staff and service consistent with the needs of each child.

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

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

(14) "Adoption" means the legal process by which a child becomes the child of a person or persons other than his or her biological parents.

(15) "Foster care" means substitute family care for a child under supervision of the cabinet or a licensed child placing agency when his or her own family cannot care for the child.

(16) "Social services" means a planned program of assistance including individual and group counseling to help an individual move toward a mutual adjustment of the individual and his or her social environment.

(17) "Juvenile delinquent" means a child who has been adjudicated by the juvenile session of a county court, or a district court after January 1, 1978, as a result of a delinquency action.

Section 2. Administration. (1) Every child caring facility or child placing agency shall provide the following information when applying for a license, and annually thereafter as a part

of the annual required inspection:

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

(b) The geographic area to be served.

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

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

(e) A copy of the constitution and bylaws.

(f) A statement of the purposes, objectives, scope of services to be provided, and intake policy specifying kinds of children to be accepted for care.

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

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

(i) A list of all staff including positions or title, qualifications and salary scale.

(j) Architect or engineer's drawings of any building to be constructed or substantially remodeled.

(k) The service or services the facility or agency plans to provide for licensing purposes.

(2) Every facility or agency shall comply with all applicable federal and state regulations in regard to program operations.

(3) The number for which the child caring facility is licensed shall be based on available space, adequacy of program, staff, and equipment. At no time shall the number of children served, including those children other than those served by the agency, exceed the number for which the facility is licensed, except for emergency situations not to exceed one (1) week.

(4) Each license shall specify the type(s) of care and service which the agency or facility is authorized to provide based upon the application and inspection. The types of care and service include group home child care, institutional child care, child placing and child treatment.

(5) Facilities and agencies shall provide only the type(s) of care and service(s) for which they are licensed.

(6) All initial applications for licensure shall be accompanied by a fee of \$130. Licenses shall be renewed upon payment of a sixty-five (65) dollar renewal fee.

(7) [(6)] License shall be issued for a specific physical location and for operation by a designated executive director and/or sponsoring organization.

(8) [(7)] Licenses are not transferable.

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

(10) [(9)] Every facility or agency shall post its license in a conspicuous place.

(11) [(10)] Every organization serving children shall have a board of directors consisting of a minimum of seven (7) members, the majority of whom must be residents of Kentucky and shall reflect a broad cross-section of the area served.

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

(13) [(12)] At least one board of directors' meeting shall be held at each facility or agency in every calendar year.

(14) [(13)] The facility or agency shall be

required to maintain the following records relating to financial affairs:

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

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

(15) [(14)] Financial reports shall be submitted to the board, or governing body, at least quarterly.

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

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

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

(19) [(18)] All facilities or agencies shall be required to keep work sheets or time schedules for all employees.

(20) [(19)] Each facility or agency shall maintain written policies on purchase and receiving procedures. This shall include a listing of persons authorized to purchase and those authorized to sign for deliveries.

(21) [(20)] Each facility or agency shall have a written policy for inventory control and methods of conducting inventory. Primarily, this shall cover how items are accounted for within the agency or facility.

(22) [(21)] All facilities or agencies shall have the means of meeting financial responsibility for liability. This shall cover all children, visitors, and employees of the agency or facility.

(23) [(22)] All facilities or agencies shall have an employee who shall be designated executive director.

(24) [(23)] The executive director of a child caring facility or child placing agency shall be a full-time employee and have at least an undergraduate degree in social work, or a related field, and three (3) years experience in a social agency serving children. Three (3) years of administrative experience in institutions serving children may be substituted for the three (3) years in a social agency serving children. The executive director shall be of good moral character attested to by three (3) written references at the time of employment.

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

(a) Select, employ staff, and terminate staff;

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

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

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

(e) Keep the board informed of financial needs;

- (f) Operate within the established budget;
- (g) Attend board meetings;
- (h) Provide orientation for all new employees and continuing training for all staff; and
- (i) Delegate appropriate duties to other staff.

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

(2) Retirement shall be mandatory at age sixty-five (65) unless that provision is waived by the board upon evidence of satisfactory performance of the assigned duties. Such waiver shall be for a specified period and allowed to continue beyond such period only after subsequent action by the board.

(3) There shall be a sufficient number of staff to perform effectively the tasks required of the facility or agency.

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

(a) Education, training, and experience required to perform the particular job.

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

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

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

(5) Staff shall have current practical knowledge of first aid.

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

(7) There shall be a certification of freedom from communicable diseases for each employee and volunteer prior to employment and annually thereafter.

(8) The facility or agency shall have a staff development program for the administrative, professional, volunteer, and support personnel.

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

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

(11) The facility or agency shall see that any employee under indictment or legally charged with felonious conduct which may effect their relationship with children shall be immediately removed from any contact with children within the facility or agency until such time the person is cleared of the charge.

Section 4. Interstate Placements. (1) Prior to accepting a child from another state, or prior to placing a child outside Kentucky, the institution shall comply with all applicable provisions of KRS 199.341 to 199.370 (Interstate Compact on Placement of Children) and KRS 208.600 (Interstate Compact on Juveniles).

(2) When a child committed to the Cabinet for Human Resources makes a brief visit out of state, not accompanied by facility or agency personnel, the agency shall notify the worker in the Department for Social Services who has case responsibility.

(3) In the event of an emergency placement of a child in a licensed child caring agency or institution compliance with KRS 199.341 to 199.370 and 208.600 shall be the responsibility of the placing agency. However, if the receiving agency is aware of noncompliance by the placing agency, then compliance shall become the responsibility of the receiving agency.

Section 5. Health and Safety. (1) Each child admitted to a facility or agency shall have a thorough and complete examination under supervision of a licensed physician at the time of admission or within forty-eight (48) hours thereafter. The examining physician shall report in writing his observations and findings including:

(a) The developmental history of the child, his illnesses, operations, and immunizations.

(b) The child's limitations precluding taking part in group activities, or a schedule of permitted activities when these must be limited.

(c) Visual and auditory tests.

(d) Recommendations and orders for future care, treatment, and examinations.

(e) Freedom from communicable disease (including T.B. and VDRL test) for children twelve (12) years and above shall be administered unless contraindicated by the physician.

(2) When an agency admits a child in need of emergency shelter care, the following shall apply:

(a) Each child on admission shall have a medical screening, including communicable disease screening, using a form approved by a physician and administered by staff persons trained in its use.

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

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

(3) Each child cared for by the facility or agency shall be immunized in accordance with the requirements of KRS 214.034 or any other statute or regulation pertaining to immunizations within thirty (30) days of admission or placement.

(4) In the event a child dies in any facility

or agency or any home operated or supervised by an agency or facility, the facility or agency shall notify immediately the county coroner. A verbal report of such death shall be made immediately to the office of the Commissioner, Department for Social Services. A written comprehensive report outlining the circumstances shall be forwarded to the office of the Commissioner, Department for Social Services on the next working day following the verbal report.

(5) Existing buildings shall be brought into and maintained in compliance with 815 KAR 10:015.

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

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

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

(9) Dairying and food processing shall be subject to the following regulations:

(a) Dairy operations, food processing and slaughter houses shall be subject to state and federal health laws and regulations.

(b) Donated home processed foods shall be prohibited.

Section 6. Promotional Use of Children. (1) Exploitation of children for promotional purposes is prohibited.

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

(3) Children shall not be used personally for fund raising purposes for the agency or facility.

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

Section 7. Intake. (1) Every facility or agency shall provide an intake service.

(2) A clearly defined statement of intake policies and procedures and the age and type of client accepted for admission shall be maintained in writing.

(3) At intake, the clients' need for service shall be determined and the findings recorded in an individual record for each applicant.

(4) Policies, purposes, services, and programs of the facility or agency shall be interpreted to the applicant.

(5) The following factual and identifying information shall be obtained at intake by the agency or facility regarding each child:

(a) Documented verification of the child's birth and legal custody;

(b) A family history;

(c) Developmental history from birth to present;

(d) A medical history;

(e) Immunization record; and

(f) Report of school progress from last school attended by the child.

(6) Appropriate written consents shall be obtained from parents or guardians as these relate to the individual case.

(7) The record shall contain a written

evaluation of the child's situation at intake including future plans and goals based upon known facts.

(8) All information concerning children, their parents, relatives, or guardian shall be kept in strict confidence by the staff, except for sharing information with individuals who are personally or professionally responsible for the well-being of the child. The child's record shall include data pertinent to the service plan.

(9) Subsections (4), (5), and (6) of this section shall not apply in cases of emergency shelter care.

Section 8. Case Records. (1) Every facility or agency shall maintain individual case records on each child.

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

(b) All information obtained at intake regarding a client shall be written in the case record.

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

(d) Written communications with appropriate courts and community social service workers shall be maintained in the case record in accordance with laws, policies and procedures developed by the facility, agency, or the cabinet.

(e) Any correspondence concerning a child or his case shall be filed in the case record.

(f) Every agency or facility shall have written authorization to care for the child which shall be included in the child's record.

(g) The date of acceptance of the child and/or family for services shall be kept in the child's record.

(2) Every facility or agency shall safeguard case records from fire and other hazards.

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

(4) Each agency or facility shall be responsible for the following practices in disposing of closed records:

(a) Each agency or facility licensed under KRS 199.640 shall keep a record containing:

1. The names, ages, present and former residences of all children received; the names, residence and occupation so far as is known of the parents; the dates of the reception, placing for adoption or foster care together with the names, occupation and residence of the person(s) with whom the child is placed; the date and cause of termination of its custody of each child; and brief history of each child until he shall have reached the age of eighteen (18) years or shall have been adopted or discharged according to the law.

2. This information shall be kept indefinitely and in the event the facility or agency closes, the director shall contact the office of the Commissioner, Department for Social Services, for disposition of such records.

(b) Any materials of a personal nature found in the child's records which can help the child recall his background and heritage shall follow the child where such information is not a part of adoptive records which have been sealed.

Section 9. Aftercare. (1) Every facility or agency shall provide aftercare services to the

child and/or family.

(2) Discharge of the child from any facility or agency shall be done on a planned basis whether the child returns home, is placed with another facility or agency or in any other living arrangement.

(3) The facility or agency shall be responsible for preparing the child for the transition to a placement, and be of assistance to both the child and family in the readjustment process.

(4) The facility or agency services shall be made available to the child and/or family for as long as a need is indicated. When the placement proves satisfactory, discharge shall be affected.

(5) When further services are needed, appropriate referral(s) shall be made.

(6) All referrals shall be annotated in the case records of the child along with aftercare contacts with the child and family.

(7) This section shall not apply in cases of emergency shelter care.

LARRY MICHALCZYK, Acting Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 18, 1988 at 9 a.m.

STATEMENT OF EMERGENCY

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

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

CABINET FOR HUMAN RESOURCES Department for Social Services

905 KAR 2:010E. Standards for all child day care facilities.

RELATES TO: KRS 199.892 to 199.896, HB 516
Part IIA #42 of the 1988 GA

PURSUANT TO: KRS 194.050

EFFECTIVE: April 18, 1988

NECESSITY AND FUNCTION: KRS 199.896 grants authority to establish regulations and standards for day care of children. The function of this regulation is to set minimum standards for all child day care facilities.

Section 1. Definitions. The following definitions shall apply to all child day care regulations and standards:

(1) "Day care" means care of a child in any child care facility, which provides full- or part-time care, day or night, to at least four (4) children not related to the operator of the child day care facility by blood, marriage, or adoption away from his own home and is designed to supplement, but not substitute for, the parent's responsibility for the child's protection, development and supervision, when it

is necessary or desirable for the parent or child to be out of the home for all or part of the day or night. The term shall not include child care facilities operated by religious organizations while religious services are being conducted, or kindergarten programs that are part of a public or private educational school system. Child day care includes:

(a) "Type I day care facility" means any facility other than a dwelling unit which regularly receives four (4) or more children for day care; or any facility, including a dwelling unit, which regularly provides day care for thirteen (13) or more children. If preschool children of any day care staff receive care in the facility, they shall be included in the number for which the facility is licensed.

(b) "Type II child day care facility" means any home or dwelling unit which regularly provides care apart from parents for four (4), but not more than twelve (12) children. The director's own preschool children shall be included in the number for which the home is licensed.

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

(3) "Secretary" means the Secretary of the Cabinet for Human Resources.

(4) "Child" means a person under eighteen (18) years of age.

(5) "Director" means the person responsible for the day-to-day operation of a facility or program for the care of children.

(6) "Child day care staff" means all persons, including volunteers, who work in a Type I or Type II child day care facility.

(7) "Facility" shall include both Type I and Type II child day care facilities.

(8) "Regularly" means the provision of child day care services at a facility on more than one (1) day in any one (1) week or more than ten (10) hours per week.

(9) "School-age child" shall be considered as one attending kindergarten or above.

(10) "Infant/toddler" shall be considered to be under two (2) years of age.

(11) "Nighttime care facilities" are defined as facilities in which children are received for regular, full-, or part-time care during the night. The hours of facilities providing nighttime care shall conform to the hours established by the state fire marshal for nighttime care, which pertain to day care facilities that are open after 6 p.m.

Section 2. Responsibilities of the Cabinet Licensing Authority. The cabinet shall be responsible for the licensing and supervision of any agency, association, organization, group, or individual who regularly provides full or part-time care during any part of the day or night for four (4) or more children not related to the licensee by blood, marriage or adoption. Authorized representatives of the cabinet shall at all times have the authority to inspect premises, records required by this regulation, and programs of child day care facilities. Inspection by the cabinet shall be unannounced.

Section 3. Licensing Issuance. (1) The license shall be issued for a specified physical location and for operation by a designated sponsor or owner, for specific hours of operation, and for a specified maximum number of children on the premises at any one time. The

number of children for which the facility is licensed shall be determined by available space, as determined by the state fire marshal's office; adequacy of program, equipment, and staff as defined in these regulations.

(2) Types of licenses.

(a) A regular license shall be issued when the facility has met all requirements provided for by the regulations of the cabinet under KRS 199.892 to 199.896.

(b) A provisional license shall be issued when, in the opinion of the cabinet, the facility has met all requirements for a regular license, except the required liability insurance and other requirements that require the presence of children in order to monitor. A provisional license may also be issued when the facility does not meet the requirements for a regular license but there is sufficient reason for belief that the facility will comply with minimum regulations within the time period designated by the licensing authority. A provisional license shall be issued for a period not to exceed six (6) months and shall not be renewable.

(3) A license shall not be transferable. A change in ownership of a facility shall require a new application and fee. When circumstances covered by the license change (i.e., number of children to be served, location, hours of operation when the difference is over one (1) hour or changes the facility from day care to night care or vice versa), notification shall be made in writing to the Division for Licensing and Regulation. Notification shall be made within the time established under Section 11 of this regulation. This does not require an additional fee.

(4) The license shall be posted in a conspicuous place.

Section 4. (1) Licensing fees shall be:

(a) ~~Sixty-five (65)~~ [Fifty (50)] dollars for all new Type I facilities.

(b) ~~Thirty-five (35)~~ [Twenty-five (25)] dollars for all new Type II facilities.

(c) ~~Thirty-five (35)~~ [Twenty-five (25)] dollars annual renewal fee for all facilities.

(2) A check or money order payable to the Kentucky State Treasurer shall be attached to the license application. Initial application fees shall not be refundable. Renewal fees shall be refunded if relicensure is denied but not if a license is revoked.

Section 5. Licensing Procedure. (1) To qualify for a license, a child day care facility shall comply with regulations and standards established by the cabinet.

(2) An applicant for licensure shall:

(a) Complete three (3) copies of the application, which may be obtained from the Cabinet for Human Resources, Division for Licensing and Regulation, Frankfort, Kentucky 40621.

(b) Comply with local zoning requirements.

(c) Secure approval of the office of the state fire marshal or his designee.

(d) Send application fee, and two (2) completed applications to the Cabinet for Human Resources, Division of Licensing and Regulation, Frankfort, Kentucky 40621.

(e) Keep one (1) copy on file.

(3) To obtain the license to open, a child day care facility shall have:

(a) A current report (within the last year) of negative TB test on all child day care personnel and adults who reside on the premises.

(b) Approved sewage system in accordance with local, county and state laws.

(c) Been surveyed by a representative of the Cabinet for Human Resources to determine if the facility qualifies for licensing, based on the regulations.

(d) Adequate equipment, supplies, and staff to serve initial enrollment of children.

(4) No facility subject to licensing shall begin operation without a license to operate from the Cabinet for Human Resources.

(5) A facility operating without having a license shall be subject to legal action.

Section 6. License Renewal Procedure. (1) Facilities shall be relicensed annually from the date of issuance of the original license.

(2) To be eligible for relicensure, a child day care facility shall:

(a) Submit a renewal application and fee prior to the expiration date of the current license.

(b) Comply with the applicable provisions of the child day care licensure regulations. Compliance will be verified through on-site inspection by representatives of the Cabinet for Human Resources.

Section 7. Basis for Revocation or Denial. The secretary may deny or revoke a license for failure to meet the standards set by the secretary after the expiration of a period not to exceed to six (6) months from the date of the first official notice that standards have not been met. When a license is revoked the applicant/licensee shall not reapply for a period of at least six (6) months.

Section 8. Right of Appeal. (1) When a regular license has been denied or revoked, the licensee shall be notified in writing of the right to appeal. The request for a hearing shall be made in writing within fifteen (15) days after receiving the notice of the action of the secretary.

(2) Upon receipt of the request for a hearing, the secretary or his representative shall notify the licensee in writing within fifteen (15) days of the time and place of the hearing. The secretary shall appoint a hearing officer to review the record, take additional evidence, and make recommendations upon the matter appealed.

(3) Based upon the record and upon the information obtained at the hearing, the hearing officer shall affirm or overturn the initial decision of negative action. Such decision shall be considered final. The licensee shall be notified in writing of the decision of the hearing officer. Where regular license denials or revocations are upheld, the cabinet's notification shall specify the date by which the facility shall close.

(4) A child day care facility continuing to have children in attendance after the closing date established by the secretary, shall be subject to legal action by the cabinet as provided by law.

Section 9. Administrative Responsibilities. (1) General.

(a) The licensee shall have primary responsibility to the cabinet for maintaining adequate standards of operation in accordance

with the child day care regulations.

(b) Staff shall be instructed in the requirements for operation and a copy of the minimum standards shall be available for their use.

(c) Liability insurance shall be carried by the facility.

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

(e) Volunteers must abide by the policies and procedures of the center.

(f) Program policies and procedures shall be in writing and shall include personnel policies, job descriptions, organization charts, chain of command, and other rules and regulations pertaining to the operation of the facility.

(2) Services. The services to be provided within the child day care facility shall be clearly stated at the time of the application. A written statement of services and policies shall be given to parents.

(3) Staff-child ratios.

(a) Minimum staff-child ratios for all facilities shall be maintained throughout the times that a facility is in operation, as follows:

Age of Children	Ratio
Under one year	1 staff for 6 children
1 to 2 years	1 staff for 6 children
2 to 3 years	1 staff for 10 children
3 to 4 years	1 staff for 12 children
4 to 5 years	1 staff for 14 children
5 to 7 years	1 staff for 15 children
7 and older	1 staff for 25 children (for before and after school)
	1 staff for 20 children (for full day of care)

(b) When only one (1) staff member is present in the facility, the age of the youngest child determines the staff-child ratio. In no case may one (1) adult alone provide care for more than ten (10) preschool children, or for more than fifteen (15) school-age children.

(c) Children under care shall never be left without adult supervision. Additional staff shall be employed during cooking and cleaning periods if necessary to insure adequate supervision of the children.

(d) In facilities where more than one (1) staff member is present, the age of the youngest child in the group shall determine the staff/child ratio as set forth in paragraph (a) of this subsection

(4) Director.

(a) The director shall assume responsibility for supervision and conduct of staff.

(b) The director shall provide a child care program which meets the regulations herein set forth.

(c) The director shall have the ability to supervise personnel and carry out personnel policies, including scheduling of daily activities, conducting staff meetings, and visiting classrooms to guide teaching staff.

(d) The director shall be able to develop center plans, policies, procedures and budgets in compliance with state regulations.

(e) The director shall have the ability to provide for health, safety and comfort of children, including fire drills, regulating heating, lighting and carrying out emergency measures in case of illness, accident or fire, and reporting suspected child abuse or neglect.

(f) The director shall be able to evaluate the teaching activities of staff and identify any problems with emotional development, including identifying children's problems with vision, speech and hearing, and assist in obtaining appropriate treatment or necessary services.

(g) The director shall assure that additional staff is available during cooking or cleaning hours if necessary, to maintain supervision of the children.

(5) Staff.

(a) At all times a staff person shall be on duty who is trained in pediatric first aid including CPR.

(b) At all times one (1) adult shall be designated as being in charge. In the event that the director is not present in the center, the adult left in charge shall be capable of carrying out the duties of the director.

(c) A minimum of two (2) qualified substitutes with current negative tuberculin test reports at the time of employment, shall be available in case of need.

(d) The minimum of adult workers in a center shall be sufficient to ensure that minors under eighteen (18) years of age and student trainers are at all times under direct supervision. No person under age of sixteen (16) shall be counted as part of the staff/child ratio.

(e) No controlled substance or alcohol use, or staff under the influence shall be permitted on the premises.

(f) Smoking by staff shall be permitted only in designated areas away from the children.

(g) Staff members shall remain awake while on duty.

Section 10. Records. The following records shall be maintained at the facility:

(1) Sufficient records to identify the individual children and to enable the person in charge to communicate with the parents or persons designated as being responsible for the child either at their home or place of employment, and in a medical emergency, with the family physician.

(2) Each child's medical history, along with authorization for emergency medical care, signed by the parent or guardian and left with the center director at the time of enrollment.

(3) Except as provided in KRS 214.036 immunization records for preschool children shall be on file within thirty (30) days of admission. The facility shall have ninety (90) days to obtain evidence that immunizations are current in accordance with 902 KAR 2:060 as revised.

(4) Permission for trips off the premises, signed by the parent or guardian.

(5) Daily attendance records of children.

(6) For each employee, a copy of the results of a TB skin test administered within the last year of the date of his/her employment.

(7) A written schedule of staff working hours.

(8) A written record of staff training.

(9) A written plan for staff development.

(10) A written record of monthly fire drills and quarterly disaster drills.

(11) A written plan and/or diagram outlining

the course of action in the event of natural or manmade disaster.

(12) Criminal records check on staff and volunteers. If the volunteer does not replace staff, is never alone with children, and has no supervising responsibility, then he would not be considered a volunteer for the purpose of criminal records check.

Section 11. Reports of the following shall be made to the cabinet:

(1) Any serious occurrences involving children including accident or injury requiring extensive medical care and/or hospitalization; or death; or any form of child abuse; or fire or other emergency situations; or any incident which results in legal action by or against the center which affects any child or children or personnel; within twenty-four (24) hours.

(2) Change of director, within one (1) week.

(3) Notification of the following shall be made to the cabinet sufficiently in advance to allow for approval before implementation:

- (a) Change of ownership/sponsorship.
- (b) Change of location.
- (c) Increase in capacity.
- (d) Change of hours of operation.
- (e) Change of services.

Section 12. Child Abuse or Neglect. (1) Each licensed facility shall maintain a child care program which assures affirmative steps are taken to protect children from abuse or neglect while said children are under the supervision of employees of the facility. Such a program is to include procedures to inform employees of the licensee of the laws of the Commonwealth pertaining to child abuse or neglect.

(2) No day care facility may employ any person convicted of child abuse or neglect.

Section 13. Staff Requirements. (1) Type I facility. After the effective date of this regulation, a director hired in a Type I facility shall have a minimum educational requirement of a child development associate credential (CDA), based on national competency standards, or associate of arts with an emphasis in child development or bachelor's degree in a related field from an accredited college or university or competency-based vocational training. This educational requirement shall be supplemented by a minimum of two (2) years of satisfactory full-time paid experience in working with young children in a group. Three (3) years of full-time paid experience in a child care facility may be substituted for the required education, making a total of five (5) years experience necessary. All experience must be verified. The director shall be at least twenty-one (21) years of age and have at least two (2) character references from nonrelatives. This provision does not apply to directors employed prior to the effective date of this regulation.

(2) Type II facility. A child care director in a Type II facility, after the effective date of this regulation, shall have as a minimum educational requirement of a general equivalency diploma (GED) or a high school diploma and have completed at least twelve (12) hours of child development training during the first six (6) months of operation. The director must be at least twenty-one (21) years of age.

Section 14. Staff Training. (1) Directors employed after the effective date of this regulation, unless qualified by a bachelor's degree in early childhood education/development or a bachelor's degree in a related field supplemented by a minimum of two (2) years of full-day experience in a child care setting, shall complete twelve (12) hours of specialized training prior to receiving a regular license. This training must be completed before or within the first six (6) months of operation while the facility operates on a provisional license.

(2) The director and all child care staff shall participate in at least six (6) hours of training annually beginning January 1, 1988. This training shall be designed to improve the quality of child care.

(3) Staff shall be trained in pediatric first aid, including CPR, to permit a staff member with this training to be on duty at all times.

(4) All training shall have prior approval of the cabinet according to guidelines developed by cabinet staff.

(5) Training shall be documented in writing by the provider.

Section 15. Physical Facilities. (1) Building.

(a) The building shall be suitable for the purpose intended and should maintain a minimum of thirty-five (35) square feet of space per child used for play, exclusive of the kitchen, bathroom, and storage areas. It shall be kept clean and in good repair.

(b) If all or any portion of the building is used for purposes other than day care, necessary provisions shall be made to avoid interference with the day care program.

(c) The building shall be so constructed that it is dry, adequately heated, ventilated, lighted, that windows, doors, heaters, furnaces, pipes, and stairs are protected; that screening is provided on windows and doors which are left open.

(d) There shall be a minimum of one (1) toilet and wash basin for each twenty (20) children. In boy's bathrooms if urinals are used, urinals may be substituted for up to one-half (1/2) of the number of toilets required. Toilet facilities shall be cleaned and sanitized daily.

(e) The kitchen shall be clean and equipped for the proper preservation, storage, preparation, and serving of food, and shall not be used for any other activities of the center.

(f) The center shall be equipped with a telephone accessible to the rooms used by the children.

(g) If care is provided school-age children, a separate area or room shall be provided.

(h) Separate toilet facilities for males and females, or a plan whereby the same facilities are used at separate times, shall be provided for school-age children.

(i) No child shall return from the toilet to activities without first washing hands. Children shall wash their hands with soap and warm, running water prior to eating and after toileting.

(j) If the only food served by the center is an afternoon snack for the school-age children, a kitchen is not required if adequate refrigeration is available.

(k) Indoor areas for infants/toddlers shall be provided separated from areas used by older children. The infants/toddlers may participate in activities with older children for short

periods of time.

(l) There shall be adequate crawling space for infants/toddlers protected from older children away from general traffic patterns of the center.

(m) Each area used for infants/toddlers shall have direct access to hand-washing facilities.

(n) If a facility provides an outdoor play area and cares for infants and toddlers, a protected outdoor area, with sun and shade and out of the traffic pattern of older children, shall be provided.

(o) Plans and specifications for new buildings and/or additions which are to be constructed for day care facilities shall be approved prior to construction by health and fire safety officials having jurisdiction.

(2) Grounds.

(a) Any outdoor play area shall be fenced unless a fence is determined unnecessary for the safety of the children and waived by the Office of Inspector General, Division of Licensing and Regulation in writing. The outdoor play area shall be free from litter, glass, rubbish, and inflammable materials and adequate in size to accommodate the number of children using the area at a particular time. The outdoor area shall be safe and drained.

(b) If a facility does not have an outdoor play area, the indoor space to be used as a play area has to be a minimum of sixty (60) square feet per child using the area at any one time separate from and in addition to the thirty-five (35) square feet minimum as described in subsection (1)(a) of this section, and include gross motor equipment and be well-ventilated and heated.

(c) If a facility does not have a fenced outdoor play area or an indoor play area, a bus may be used to transport children to a fenced playground. Transportation guidelines shall be in accordance with Section 18 of this regulation.

(3) Equipment.

(a) All equipment and furnishings shall be in good repair. There shall be safe play equipment in good repair, both indoors and outdoors, to meet the physical and other developmental needs and interests of children of different age groups.

(b) Each center shall have enough toys, play apparatus, and age-appropriate developmental materials to provide each child with a variety of activities during the day as specified in Section 16 of this regulation.

(c) Tables and chairs shall be of a suitable size for children.

(d) There shall be storage space in the form of low open shelves accessible to the children.

(e) Individual space for children's clothing shall be provided.

(f) An individual cot, crib, baby bed or two (2) inch thick mat shall be provided for each child in attendance for more than three and one-half (3 1/2) hours per day. Cribs shall have a firm, comfortable waterproof mattress. For sanitary reasons, individual sheets and covers shall be provided for each child and shall be laundered as needed. Where mats are used, floors shall be warm and free from drafts and dampness. Cots and all other equipment and furnishings shall be properly spaced so as to allow free and safe movement by children and adults.

(g) Tiered cribs shall not be allowed.

(h) Supplies shall be stored so that the adult may reach them without leaving the child unattended.

(i) There shall be a variety of safe, clean, washable toys, appropriate to the age levels and number of children present. Toys shall be too large to swallow, durable, and without sharp points or edges.

(j) Chairs shall be provided for staff to use when feeding, holding or playing with children.

(k) There shall be safe equipment that encourages crawling, walking, and climbing.

Section 16. Care of the Children. (1) Program. The day care center shall provide a planned program of activities geared to the individual needs and developmental levels of the children served. These activities shall provide experiences which promote the individual child's physical, emotional, social and intellectual growth and well-being. Activities of anyone living in the facility shall not interfere with the day care program. The daily program shall be under adult supervision and shall provide:

(a) A variety of creative activities which may include the following: art, music, dramatic play, stories and books, science, and block building.

(b) Indoor and outdoor play in which the children make use of both small and large muscles.

(c) A balance of active and quiet play, including group and individual activities, both indoors and outdoors.

(d) Opportunities for a child to have some free choice of activities and to play alone, if he/she desires, or with others.

(e) Opportunities to practice self-help procedures in respect to clothing, toileting, hand-washing, and feeding.

(f) Activity areas, equipment, and materials so arranged that the child's activities are visible to the supervising staff.

(g) Regularity of routines to afford the child the security of knowing what is coming next.

(h) Sufficient time for activities and routines so that children can progress at their own developmental rate.

(i) No long waiting periods between activities or prolonged periods during which children must stand or sit.

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

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

(b) Not subject children to harsh or physical discipline; loud, profane, threatening, frightening or abusive language shall not be used by staff or any other person on the premises.

(c) Not associate discipline with rest, toileting, or food.

(3) Health.

(a) Sufficient first aid supplies shall be available to provide prompt and proper first aid treatment. Written provisions shall be made for obtaining emergency medical care.

(b) Any child showing any signs of communicable illness may not be admitted. If a child becomes ill during the day, he/she shall be placed in a supervised area isolated from the rest of the children. In a situation where a child becomes ill, the parent or authorized

person shall be contacted immediately and arrangements will be made to remove the child from the center.

(c) No medication shall be given to a child except as prescribed by a duly licensed physician and/or on written daily request of the parent or guardian. The center shall keep a written record of the administration of each medication, including time, date and amount. Medication shall be properly labeled and stored in a separate place out of reach of children. Prescriptions shall be in the original bottle and properly labeled. At no time will medication be given to a child if the expiration date on the bottle has passed.

(d) Good personal hygiene shall be practiced by all persons in the center and children shall be helped with their personal care and cleanliness.

(e) Diapering and toilet training shall be a relaxed, pleasant activity. Toilet training shall be coordinated with parent or guardian.

(f) Adequate quantities of freshly laundered or disposable diapers and clean clothing shall be always on hand.

(g) The infants/toddlers shall be kept clean, dry and comfortable throughout the day. Diapers and/or wet clothing shall be changed promptly.

(h) Soiled diapers shall be stored in covered containers temporarily and shall be washed or disposed of at least once a day.

(i) When a child is diapered, the child shall be placed on a fresh washable surface or disposable covering.

(j) Individual washcloths and towels shall be used to thoroughly clean and dry the child's buttocks.

(k) When training chairs are used, they shall be emptied promptly and sanitized after each use.

(l) Caregivers shall wash hands with soap and running water after diapering or toileting each child.

(m) The infant's formula shall be prepared and provided by the parent. An exception may be made for facilities that qualify for the child-care food program, or provide formula as a fringe benefit to the parent.

(n) Bottles shall be individually labeled and promptly refrigerated.

(o) Caregivers shall wash hands with soap and running water immediately before feeding children.

(p) At no time shall a child be placed in bed with a propped bottle.

(q) All children's shoes and restrictive clothing shall be removed for sleep periods.

(r) The children in attendance shall have sufficient supervised rest not to exceed two (2) hours at any one time except in nighttime care, for their ages and for the number of hours spent at the facility.

(s) The water supply shall be approved by the local health department. Drinking water shall be freely available and individual drinking cups provided where no fountains are provided.

(t) Toilet articles such as combs, brushes, toothbrushes, towels and washcloths used by children shall be individual and plainly marked.

(u) The facility shall provide all children present at meal times with a meal which includes a food from each of the four (4) basic food groups except for breakfast, which shall be from the three (3) groups of bread and cereal, milk, fruit juices or vegetables. Adequate amounts of food shall be available. The center shall

provide a midmorning and midafternoon snack. All school-age children shall be provided a snack after school. Snacks shall include one (1) or more of the following foods: milk, fruit, vegetables, juice, enriched grain products, protein rich foods such as peanut butter or cheese.

(v) Children shall be seated at eating time with sufficient room to manage food and tableware.

(w) Individual eating utensils shall be of size and design that children can handle easily.

(x) Weekly menus shall be prepared, dated and posted in advance in a conspicuous place. Menus shall be kept on file for thirty (30) days.

(4) Nighttime care.

(a) No child in care is permitted to spend more than sixteen (16) hours in the facility during one (1) twenty-four (24) hour period or day. Where school-age children are served, time spent in school shall be included in the sixteen (16) hour limit.

(b) At least one (1) staff member shall be stationed in an area on the same floor with children, either in or adjacent to each sleeping room.

(c) A nighttime care facility, if children are present for extended periods of time during their waking hours, shall provide a program of well-balanced and constructive activities geared to the age levels and developmental needs of the children served.

(d) Children sleeping three (3) hours or more shall sleep in pajamas or nightgowns. School children shall be offered breakfast if they go to school from the center.

Section 17. Health and Sanitation. (1) All facilities that serve a meal are to have a three (3) compartment sink or such other equipment and procedures approved by the cabinet for the purpose of washing and sanitizing all dishes, silverware, eating and cooking utensils after use.

(2) Type I and Type II facilities shall conform to the following minimum food service and sanitation guidelines for day care homes and centers:

(a) Food supplies. All food shall be from sources approved or considered satisfactory by the health authority and shall be clean, free from spoilage, free from adulteration and misbranding and safe for human consumption. No hermetically sealed, nonacid and low-acid food which has been processed in a place other than a commercial food-processing establishment shall be used. Food served shall be from a source which is in compliance with applicable state and local laws and regulations. Established commercial food stores may be assumed to be an acceptable source.

(b) Food protection.

1. All food, while being stored, prepared and displayed or served shall be protected against contamination from dust, flies, rodents and other vermin; unclean utensils and work surfaces; unnecessary handling; coughs and sneezes, flooding, drainage and overhead leakage.

2. All potentially hazardous food shall, except when being prepared and served, be kept in a safe environment for preservation.

3. Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at

refrigerator temperatures or under cool, potable running water, or quick-thawed as part of the cooking process, or by any other method satisfactory to the health authority.

4. Each cold-storage facility used for storage of perishable food in nonfrozen state shall be provided with an indicating thermometer or other appropriate temperature measuring device.

5. Convenient and suitable utensils, such as forks, knives, tongs, spoons or scoops, shall be provided and used to minimize handling of food at all points where food is prepared.

6. Poultry, pork and their products which have not been specially treated to destroy bacteria, including trichinae, shall be thoroughly cooked. Fruits and vegetables shall be washed before cooking or serving.

7. Meat salads, poultry salads, potato salads, and cream filled pastries shall be prepared with utensils which are clean and shall, unless served immediately, be refrigerated pending service.

8. All food shall be stored in clean racks, shelves or other clean surfaces. Food in nonabsorbent type containers may be stored on the floor when it is maintained in an acceptable sanitary condition.

9. Individual portions of food once served to a child shall not be served again; provided, however, that wrapped food, which is still wholesome and has not been unwrapped, other than potentially hazardous food, may be reserved.

10. All poisonous and toxic material shall be properly identified and stored in cabinets which are used for no other purpose, or stored in a place outside food storage, food preparation, and utensil storage areas.

(c) Personnel.

1. Health and disease controls: No person while infected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a facility in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other individuals. If the manager or person in charge of the facility has reason to believe any employee has contracted a disease, he shall advise that employee to seek appropriate treatment.

2. Cleanliness. All employees shall maintain personal cleanliness and conform to hygienic practices while on duty. They shall wash their hands thoroughly before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his/her hands.

(d) Food equipment and utensils.

1. All food contact surfaces of equipment and utensils used in a facility shall be smooth, free of breaks, open seams, cracks, chips, and also be accessible for cleaning, and nontoxic.

2. Cleanliness of equipment and utensils. All eating and drinking utensils shall be cleaned after each usage. All kitchenware and food contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in preparation or serving of food or drink, and all food storage utensils, shall be cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food contact surfaces of equipment used in

preparation, service, display, or storage of potentially hazardous food shall be cleaned prior to such use. Nonfood contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition. After cleaning and until use, all food contact surfaces of equipment and utensils shall be stored and handled as to be protected from contamination. All single-service articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once.

(e) Sanitary facilities and controls. All facilities shall have lavatories located in or immediately adjacent to all toilet rooms.

(f) Vermin control.

1. Effective control measures shall be utilized to minimize the presence of rodents, flies, roaches, and other vermin on the premises.

2. Unless flies and other flying insects are absent from the immediate vicinity of the establishment, all openings to the outer air shall be effectively protected against the entrance of such insects by self-closing doors, closed windows, screening, controlled air current, or other effective means.

(g) Other facilities and operations (floors, walls and ceilings). Walls and ceilings shall be smooth and constructed to be easily cleanable. All walls and ceilings shall be kept clean and in good repair.

(h) Ventilation. The kitchen in a facility shall be adequately ventilated to the outside air.

(i) Water supply. The water supply for the facility shall be properly located, protected and operated, and shall be adequate and of an approved source.

1. The water supply is favorably located away from all possible sources of contamination and is easily accessible to encourage its use. The approved distance from toilets, septic tanks, etc., may vary, depending upon type of soil, topography, etc. The source of water supply is a public water supply, approved by the Cabinet for Natural Resources and Environmental Protection, or a spring, or well, or cistern which complies with the specifications for construction and protection required by the Cabinet for Natural Resources and Environmental Protection.

2. The water supply is adequate in quantity and pressure to permit unlimited use.

3. All ground water supplies for facilities caring for more than twenty-five (25) children shall meet the specifications of the Cabinet for Natural Resources and Environmental Protection. Facilities caring for twenty-five (25) children or less may secure approval from the local health department.

4. Individual drinking cups or paper cups are required.

(j) Sewage and solid waste disposal. All sewage and solid waste shall be properly disposed of and solid waste shall be kept in suitable receptacles in accordance with local, county and state laws.

1. All sewage and liquid wastes are disposed of in a public sewer or, in the absence of a public sewer, by a method approved by the Cabinet for Natural Resources and Environmental Protection. Consultation will be sought from the Cabinet for Natural Resources and Environmental Protection or the local sanitarian having jurisdiction on facilities in which the adequacy of the plumbing is questioned.

2. All waste paper and solid waste is disposed

of in a manner approved by the state and local health regulations. Easily cleanable containers shall be provided for storage of waste materials. All garbage and rubbish containing food waste shall be stored in containers and kept covered.

(k) Toilet and hand-washing facilities. Each facility shall be provided with adequate and conveniently located toilet and hand-washing facilities. Toilets shall be kept in clean condition, in good repair, lighted and ventilated. In case privies are permitted and used, they shall be of sanitary type, constructed and operated in conformity with the standards of the Cabinet for Human Resources. Hot and cold water under pressure, soap and approved towels shall be provided at lavatories. Covered waste receptacles shall be provided in each toilet room.

1. Adequate toilet facilities, in desirable locations are provided. Hand-washing facilities shall be adequate and conveniently located. Privies shall be constructed and operated in accordance with the standards of the Cabinet for Human Resources.

2. Each toilet room shall be lighted, ventilated to the outside air, and kept in good repair.

3. A supply of toilet paper is to be on hand at all times. Soap and individual cloth or paper towels are provided. Most new commercial soap dispensers are satisfactory.

4. Easily cleanable receptacles shall be provided for waste materials.

5. Hand-washing facilities are of such type that the washing of hands under warm running water may be accomplished.

6. All openings to the outer air in the toilet rooms are effectively screened.

Section 18. Transportation. (1) When transportation is provided directly, contracted for or arranged by a day care facility, these requirements shall apply:

(a) There shall be conformance to state laws pertaining to vehicles, drivers and insurance.

(b) The staff-child ratio set in this regulation in Section 9(3) of this regulation, shall apply when not inconsistent with special requirements or exceptions in this section.

(c) Any center providing transportation service shall have an individualized written plan and statement of transportation policies and procedures.

(d) Each child shall have a seat and remain seated while the vehicle is in motion.

(e) On any vehicle equipped with seat belts, these shall be used to secure individual children.

(f) All vehicles used to transport children shall be designed and offered with seats for each passenger as manufactured standard equipment.

(g) A vehicle containing children shall never be left unattended.

(h) The maximum number of children under the age of six (6) a driver shall supervise alone is five (5). The staff/child ratios shall apply after this number. No children under two (2) years of age shall be transported unless restrained in an approved safety seat or accompanied by another adult.

(i) A child under age six (6) shall not be left unattended at the time of delivery.

(j) If the parent, or a person authorized by the parent to accept the child, is not present upon delivery of the child, a note shall be left explaining where the child can be picked up.

(k) If anyone other than the authorized person is to receive the child, such arrangements shall be made by the parent or guardian.

(2) The vehicle shall not pick up and deliver children to a location which would require the child to cross the street or highway unless accompanied by an adult.

(3) The following standards shall be met when transportation is provided by any means other than licensed public transportation:

(a) The vehicle shall be maintained in good mechanical/operable condition at all times.

(b) A thorough inspection of the vehicle shall be made and documented by a qualified mechanic at least every six (6) months.

(c) Vehicles used to transport children, which require other traffic to stop while loading and unloading children at their various homes along public roads, shall be equipped with a system of signal lamps, identifying color and words.

(d) The motor shall be turned off, keys removed, and brake set any time the driver is not in the driver's seat.

Section 19. Visitation. Parents or persons exercising custodial control of a child shall be permitted to visit the facility at any time during regular hours of operation.

LARRY MICHALCZYK, Acting Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 13, 1988

FILED WITH LRC: April 18, 1988 at 9 a.m.

AS AMENDED AND EFFECTIVE MAY 9, 1988

FINANCE AND ADMINISTRATION CABINET
Department for Facilities Management
(As Amended)

200 KAR 6:040. Flood plain management.

RELATES TO: KRS Chapters 45, 56, 151

PURSUANT TO: KRS 56.185

EFFECTIVE: May 9, 1988

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 equalled 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 (posts 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 on which the work order [the building permit] was issued by the Finance and Administration Cabinet, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days from the work order [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, manufactured [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 adequacy of such flood proofing shall be certified by a professional engineer registered in Kentucky.

(c) New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with these requirements must either be certified by a professional engineer or architect or meet the following minimum criteria:

a. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

b. The bottom of all openings shall be no higher than one (1) foot above grade; and

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

2.a. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage or maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) Standards for areas of shallow flooding (AO Zones). Located within the areas of special flood hazard are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

2. All new construction and substantial improvements or nonresidential structures shall:

a. Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or

b. Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(e) [(c)] Improvements to existing facilities are permitted within the flood plain provided:

1. For facilities located in the floodway, no additions, alterations, encroachments, or relocations will cause flood levels to increase.

2. Practical alternatives are considered and used to minimize or eliminate flood damages.

3. Facilities substantially improved shall meet all requirements of new development as contained in this section.

Section 9. Administrative Procedures. (1) Upon receipt and review by the secretary of notice from a state agency proposing development activity within the flood plain, the secretary shall: issue a development permit; issue such a permit with conditions; refuse to issue a permit and provide the reasons for denial; or, in his discretion, determine that such a permit is not required under this regulation.

(2) When a development permit for building construction is issued, the agency undertaking the development in accordance with the terms of the permit shall:

(a) Secure a certification from a land surveyor or professional engineer registered in Kentucky of the elevation of the lowest floor (including basement) or, if flood proofing is utilized, the actual level of flood proofing in relation to the mean sea level and provide the certificate to the secretary within thirty (30) days following its issuance.

(b) Secure certifications, as applicable under Section 8(2)(b)5 [4]c of this regulation and provide same to the secretary within sixty (60) days after completion of the building.

(3) The Finance and Administration Cabinet shall maintain for public inspection all certifications and permit records required by these regulations.

L. ROGERS WELLS, JR., Secretary

APPROVED BY AGENCY: March 14, 1988

FILED WITH LRC: March 14, 1988 at 3:30 p.m.

DEPARTMENT OF AGRICULTURE (As Amended)

302 KAR 20:065. Sale and exhibition of livestock in Kentucky.

RELATES TO: KRS Chapter 257

PURSUANT TO: KRS 257.030

EFFECTIVE: May 9, 1988

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 out-of-state swine, six (6) months of age or older, shall be negative to an official (approved) blood test within thirty (30) [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 PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Building Codes Enforcement
(As Amended)

815 KAR 7:020. Building code.

RELATES TO: KRS Chapter 198B

PURSUANT TO: KRS 198B.040(7), 198B.050

EFFECTIVE: May 9, 1988

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) Amend Article 32 as follows: [Delete Section 513.1 in its entirety and]

(a) 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."

(b) Amend subsection 3202.1.5 to read as follows: "All portions of the buildings proposed for change in use shall conform to the provisions of Article 33 as required by Section 3302.1."

(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) Amend Article 11 as follows:

(a) 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."

(b) Amend subsection 1105.4 by changing "Section 103.3" to "Section 106.3".

(12) Delete subsections 904.4.2, 904.4.3, 904.4.4 in their entirety; and amend subsection 904.4 to read as follows: "Interior hangings and decorations shall comply with Section 904.4.1."

(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."

(c) Delete subsection 513.1 in its entirety.

(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
Ranghoods	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.

PROPOSED AMENDMENTS RECEIVED THROUGH MAY 15, 1988

GENERAL GOVERNMENT CABINET
Board of Medical Licensure
(Proposed Amendment)

201 KAR 9:101. Definitions relating to paramedics.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)
PURSUANT TO: KRS 311.654

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to define terms that are used in regulations promulgated by the board relating to paramedics.

Section 1. Definitions. As used in board regulations relating to paramedics, the following terms shall have the meanings set forth below unless the context requires otherwise:

(1) "Advanced life support unit" means a motor vehicle, vessel, or aircraft designed and used primarily for on-the-scene care or transportation of critically ill or critically injured patients and is equipped with such equipment as specified by the board as being essential to the proper functioning of an advanced life support unit.

(2) "Applicant" means any person applying for training or certification as a paramedic under this regulation.

(3) "Board" means the State Board of Medical Licensure.

(4) "Certificate" means the certificate issued by the Board of Medical Licensure pursuant to this regulation to any individual qualifying pursuant to this regulation to perform the duties of a paramedic.

(5) "Certified" means one who holds a certificate issued pursuant to this regulation.

(6) "Committee" means the Paramedic Advisory Committee as appointed by the board to act in an advisory capacity.

(7) "Emergency situation" means an unforeseen circumstance or combination of circumstances, regardless of place of occurrence, requiring immediate and continued medical response and intervention to safeguard the life or physical well-being of any patient.

(8) "Emergency medical technician (EMT)" means a qualified individual currently certified by the Kentucky Department for Human Resources as an emergency medical technician, emergency medical technician-ambulance, emergency medical technician-instructor, or emergency medical technician instructor-trainer.

(9) "Equipment" means that equipment required by the board to be carried and maintained on an advanced support unit.

(10) "Graduate paramedic" means any person who has successfully completed a board-approved paramedic training course and who has not completed the requirements for state certification [yet taken the board's certifying examination provided for in these regulations].

(11) "Medical advisor" means a licensed physician selected to supervise paramedics by the provider with the approval of the regional emergency medical services system's clinical director.

(12) "Paramedic" means a person who is primarily involved in the delivery of emergency

medical services and is certified under KRS 311.652 to 311.658.

(13) "Paramedic trainee" means a qualified person who is enrolled in a paramedic training course authorized and approved by the board pursuant to this regulation.

(14) "Patient" means an individual who is sick, injured, dead or otherwise incapacitated or helpless.

(15) "Provider" means the operator of any advanced life support unit within the Commonwealth of Kentucky, or any person utilizing a paramedic, paramedic-trainee, or graduate paramedic, except a person utilizing a paramedic as an instructor in a training course authorized and approved by the board.

(16) "Supervising physician" means a licensed physician selected by the medical advisor to supervise paramedics.

(17) "Approved in-service training" means any training approved by the advanced life support provider's medical director.

C. WILLIAM SCHMIDT, Executive Director

APPROVED BY AGENCY: March 24, 1988

FILED WITH LRC: May 6, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on Tuesday, June 21, 1988, at 10 a.m. at the offices of the Kentucky Board of Medical Licensure, The Mall Office Center, 400 Sherburn Lane, Suite 222, Louisville, Kentucky 40207. Those interested in attending or being heard at this hearing shall notify in writing not less than five days prior to June 16, 1988: Mr. C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, The Mall Office Center, 400 Sherburn Lane, Suite 222, Louisville, Kentucky 40207.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. William Schmidt

(1) Type and number of entities affected: All graduate paramedics in the Commonwealth of Kentucky.

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

1. First year: N/A

2. Continuing costs or savings: N/A

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

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year: N/A

2. Continuing costs or savings: N/A

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

(b) Reporting and paperwork requirements: N/A

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Paramedic Advisory Committee and Board felt that added language better defines the status for "graduate paramedic."

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

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

(b) If in conflict, was effort made to

harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes

**GENERAL GOVERNMENT CABINET
Board of Nursing
(Proposed Amendment)**

201 KAR 20:161. Investigation and disposition of complaints.

RELATES TO: KRS 314.011(13), 314.031, 314.071(4), 314.091, 314.991(3)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To protect and safeguard the health and safety of the citizens of Kentucky and to provide for procedures in the receipt and disposition of complaints.

Section 1. Receipt of Complaints. (1) The board shall receive and process each complaint made against any licensee, applicant or unlicensed individual if the complaint alleges acts which may be in violation of the provisions of KRS Chapter 314.

(2) Complaints shall be received by the executive director or staff member(s) designated by the board to investigate complaints.

(3) All complaints shall be in writing and shall be dated and fully identify the complainant by name and address. The executive director or president of the board may file a complaint based upon information received by oral, telephone or written communications if the facts of the complaint are determined to be accurate and indicate acts which may be in violation of the provisions of KRS Chapter 314.

(4) A certified copy of a court record for a misdemeanor or felony conviction shall be considered a valid complaint.

(5) The person responsible for receiving complaints shall make an investigation to verify facts in complaints and to collect additional information. If it is determined the facts are true and of sufficient gravity to warrant further action, the staff may request an informal conference with the individual against whom the complaint has been made.

(6) The person responsible for receiving complaints shall evaluate information received to determine if an apparent violation of the provisions of KRS Chapter 314 has been committed, consult with legal counsel as indicated, and shall make recommendations for disposition of complaint.

(7) All preliminary information will be treated as confidential during the investigation and shall not be disclosed to board members or to the public. If a board member has participated in the investigation or has substantial knowledge of facts prior to a hearing on the complaint that could influence an impartial decision by the member, that member shall not participate in the adjudication of the complaint.

Section 2. Disposition of Complaints. (1) Administrative hearing.

(a) The board may schedule a formal administrative hearing to determine whether disciplinary action will be taken on the grounds set out in KRS 314.091.

(b) At least thirty (30) days prior to an administrative hearing, the individual shall be sent a letter of the specific charges by certified mail and shall be advised of legal rights in accordance with KRS 314.091. Service of process shall be deemed complete upon mailing a copy of the letter of charges by certified mail to the last known address of the licensee or applicant, whether or not said letter is subsequently claimed by addressee.

(c) All subpoenas shall be issued by the executive director on behalf of the board. The person requesting the subpoenas shall bear the cost of serving the subpoenas, paying witness fees and expenses. The board shall bear the cost of witnesses subpoenaed in the board's behalf.

(2) Agreed order.

(a) The board may enter into an agreement with an applicant/licensee for voluntary surrender, suspension, probation, reinstatement or limitation of license, public or private reprimand, and/or to impose a civil penalty. The terms of the agreement may include other conditions or requirements to be met by applicant/licensee.

(b) The agreed order may contain terms which ensure protection of public health and safety, or which serve to educate or rehabilitate the applicant/licensee.

(c) The agreed order when approved by the board will terminate the investigation of a specific complaint.

(3) Consent decree.

(a) If a nurse or applicant agrees to waive her right to a hearing, the board may issue a consent decree in accordance with the provisions of KRS 314.991 to impose a civil penalty of not more than \$1000 against a nurse or an applicant for licensure as a nurse or for registration as an advanced registered nurse practitioner who has:

1. Practiced as a nurse in the Commonwealth of Kentucky without a temporary work permit or a current, active license issued by the board not longer than six (6) months prior to filing an application for licensure.

2. Practiced as an advanced registered nurse practitioner in the Commonwealth of Kentucky without current, active registration issued by the board not longer than six (6) months prior to filing an application for registration.

3. Practiced as an advanced registered nurse practitioner for not longer than six (6) months after notification by either the board or the certifying agency of expiration of the current certification granted by the appropriate national organization or agency as required by KRS 314.042(4).

4. Practiced for not longer than six (6) months pursuant to a license or work permit obtained on the basis of a check for an application fee which was returned unpaid by the bank.

5. Elected and qualified for a consent decree to cure noncompliance with continuing education requirements, as set forth in 201 KAR 20:215. Section 3.

[(b) A notarized statement submitted by an employer or other person verifying that the applicant or nurse has engaged in the practice of nursing as defined in KRS 314.011(5), (7) and (9), without the required temporary work permit, license or registration may constitute grounds for imposing a civil penalty and issuing a consent decree.]

(b) [(c)] The use of a consent decree shall be restricted to only those applicants or nurses described above [who have violated KRS 314.031(1) or 314.042(5)] and who have not violated any other provision of KRS Chapter 314 or any other laws of the Commonwealth of Kentucky or of the United States.

(c) [(d)] The license or registration may be issued by board staff after the applicant or nurse meets all requirements for licensure or registration and after payment of the civil penalty by applicant or nurse.

(d) [(e)] Upon ratification by the board of the consent decree the investigation of the specific complaint will be terminated.

(e) [(f)] If consent decree is not ratified by the board, a letter of charges may be issued pursuant to KRS 314.091 and the matter resolved as directed therein. [formal disciplinary action may be commenced.]

Section 3. The executive director or person(s) responsible for receiving complaints shall notify the complainant and the person against whom the complaint was made of the final disposition of the case.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: May 12, 1988

FILED WITH LRC: May 12, 1988 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 27, 1988, at 2 p.m. in Room 420 of the Professional Towers Building, 4010 Dupont Circle, Louisville, Kentucky 40207. Those interested in attending this hearing shall notify the following office in writing by June 22, 1988: Sharon M. Weisenbeck, Kentucky Board of Nursing, 4010 Dupont Circle, Suite 430, Louisville, Kentucky 40207.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sharon M. Weisenbeck

(1) Type and number of entities affected:

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

1. First year: Will allow nurses to remedy relatively minor licensure violations via consent decree and return to work immediately, instead of waiting for the board to meet and approve an agreed order. Affected licensees will save up to two months of earnings.

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

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Disciplinary cases are generally resolved either by hearing or by agreed order. Agreed orders are not effective until approved by the board. Depending on when an agreed order is signed, an affected licensee may have to wait up to two months for

the next board meeting. Several years ago the board adopted a "consent decree" process for certain cases involving periods of unlicensed practice of six months or less. The purpose was to create a vehicle for the resolution of recurring types of cases, not involving a threat to public safety, which would allow the licensee to immediately return to practice. Agency experience with the consent decree process has been satisfactory.

The board has identified three additional categories of cases which appear appropriate for the consent decree process: (1) Nurse practitioners who allow a short-term lapse of the statutorily required national certification; (2) Nurses who obtain licensure on the basis of a bad check; and (3) Nurses who are out of compliance with continuing education requirements pursuant to 201 KAR 20:215.

In each of these cases there must be no evidence of other, more serious violations of the Nursing Practice Act. Given that requirement, it is felt that the consent decree process is adequate to encourage compliance with the law for these types of cases.

Section 3(b) of the existing regulation is deleted as deadwood.

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

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

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

(6) Any additional information or comments: No

TIERING: Was tiering applied? Yes. Tiering is applied in the sense that certain categories of disciplinary cases have been identified as being appropriate for disposition via consent decree instead of agreed order, assuming that the licensee does not wish to have a hearing on the matter. The consent decree process is appropriate for cases where: (1) The noncompliance is documentary or financial in nature. (2) The problem did not arise in a patient care context and does not present a threat to patient safety. (3) There is no evidence of intent to evade the licensure law. (4) The defect has been cured by the licensee. (5) There is no evidence of other violations of the law. (6) The case is of a variety which recurs with some frequency. (7) Use of the consent decree process will not unduly depreciate the seriousness of the violation in question. The board has, to date, identified a total of five categories of cases meeting those criteria.

GENERAL GOVERNMENT CABINET

Board of Nursing
(Proposed Amendment)

201 KAR 20:215. Contact hours, recordkeeping and reporting requirements for renewal of licensure.

RELATES TO: KRS 314.011(11), 314.021, 314.073, 314.131(1)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: For administration of the continuing education requirement, it is necessary for the board to develop standards for awarding contact hour(s).

Section 1. To earn contact hour approval, the nurse shall successfully complete the requirements specified by the provider, or as prescribed by the board for an approved continuing education activity. To satisfy the continuing education requirement for an active Kentucky license, contact hours shall be earned in an approved continuing education activity(ies).

(1) An offering may be presented in one (1) session (one (1) contact hour), or a series of sessions.

(a) Fractional parts of a contact hour may be approved for an offering which exceeds the minimum of one (1) contact hour in any given session.

(b) Each five (5) minutes shall equal one-tenth (0.1) contact hour.

(2) Academic credit in nursing may satisfy the continuing education requirement. Academic credit may be converted to contact hours as follows:

(a) One (1) semester academic credit hour equals fifteen (15) contact hours.

(b) One (1) quarter academic credit hour equals twelve (12) contact hours.

(3) Self-study earning via programming approved by national nursing organizations recognized by the board may satisfy the continuing education requirement.

(4) Contact hours awarded by another organization may be recognized by the board as equivalent, or comparable provided the organization's standards and criteria for continuing education and the approval mechanism have been reviewed and approved by the board.

Section 2. The following types of courses will not satisfy the continuing education requirements for licensure:

(1) Courses in nursing which were a part of the nurse's prelicensure preparation. (This does not preclude approval of nursing electives or other courses in nursing science beyond the basic nursing program.)

(2) Courses in other auxiliary training programs.

(3) In-service education as defined in 201 KAR 20:200, Section 1(6).

Section 3. Recordkeeping and Reporting Requirements for Renewal of Licensure. (1) Each licensee or applicant for licensure by renewal shall maintain records to substantiate earned contact hours, which shall include certification furnished by the provider. Such records shall be retained for at least three (3) years following the year in which the contact hours were earned.

(2) Each licensee or applicant for licensure by renewal shall, upon request, furnish to the board or staff, legible copies of the records required to be maintained by subsection (1) of this section. Said copies shall be furnished within thirty (30) days of the date a written request is mailed by first class to the last known address of the licensee or applicant. Failure to furnish records as required by this regulation shall be cause for the issuance of a complaint pursuant to 201 KAR 20:161 for failure to comply with KRS 314.073(2).

(3) Licensees or applicants for licensure by renewal who are determined to be in noncompliance with continuing education requirements shall be allowed to cure the noncompliance by meeting continuing education

requirements, entering a consent decree with the board and paying a \$100 civil penalty. This provision shall not apply to cases in which:

(a) The licensee or applicant fails to furnish records as requested pursuant to subsection (2) of this section;

(b) The licensee or applicant continues to practice subsequent to notification of noncompliance with continuing education requirements; or

(c) There is evidence of fraud or deceit in procuring or attempting to procure a license to practice nursing. In this regard, licensees or applicants who certify compliance with continuing education requirements on the application shall be under a duty to notify the board in writing in the event compliance is not attained by the effective date of license for which the application was filed.

(4) Cases described in subsection (3)(a), (b) or (c) of this section shall be dealt with pursuant to the complaint procedures of 201 KAR 20:161.

(5) Licensees or applicants have the right to have questions of regulatory compliance resolved by hearing pursuant to 201 KAR 20:162.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: May 12, 1988

FILED WITH LRC: May 12, 1988 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 27, 1988, at 2 p.m. in Room 420 of the Professional Towers Building, 4010 Dupont Circle, Louisville, Kentucky 40207. Those interested in attending this hearing shall notify the following office in writing by June 22, 1988: Sharon M. Weisenbeck, Kentucky Board of Nursing, 4010 Dupont Circle, Suite 430, Louisville, Kentucky 40207.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sharon M. Weisenbeck

(1) Type and number of entities affected:

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

1. First year: Kentucky Board of Nursing licensees will be required to maintain records to substantiate claimed continuing education credits, and to retain those records for three years. Copies of those records must be provided to the board upon request.

2. Continuing costs or savings: Same as above.

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

(b) Reporting and paperwork requirements: See 1(a)1 above.

(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: Agency will have to evaluate documentation submitted in support of claimed continuing education.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Board maintenance of individual records for continuing education earned by each of Kentucky's 40,000

nurses is impractical. At the other extreme, failure to require licensees to be able to document claimed continuing education would encourage noncompliance with the law. A reasonable alternative is to require all licensees to maintain their own records, subject to verification on a random audit basis.

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

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

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

(6) Any additional information or comments: No TIERING: Was tiering applied? No. KRS 314.073, the mandatory continuing education statute for Kentucky nurses, applies with equal force to all categories of persons licensed by the board. Thus, any attempt to tier the recordkeeping and reporting requirements would create a constitutional equal protection issue.

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:030. Kentucky State Reformatory.

RELATES TO: KRS Chapters 196, 197, 439

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

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on May 13 [April 15], 1988 and hereinafter should be referred to as Kentucky State Reformatory Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

KSR 01-00-09 Public Information and News Media Relations
KSR 01-00-10 Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14 Extraordinary Occurrence Report
KSR 01-00-15 Cooperation and Coordination with Oldham County Court
KSR 01-00-19 Personal Service Contract Personnel
KSR 01-00-20 Consent Decree Notification to Inmates
KSR 02-00-01 Inmate Canteen
KSR 02-00-03 Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11 Inmate Personal Accounts
KSR 02-00-12 Institutional Funds and Issuance of Checks
KSR 03-00-01 Shift Assignment/Reassignment
KSR 03-00-02 Employee Dress and Personal Appearance
KSR 03-00-05 Intra-Agency Promotional Opportunity Announcements
KSR 03-00-06 Employee Time and Attendance
KSR 03-00-07 Travel Expense Reimbursement

KSR 03-00-08 Employee Tuition Assistance Reimbursement
KSR 03-00-10 Workers' Compensation
KSR 03-00-14 Prohibited Employee Conduct, Disciplinary Actions, and Appeal Process
KSR 03-00-15 Affirmative Action Program
KSR 03-00-16 Confidentiality of Personnel Records
KSR 03-00-19 Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein
KSR 03-00-20 Personnel Selection, Retention and Promotion
KSR 03-00-21 Equal Employment Opportunities for Institutional Job Assignments and Job Classification Promotions
KSR 03-00-24 Inclement Weather and Employee Work Attendance
KSR 03-00-25 Medical Examination Requirements for New Employees
KSR 04-00-02 Staff Training and Development
KSR 05-00-02 Research Activities
KSR 05-00-03 Management Information Systems
KSR 06-00-01 Inmate Master File
KSR 06-00-02 Records Audit
KSR 06-00-03 Kentucky Open Records Law and Release of Psychological/Psychiatric Information
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 [(Amended 4/15/88)]
KSR 09-00-05 Gate 1 Entrance and Exit Procedure [(Amended 4/15/88)]
KSR 09-00-09 Contraband, Dangerous Contraband and Search Policy [(Amended 4/15/88)]
KSR 09-00-14 Use of Force [(Amended 4/15/88)]
KSR 09-00-21 Crime Scene Camera (Amended 5/13/88)
KSR 09-00-22 Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23 Drug Abuse Testing (Amended 5/13/88)
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
KSR 10-00-02 Unit D - General Operational Procedures
KSR 10-00-03 Unit D - Inmate Tracking System and Records System
KSR 10-00-04 Unit D - Administrative Segregation
KSR 10-00-05 Unit D - Disciplinary Segregation
KSR 10-00-06 Unit D - Protective Custody

KSR 10-00-07	Unit D - Geriatrics	KSR 17-00-05	Dormitory 10 Operations [(Amended 4/15/88)]
KSR 10-00-08	Unit D - Safekeepers	KSR 17-00-06	Identification Department
KSR 10-00-09	Unit D - Hold Ticket Residents		Admission and Discharge Procedures
KSR 10-00-10	Unit D - Inmate Legal Access	KSR 17-00-07	Inmate Personal Property
KSR 10-00-11	Unit D - Behavior Problem Control	KSR 18-00-01	Special Management Inmates Unit D Classification
KSR 10-00-12	Unit D - Designated Staff Visits	KSR 18-00-04	Returns from Other Institutions
KSR 10-00-13	Unit D - Property Room Access	KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 11-00-01	Meal Planning for the General Population	KSR 18-00-06	Classification
KSR 11-00-02	Special Diets	KSR 18-00-07	Special Notice Form
KSR 11-00-03	Food Service Inspections	KSR 19-00-01	Inmate Work Incentives
KSR 11-00-04	Dining Room Dress Code for Inmates	KSR 19-00-02	On-the-job Training Program
KSR 11-00-06	Health Standards/Regulations for Food Service Employees	KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates	KSR 20-00-01	Vocational School Referral and Release Process
KSR 12-00-01	Inmate Summer Dress Regulations	KSR 20-00-03	Academic School Programs
KSR 12-00-02	Sanitation and General Living Conditions	KSR 20-00-04	Criteria for Participation in Jefferson Community College Program
KSR 12-00-03	State Items Issued to Inmates	KSR 20-00-08	Integration of Vocational and Academic Education Programs
KSR 12-00-07	Regulations for Inmate Barbershop	KSR 21-00-01	Legal Aide Office and Law Library Services and Supervision (Amended 5/13/88)
KSR 13-00-01	Identification of Mentally Retarded Inmates	KSR 21-00-02	Inmate Library Services
KSR 13-00-02	Hospital Operations, Rules and Regulations	KSR 21-00-03	Library Services for Unit D
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds	KSR 22-00-03	Inmate Organizations
KSR 13-00-04	Dental Care for Inmates	KSR 22-00-07	Inmate News Magazine
KSR 13-00-05	Medical and Dental Sick Call	KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 13-00-06	Infection Control	KSR 23-00-03	Religious Programming
KSR 13-00-07	Referral of Inmates Considered to Have Severe Emotional Disturbances	KSR 25-00-01	Discharge of Residents to Hospital or Nursing Home
KSR 13-00-08	Institutional Laboratory Procedures	KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 13-00-09	Institutional Pharmacy Procedures	KSR 25-00-03	Preparole Progress Report
KSR 13-00-10	Requirements for Medical Personnel		
KSR 13-00-11	Preliminary Health Evaluation and Establishment of Inmate Medical Record		
KSR 13-00-12	Vision Care/Optometry Services		
KSR 13-00-14	Periodic Health Examinations for Inmates		
KSR 13-00-15	Medical Alert System		
KSR 13-00-16	Suicide Prevention and Intervention Program		
KSR 14-00-01	Inmate Rights		
KSR 14-00-02	A/C Center and Unit D Inmate Access to Legal Aide Services		
KSR 14-00-04	Inmate Grievance Procedure		
KSR 14-00-05	Inmate Marriages		
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 15-00-04	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 - Assessment/Classification Center [(Amended 4/15/88)]		
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		

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: May 13, 1988

FILED WITH LRC: May 13, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 23, 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: 559 employees of the Kentucky State Reformatory, 1416 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 May 13 [April 15], 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 [(Amended 4/15/88)]
KSP 030000-04 Requisition and Purchase of Supplies and Equipment
KSP 030000-05 Inmate Personal Funds [(Amended 4/15/88)]
KSP 030000-06 Inmate Commissary Program
KSP 040000-01 Management Information System
KSP 040000-02 Inmate Records (Amended 5/13/88)
KSP 040000-08 Inmate Equal Opportunity Policy
KSP 050000-14 Searches and Preservation of Evidence
KSP 060000-01 Special Security Unit
KSP 060000-02 Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units
KSP 060000-04 Protective Custody Unit
KSP 060000-11 Criteria for Disciplinary Segregation and Incentive Time Reduction Program
KSP 070000-01 Hospital Services
KSP 070000-02 Sick Call
KSP 070000-03 Health Evaluations
KSP 070000-04 Consultations
KSP 070000-05 Emergency Medical Procedure
KSP 070000-13 Pharmacy Procedures
KSP 070000-14 Medical Records
KSP 070000-16 Psychiatric and Psychological Services
KSP 070000-17 Dental Services for Special Management Units
KSP 070000-19 Optometric Services
KSP 070000-20 Menu Preparation and Planning
KSP 070000-24 Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 070000-25 Food Service Inspections
KSP 070000-30 Therapeutic Diets
KSP 090000-01 Inmate Work Programs [(Amended 4/15/88)]
KSP 090000-03 Correctional Industries
KSP 100000-02 Visiting Program
KSP 100000-03 Disposition of Unauthorized Property
KSP 100000-04 Inmate Grooming and Dress Code
KSP 100000-05 Procedures for Providing Clothing, Linens and Other Personal Items
KSP 100000-06 Inmate Mail and Packages
KSP 100000-07 Inmate Telephone Access
KSP 100000-08 Behavioral Counseling Record
KSP 100000-09 Due Process/Disciplinary Procedures
KSP 100000-11 Authorized and Unauthorized Inmate Property
KSP 100000-14 Property Room: Clothing Storage and Inventory [(Amended 4/15/88)]
KSP 100000-15 Uniform Cell Standards for Fire Safety, Sanitation and Security (Amended 5-13-88)
KSP 100000-18 Inmate Grievance Committee Hearings
KSP 100000-20 Legal Services Program
KSP 100000-21 Photocopies for NonIndigent Inmates with Special Court Deadlines
KSP 110000-04 Parole Progress Report
KSP 110000-06 General Guidelines of the Classification Committee [(Amended 4/15/88)]

KSP 110000-07 Statutory Good Time Restoration
 [(Amended 4/15/88)]
 KSP 110000-08 Award of Meritorious Good Time
 [(Amended 4/15/88)]
 KSP 110000-10 Special Needs Inmates
 KSP 110000-11 Classification Committee -
 Transfer Requests
 KSP 110000-12 Classification Committee - Inmate
 Work Assignments
 KSP 110000-13 Classification Document
 KSP 110000-14 Vocational School Placement
 KSP 110000-15 Transfers to Kentucky
 Correctional Psychiatric Center
 (KCPC)
 KSP 110000-16 Consideration of Further
 Treatment Requirements for
 Inmates Prior to Release
 KSP 120000-04 Academic Education
 KSP 120000-07 Community Center Program
 KSP 120000-08 Inmate Furloughs
 KSP 120000-11 Religious Services - Staffing
 KSP 120000-18 Religious Services - Religious
 Programming
 KSP 120000-20 Marriage of Inmates
 [KSP 120000-24 Muslim Services (Deleted 5/13/88)]
 KSP 120000-31 Extended Furloughs
 KSP 120000-32 Discharge of Inmates by Shock
 Probation
 KSP 130000-10 Execution Plan

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: May 13, 1988

FILED WITH LRC: May 13, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 23, 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: 308 employees of the Kentucky State Penitentiary, 780 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 6:070. Kentucky Correctional Institution for Women.

RELATES TO: KRS Chapters 196, 197, 439

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

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on May 13 [April 15], 1988 and hereinafter should be referred to as Kentucky Correctional Institution for Women Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

KCIW 01-06-01 Legal Assistance for Corrections Staff [(Amended 4/15/88)]
 KCIW 01-08-01 News Media Access (Amended 5/13/88)
 KCIW 02-01-01 Comprehensive Insurance Coverage
 KCIW 02-02-01 Fiscal Management: Audits
 KCIW 02-02-03 Fiscal Management: Checks
 KCIW 02-02-04 Institution Purchasing Procedures
 KCIW 02-03-01 Inventory Control of Nonexpendable Personal Property
 KCIW 02-03-03 Criteria for Selection of Bidders and Vendors
 KCIW 02-04-01 Accounting Procedures
 KCIW 02-05-01 Inmate Canteen/Staff Canteen
 KCIW 02-07-01 Release of CETA Money Earned
 KCIW 03-01-01 Travel Expense Reimbursement
 KCIW 03-02-01 General Orders for Staff
 KCIW 03-02-02 Inclement Weather and Emergency Conditions
 KCIW 03-03-01 Employee Grievance Procedure
 KCIW 03-05-01 Employee Personnel File
 KCIW 03-06-01 Affirmative Action and the Equal Employment Opportunity Complaint Procedure
 KCIW 03-08-01 Employee Performance Evaluations
 KCIW 03-09-01 Payroll and Personnel Manning Records
 KCIW 03-10-01 Promotion Committee
 KCIW 03-11-01 Personnel Registers
 KCIW 03-12-01 Criminal History Checks on all Personnel and the Recruitment and Employment of Ex-Offenders
 KCIW 06-01-01 Inmate Records
 KCIW 06-01-02 Transfers to Community Centers and the Minimum Security Unit
 KCIW 06-01-03 Storage of Expunged Records

KCIW 10-01-01	Special Management Unit General Operation and Regulations	KCIW 17-01-03	Assessment and Classification Unit Property Guidelines
KCIW 10-01-02	Special Management Unit Programs, Placement and Review	KCIW 17-02-01	Identification Department Admissions
KCIW 10-01-04	Special Security Inmates	KCIW 17-03-01	Notifying Inmates Families of Admission and Procedures for Mail and Visiting
KCIW 11-01-01	Food Service Operation Inspections [(Amended 4/15/88)]	KCIW 17-05-01	Inmate Personal Property Guidelines
KCIW 11-01-02	Budgeting, Accounting, and Purchasing Procedures for Food Products	KCIW 18-01-02	Institutional Housing Assignments
KCIW 11-02-01	Menu Preparation/Special Diets [(Amended 4/15/88)]	KCIW 18-02-01	Classification Procedures
KCIW 11-03-01	General Guidelines for Food Service Workers [(Amended 4/15/88)]	KCIW 18-05-01	Special Needs Inmates
KCIW 11-03-02	General Guidelines for Food Service Workers	KCIW 18-06-01	Institutional Status Codes
KCIW 11-04-01	Health Regulations and General Guidelines for the Food Service Area [(Amended 4/15/88)]	KCIW 19-01-01	Inmate Work/Program Assignments
KCIW 12-01-01	Control of Pests and Vermin	KCIW 19-03-01	Landscape and Maintenance Work Details
KCIW 12-02-01	Laundry Facilities/Clothing Issuance	KCIW 20-01-01	Education Programs
KCIW 12-02-03	Donated Items	KCIW 20-01-03	Vocational Education: Curriculum Flexible Schedule, Upgrade Programs and Release Preparation Program
KCIW 12-04-01	Sanitation and General Living Conditions	KCIW 20-01-04	Entry - Exit Vocational School
KCIW 13-01-01	Provision of Medical and Dental Care [(Amended 4/15/88)]	KCIW 20-01-05	Vocational Programs: Approved, Assessed and Contain Guidelines for Vocational Records
KCIW 13-01-02	Preliminary Health Screening and Appraisal [(Amended 4/15/88)]	KCIW 20-01-06	Vocational Education: Staffing Patterns/Requirements
KCIW 13-01-03	Use of Pharmaceutical Products [(Amended 4/15/88)]	KCIW 20-01-07	Vocational Counselor
KCIW 13-03-01	Emergency Care [(Amended 4/15/88)]	KCIW 20-01-08	Vocational Education: Community Resources and the Integration with Academic Progress
KCIW 13-03-02	Infirmity Care and Outside Services (Amended 5/13/88)	KCIW 20-01-09	Vocational Education: Support Equipment
KCIW 13-03-03	Outside Hospital Security	KCIW 20-01-10	Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area
KCIW 13-04-01	Medical Alert System [(Amended 4/15/88)]	KCIW 22-01-04	Inmate Club Activities
KCIW 13-04-02	Psychiatric/Psychological Services	KCIW 23-01-01	Religious Services
KCIW 13-06-01	Informed Consent	KCIW 25-01-01	Preparole Progress Report
KCIW 13-07-01	Detoxification and Alcohol or Chemical Dependency Guidelines	KCIW 25-02-01	Temporary Release/Community Center
KCIW 13-08-01	Medical Exams for New Employees	KCIW 25-02-02	Furloughs
KCIW 13-09-01	Suicide Prevention and Intervention Program	KCIW 25-03-01	Escorted Leave into the Community
KCIW 14-01-02	Inmate Rights	JOHN T. WIGGINTON, Secretary	
KCIW 14-02-01	Access to Attorneys and Designated Counsel Substitutes	APPROVED BY AGENCY: May 13, 1988	
KCIW 14-03-01	Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap, or Political Beliefs	FILED WITH LRC: May 13, 1988 at 11 a.m.	
KCIW 14-04-01	Inmate Grievance Procedure	PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 23, 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.	
KCIW 15-01-01	Offenses and Penalties	REGULATORY IMPACT ANALYSIS	
KCIW 15-01-02	Adjustment Committee Procedures and Programs	Agency Contact Person: Barbara Jones	
KCIW 15-03-01	Inmate Rule Book	(1) Type and number of entities affected: 87 employees of the Kentucky Correctional Institute for Women, 191 inmates, and all visitors to state correctional institutions.	
KCIW 15-04-01	Incentive Levels System	(a) Direct and indirect costs or savings to those affected:	
KCIW 15-06-01	Restriction Guidelines	1. First year: None	
KCIW 16-01-01	Inmate Correspondence	2. Continuing costs or savings: None	
KCIW 16-01-02	Inmate Mail Distribution	3. Additional factors increasing or decreasing costs (note any effects upon competition): None	
KCIW 16-01-03	Staff Mail	(b) Reporting and paperwork requirements: None	
KCIW 16-02-01	Inmate Access to Telephone	(2) Effects on the promulgating administrative body:	
KCIW 16-02-02	Intra-Institution Phone Calls	(a) Direct and indirect costs or savings:	
KCIW 16-03-01	Inmate Visiting Regulations	1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.	
KCIW 16-03-02	Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages		
KCIW 16-04-01	Inmate Indigent Fund		
KCIW 16-05-01	Commercial Vendor Packages, Appliance and Drug Store Orders		
KCIW 17-01-01	Assessment Center Operation and Reception Programs		
KCIW 17-01-02	Assessment/Classification Center Operations, Rules and Regulations		

2. Continuing costs or savings: Same as 2(a)1.
 3. Additional factors increasing or decreasing costs: Same as 2(a)1.
 (b) Reporting and paperwork requirements: Monthly submission of policy revisions.
 (3) Assessment of anticipated effect on state and local revenues: None
 (4) Assessment of alternative methods; reasons why alternatives were rejected: None
 (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
 (a) Necessity of proposed regulation if in conflict:
 (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 (6) Any additional information or comments: None
 TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 6:120. Blackburn Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439
 PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640
 NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorizes the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on May 13 [March 15], 1988 and hereinafter should be referred to as Blackburn Correctional Complex and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

BCC 01-05-01 Duty Officer and Acting Warden
 BCC 01-07-01 Extraordinary Occurrence Reports
 BCC 01-09-01 Legal Assistance for Staff
 BCC 01-10-01 Political Activities of Merit Employees
 BCC 01-11-01 Roles of Consultants, Contract Employees, Volunteers and Employees of Other Agencies
 BCC 01-13-01 Relationships with Public, Media, and Other Agencies
 BCC 01-15-01 Internal Affairs Office
 BCC 01-16-01 Tours of Blackburn Correctional Complex
 BCC 01-19-01 Inmate Access to BCC Staff (Amended 5/13/88)
 BCC 02-01-01 Inmate Canteen
 BCC 02-02-01 Fiscal Responsibility
 BCC 02-02-02 Fiscal Management: Accounting Procedures
 BCC 02-02-03 Fiscal Management: Checks
 BCC 02-02-04 Fiscal Management: Budget
 BCC 02-02-05 Fiscal Management: Insurance
 BCC 02-02-06 Fiscal Management: Audits
 BCC 02-04-01 Billing Method for Health Services Staff Paid by Personal Service Contract

BCC 02-05-01 Property Inventory
 BCC 02-06-01 Purchasing
 BCC 02-07-01 Inmate Personal Accounts
 BCC 03-01-01 EEO - Affirmative Action (Amended 5/13/88)
 BCC 03-02-01 General Guidelines for BCC Employees (Amended 5/13/88)
 BCC 03-02-03 Physical Examinations for New Employees and Emergency Notification
 BCC 03-03-01 Travel Reimbursement for Official Business and Professional Meetings
 BCC 03-04-01 Employment of Ex-offenders
 BCC 03-06-01 Procedures for Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees
 BCC 03-06-02 Procedures for Promotional Opportunities
 BCC 03-07-01 Workers' Compensation
 BCC 03-08-01 Employee Assistance Program
 BCC 03-09-01 Holding of Second Jobs by Employees
 BCC 03-10-01 Student Intern (Co-op) and Practicum Placement Procedures [(Amended 3/15/88)]
 BCC 03-11-01 Maintenance, Confidentiality, and Challenge of Information Contained in Employee File
 BCC 03-12-01 Work Assignments for Security Staff
 BCC 04-02-01 Firearms Training (Amended 5/13/88)
 BCC 04-03-01 Educational Assistance Program
 BCC 05-01-01 Inmate Participation in Authorized Research
 BCC 06-01-01 Storage of Expunged Records
 BCC 06-02-01 Records - Release of Information (Amended 5/13/88)
 BCC 06-02-02 Offender Records
 BCC 06-03-01 Reporting Inmate Misconduct Following Favorable Recommendation by the Parole Board
 BCC 08-02-01 Natural Disaster Plan (Tornado) (Amended 5/13/88)
 BCC 08-03-01 Emergency Preparedness Plan Manual
 BCC 08-04-01 Fire Safety Plan, Drills and Related Staff Duties (Amended 5/13/88)
 BCC 08-04-02 Immediate Release of Inmates from Locked Areas
 BCC 08-07-01 Facility Furnishings: Exit and Emergency Lights and Noncombustible Containers
 BCC 09-01-01 Inclement Weather/Emergency Condition Operation
 BCC 09-02-01 Restricted Areas
 BCC 09-02-02 Inmate Pass System to Restricted Areas
 BCC 09-02-03 Regulation of Inmate Movement
 BCC 09-03-01 Inmate Identification
 BCC 09-04-02 Complex Entry & Exit
 BCC 09-05-01 Key Control
 BCC 09-06-02 Transportation to Courts
 BCC 09-07-01 Drug Abuse and Intoxicants Testing (Amended 5/13/88)
 BCC 09-08-02 Use of Restraints
 BCC 09-09-01 Population Counts and Count Documentation
 BCC 09-10-03 Development of Institutional Post Orders
 BCC 09-10-04 Governmental Services, Study Release Officer Post Orders
 BCC 09-10-05 Unit A-1 Post Orders
 BCC 09-10-06 Recreation Post Orders: Observation

ADMINISTRATIVE REGISTER - 2201

BCC 09-10-07	Entrance Gate Post Orders	BCC 13-19-01	Physicians Referrals/Continuity of Care
BCC 09-10-08	Visiting Area Post Orders	BCC 13-20-01	Chronic and Convalescent Care
BCC 09-10-09	Security Staff General Orders	BCC 13-22-01	Psychiatric and Psychological Services, Handling of Mentally Retarded Inmates and Transfers
BCC 09-10-10	Dining Room Officer Post Orders	BCC 13-23-01	First Aid Kits
BCC 09-12-01	Use of Physical Force; Prohibition of Personal Abuse and Corporal Punishment (<u>Amended 5/13/88</u>)	BCC 14-01-01	Office of Public Advocacy Attorney Visits
BCC 09-13-01	Perimeter Patrol (<u>Amended 5/13/88</u>)	BCC 14-02-01	Law Library
BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates	BCC 14-03-01	Inmate Grievance Procedure
BCC 09-15-01	Search Policy/Disposition of Contraband	BCC 14-04-01	Inmate Rights and Responsibilities
BCC 09-16-01	Security Activity Logs	BCC 14-05-01	Inmate Claims
BCC 09-17-01	Institutional Supervisor Inspections	BCC 15-01-01	Authorized Inmate Personal Property
BCC 09-18-01	Use of State Vehicles and Staff Owned Vehicles	BCC 15-02-01	Meritorious Living Unit (B-1)
BCC 09-19-01	Duties and Responsibilities of the Institutional Captain	BCC 15-03-01	Rules and Regulations for Dormitories
BCC 09-19-02	Duties and Responsibilities of the Shift Supervisor	BCC 15-04-01	Restoration of Forfeited Good Time
BCC 09-20-01	Inmate Death	BCC 15-05-01	Extra Duty Assignments (<u>Amended 5/13/88</u>)
BCC 09-21-01	Tool Control	BCC 15-06-01	Due Process/Disciplinary Procedures
BCC 09-22-01	Emergency Communication System	BCC 16-01-01	Inmate Furloughs
BCC 10-01-01	Special Management Inmates	BCC 16-02-01	Visiting
BCC 11-01-01	Menu and Special Diets	BCC 16-03-01	Inmate Packages [(<u>Amended 3/15/88</u>)]
BCC 11-02-01	Food Service: Inspection, Health Protection and Sanitation	BCC 16-03-02	Outgoing Inmate Packages
BCC 11-03-01	Food Service: Meals	BCC 16-03-03	Inmate Correspondence (<u>Amended 5/13/88</u>)
BCC 11-04-01	Dining Room Guidelines	BCC 18-01-01	Classification: Institutional and Reclassification
BCC 11-05-01	Food Service Security: Knife & Other Sharp Instrument/Utensil Control	BCC 18-02-01	Racial Balance in Living Areas
BCC 11-06-01	Purchasing, Storage and Farm Products	BCC 19-01-01	Inmate Work Programs (<u>Amended 5/13/88</u>)
BCC 11-07-01	Food Service Operations Manual	BCC 19-02-01	Classification of Inmates to Governmental Service Program
BCC 12-02-01	Personal Hygiene Items	BCC 19-03-01	Correctional Industries
BCC 12-02-02	Personal Hygiene for Inmates: Clothing, Linens and Shower Facilities	BCC 20-01-01	Academic and Vocational School
BCC 12-05-01	Barber Shop Services	BCC 20-02-01	College Programs
BCC 12-06-01	BCC Housekeeping Plan	BCC 20-04-01	Educational Program Evaluation
BCC 13-01-01	Sick Call and Pill Call	BCC 20-05-01	Educational Program Planning
BCC 13-02-01	Administration and Authority for Health Services	BCC 20-06-01	Academic and Vocational Curriculum
BCC 13-03-01	Provisions of Health Care Delivery	BCC 21-01-01	Library Services
BCC 13-04-01	Licensure and Training Standards	BCC 22-01-01	Arts and Crafts/Production and Sale of Items
BCC 13-05-01	Medical Alert System	BCC 22-02-01	Privileged Trips
BCC 13-06-01	Health Care Practices	BCC 22-03-01	Recreational Employees
BCC 13-07-01	Emergency Medical Care Plan	BCC 22-04-01	Recreation and Inmate Activities
BCC 13-07-02	Emergency and Specialized Health Services	BCC 22-04-02	Inmate Clubs and Organizations
BCC 13-07-03	Immediate Medical Treatment for Person's Injured by Weapon or Chemical Agent	BCC 22-04-03	Conducting Inmate Organizational Meetings and Programs
BCC 13-08-01	Inmate Health Screening and Evaluation	BCC 22-04-04	Recreation Program Availability
BCC 13-09-01	Prohibition on Medical Experimentation	BCC 22-04-05	Supervision of Leisure-Time Craft Club Activities and Materials
BCC 13-10-01	Dental Services	BCC 22-06-01	Music Club
BCC 13-11-01	Suicide Prevention and Intervention Program	BCC 22-09-01	Use of Inmates in Recreation Programs
BCC 13-12-01	Use of Pharmaceutical products	BCC 23-01-01	Religious Services
BCC 13-12-02	Parenteral Administration of Medications and Use of Psychotropic Drugs	BCC 24-01-01	Duties and Responsibilities of Classification and Treatment Officers
BCC 13-13-01	Inmate Health Education	BCC 24-02-01	Duties and Responsibilities of the Unit Director and Assistant to Unit Director
BCC 13-14-01	Management of Serious and Infectious Diseases	BCC 24-03-01	Social Services
BCC 13-15-01	Informed Consent	BCC 25-01-01	Inmate Check Out Procedure
BCC 13-16-01	Health Records	BCC 25-02-02	Temporary Release/Community Center Release (<u>Amended 5/13/88</u>)
BCC 13-17-01	Notification of Inmate Family in the Event of Serious Illness, Injury or Surgery	BCC 26-01-01	Citizen Involvement and Volunteer Service Program

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: May 13, 1988

FILED WITH LRC: May 13, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 23, 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, 380 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.

TRANSPORTATION CABINET Department of Highways (Proposed Amendment)

603 KAR 5:070. Truck dimension limits.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 189.222(1)

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable size limits for trucks using the State Primary Road System. This regulation is adopted to fix the maximum dimensions for all classes of highways.

Section 1. Except as provided in Section 2 of this regulation, the maximum dimensions for trucks using all class highways shall be as follows:

(1) Height: including body and load, not to exceed thirteen (13) feet and six (6) inches.

(2) Width: including body and load, not to

exceed eight (8) feet.

(3) Length.

(a) Motor truck (single unit), including any part of the body or load, not to exceed forty-five (45) feet.

(b) Truck tractors and semitrailers, including any part of the body or load, not to exceed fifty-five (55) feet, except for truck tractors and semitrailer units exclusively engaged in the transportation of motor vehicles the usual and ordinary bumper overhang of the transported vehicles is excluded in the measurement of the fifty-five (55) feet.

(4) A tolerance of not more than five (5) percent shall be permitted on length before a carrier is deemed to be in violation of this section.

Section 2. Motor vehicles with increased dimensions from that specified in Section 1 of this regulation may be operated on certain highways. These specific highways will be referred to as the IDTT (increased dimension-twin trailer) system.

(1) Motor vehicles may not exceed the following width and length dimensions when operating on those highways listed in subsection (2) of this section:

(a) Width - 102 inches including any part of the body or load.

(b) Length - semitrailers - fifty-three (53) feet when operated in tractor semitrailer combination; trailers - twenty-eight (28) feet when operated in a tractor-semitrailer combination, not to exceed two (2) trailers per truck tractor. There shall be no overall length limitation on motor vehicles operating on highways listed in subsection (2) of this section so long as the requirements set forth in this subsection are met.

(2) The following highways are designated to permit the operation of motor vehicles with increased dimensions which do not exceed the limitations stated in subsection (1) of this section:

(a) The Interstate and National Defense Highway System.

(b) And the following:

Jackson Purchase Parkway - From Tennessee state line west of Fulton to US 45 Bypass.

US 45 Bypass - From Jackson Purchase Parkway west of Mayfield to Jackson Purchase Parkway north of Mayfield.

Jackson Purchase Parkway - From US 45 Bypass to I-24 in Marshall County.

Western Kentucky Parkway - From I-24 south of Eddyville to US 31W in Hardin County.

Blue Grass Parkway - From I-65 at Elizabethtown to US 60 near Versailles.

Green River Parkway - From I-65 at Bowling Green to US 60 Bypass in Owensboro.

Mountain Parkway - From I-64 east of Winchester to KY 15 north of Campton.

Mountain Parkway Extension - From end of Mountain Parkway at Campton to US 460 at Salyersville.

Daniel Boone Parkway - From US 25 north of London to KY 15 north of Hazard.

Pennyryle Parkway - From US 41A at south city limits of Hopkinsville to US 41 south of Nortonville.

US 41 - From Pennyryle Parkway near Western Kentucky Parkway to Pennyryle Parkway - From US 41 near north city limits of Madisonville to US

41 in Henderson.

US 41 - From Pennyriple Parkway at Henderson to Indiana state line.

Audubon Parkway - From Pennyriple Parkway at Henderson to US 60 Bypass in Owensboro.

Cumberland Parkway - From I-65 at Warren County line to US 27 west of Somerset.

I-471 Connector - From US 27 in Campbell County to I-471.

KY 4 - From entire circle of Lexington.

KY 10 - From new construction 4.21 miles east of Bracken County line to US 62-68 at Maysville.

KY 11 - From KY 3170 at Lewisburg to US 62-68 in Maysville.

KY 15 - From Mountain Parkway at Campton to US 119 in Whitesburg.

KY 18 - From KY 338 at Burlington to US 25 in Florence.

KY 21 - From I-75 near Berea to US 25 in Berea.

US 23 - From Ohio state line to US 119 north of Pikeville.

US 23 - From US 119 near Jenkins to Virginia state line.

US 23 Spur - From Ohio River Bridge at Ashland.

US 25 - From US 421 south of Richmond to KY 876 in Richmond.

US 25 - From KY 418 southwest of Lexington to Nandino Boulevard, in Lexington (via KY 4).

US 25 - From US 42 in Florence to Ohio state line.

US 25E - From Virginia state line to I-75 north of Corbin.

US 27 - From Tennessee state line to Ohio state line (via KY 4 in Lexington).

US 31W - From Tennessee state line to KY 255 at Park City (via US 31W Bypass in Bowling Green).

US 31W - From US 31W Bypass in Elizabethtown to I-264.

US 31W Bypass - From Western Kentucky Parkway to US 31W in Elizabethtown.

KY 32 - From I-64 west of Morehead to US 60 at Morehead.

KY 35 - From US 127 at Bromley to I-71 north of Sparta.

KY 36 - From I-64 south of Owingsville to US 60 at Owingsville.

KY 36 - From US 42 in Carrollton to KY 227.

US 41 - From US 68 (Main Street) in Hopkinsville to US 68 (McLean Avenue) in Hopkinsville.

US 41A - From Tennessee state line to Pennyriple Parkway at south city limits of Hopkinsville.

KY 41A - From KY 112 in Earlington to KY 281 and KY 1751 in Madisonville.

US 42 - From I-264 northeast of Louisville to Oldham County line.

US 42 - From KY 55 at Carrollton to KY 47 at Ghent.

US 45 - From US 45 Bypass north of Mayfield to US 62 in Paducah.

US 51 - From KY 121 in Wickliffe to Illinois state line.

KY 52 - From KY 876 in Richmond to KY 499 at Irvine.

KY 55 - From Cumberland Parkway in Columbia to US 150 at Springfield.

US 60 - From East O'Banion Avenue in Morganfield to KY 425, the Henderson Bypass.

US 60 - From US 60 Bypass west of Owensboro to KY 69 at Hawesville.

US 60 - From I-264 east of Louisville to KY 1531 at Eastwood.

US 60 - From US 421 at Frankfort to I-75 near

Lexington (via Versailles and KY 4 in Lexington).

US 60 - From junction of KY 180 near Cannonsburg to US 23 in Ashland.

US 60 - From KY 144 in Meade County to US 31W at Ft. Knox.

US 60 Bypass - From US 60 west of Owensboro to US 60 east of Owensboro.

US 61 - From Tennessee state line to KY 90 at Burkesville.

US 62 - From I-24 at Paducah to Western Kentucky Parkway.

US 62 - From KY 245 at Bardstown to US 150 at Bardstown.

US 62 - From KY 353 southwest of Cynthiana to US 27 at Cynthiana.

US 68 - From I-24 in Trigg County to Green River Parkway at Bowling Green.

US 68 - From US 27 at Paris to Ohio state line at Maysville (via Paris Bypass).

KY 69 - From US 60 at Hawesville to Indiana state line.

KY 79 - From KY 1051 in Brandenburg to Indiana state line.

KY 80 - From US 27 at Somerset to US 25 north of London.

KY 80 - From KY 15 at Hazard to US 23 at Allen.

KY 90 - From I-65 at Cave City to Cumberland Parkway at Glasgow.

KY 90 - From KY 61 at Burkesville to US 27 at Burnside.

KY 114 - From US 460 east of Salyersville to US 23-460 at Prestonsburg.

KY 118 - From Daniel Boone Parkway to US 421 and KY 80 northwest of Hyden.

US 119 - From KY 15 at Whitesburg to US 23 at Jenkins.

US 119 - From US 25E south of Pineville to US 421 at Harlan.

US 119 - From US 23 at Pikeville to KY 1141 northeast of Pikeville.

KY 121 - From US 45 Bypass at Mayfield to US 51 in Wickliffe.

US 127 - From US 127 Bypass north of Danville to US 127 Bypass south of Lawrenceburg.

US 127 Bypass - From US 127 south of Danville to US 127 north of Danville.

US 127 Bypass - From US 127 south of Lawrenceburg to US 127 - KY 151 north of Lawrenceburg.

US 127 - From KY 22 in Owenton to KY 35 at Bromley.

KY 144 - From KY 448 south of Brandenburg to US 60.

US 150 - From US 31E at Bardstown to US 27 at north city limits of Stanford (via 150 Bypass Danville).

KY 151 - From US 127 near Lawrenceburg to I-64 near Graefenburg.

KY 180 - From I-64 Interchange near Cannonsburg to US 60 and KY 180 at Cannonsburg.

KY 192 - From I-75 south of London to Daniel Boone Parkway east of London.

KY 205 - From Mountain Parkway at Helechawa to US 460 west of Index.

KY 212 - From KY 20 to Greater Cincinnati Airport (Boone County).

KY 227 - From KY 355 near Worthville to KY 36 at Carrollton.

US 231 - From US 60 Bypass in Owensboro to Indiana state line.

US 231 - From I-65 south of Bowling Green to US 31W Bypass in Bowling Green.

KY 236 - From KY 212 near airport to US 25 at Erlanger.

KY 237 - From KY 18 east of Burlington to

I-275 in Boone County.

KY 245 - From I-65 south of Shepherdsville to US 62 at Bardstown.

KY 255 - From US 31W at Park City to I-65.

KY 259 - From Western Kentucky Parkway to US 62 in Leitchfield.

KY 281 - From US 41A in Madisonville to US 41.

KY 341 - From US 421 near Midway to I-64 near Midway.

KY 348 - From Jackson Purchase Parkway west of Benton to US 641 in Benton.

KY 418 - From US 25 south of Lexington to I-75 south of Lexington.

US 421 - From US 119 north of Harlan to 0.1 mile south of Harlan Appalachian Regional Hospital.

US 421 & KY 80 - From Daniel Boone Parkway to 2nd Street in Manchester.

US 421 - From KY 4 in Lexington to KY 341 near Midway.

US 421 - From US 460 in Frankfort to Broadway at railroad bridge.

KY 425 - From US 60 at Henderson to the Pennyryle Parkway.

US 431 - From US 60 Bypass in Owensboro to US 60 (4th Street) in Owensboro.

KY 446 - From US 31W northwest of Bowling Green to I-65.

KY 448 - From KY 1051 at Brandenburg to KY 144.

US 460 - From I-64 north of Mt. Sterling to KY 686 north of Mt. Sterling.

US 460 - From Mountain Parkway Extension to US 23 near Paintsville.

KY 555 - From US 150 at Springfield to Bluegrass Parkway.

US 641 - From Tennessee state line to KY 348 in Benton.

KY 645 - From US 23 south of Ulysses to KY 40 west of Inez.

KY 676 - From US 127 in Frankfort to US 60.

KY 686 - From KY 11 south of Mt. Sterling to US 460 north of Mt. Sterling.

KY 841 - From KY 155 near Jeffersontown to US 42 northeast of Louisville.

KY 859/KY 57 - From I-64 east of Lexington to Lexington - Bluegrass Army Depot.

KY 876 - From I-75 at Richmond to KY 52 east of Richmond.

KY 922 - From KY 4 in Lexington to junction of I-64 and I-75.

KY 1051 - From KY 448 south of Brandenburg to KY 79.

KY 1682 - From US 68 west of Hopkinsville to Pennyryle Parkway.

KY 1958 - From KY 627 south of Winchester to I-64 at Winchester.

KY 1998 - From US 27 at Cold Springs to KY 8 at Silver Grove.

(3) All dimensions specified in this section shall not be subject to any enforcement tolerances provided in any other section.

(4) Motor vehicles with the increased dimensions specified in subsection (1) of this section shall be allowed five (5) driving miles on state maintained highways from the Interstate and the designated route network for the purpose of attaining reasonable access to terminals; facilities for food, fuel, repairs and rest; and points of loading and unloading for household goods carriers.

MILO D. BRYANT, Secretary

APPROVED BY AGENCY: April 18, 1988

FILED WITH LRC: April 19, 1988 at 8 a.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on June 22, 1988 at 9:30 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by June 17, 1988 so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, Tenth Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All 30,000 motor carriers operating in Kentucky.

(a) Direct and indirect costs or savings to those affected: Savings results from shorter route between Henderson or Morganfield or because larger trailers may be used.

1. First year: Same

2. Continuing costs or savings: Same

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The new routes could have been left out of the Designated Truck Route but after analysis there was no reason to.

(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: Local officials requested the analysis to determine if the route could be included in the route.

TIERING: Was tiering applied? Yes.

COMPILER'S NOTE: The following proposed amendment contains only that county (Hopkins County) which is amended. The remainder of the regulation as it is in effect can be found on page 1211 in the January, 1988, edition of the Kentucky Administrative Register.

TRANSPORTATION CABINET Department of Highways (Proposed Amendment)

603 KAR 5:210. Extended weight coal haul road system.

RELATES TO: KRS 177.9771, 189.230

PURSUANT TO: KRS 177.9771(10)

NECESSITY AND FUNCTION: KRS 177.9771(2) requires the Secretary of Transportation to certify those public highways which meet certain criteria as the extended weight coal haul road

system. KRS 177.9771(9) requires the Secretary of Transportation to meet with certain local governing bodies and give consideration to their concerns before adding to or deleting from the extended weight coal haul road system. This regulation identifies the extended weight coal haul road system and establishes procedures to be followed by local governing bodies requesting consideration be given to their concerns. The Transportation Cabinet will promulgate a separate administrative regulation pursuant to KRS 177.9771(10) and 189.230 regarding bridge weight limits.

Section 1. The following terms when used in the regulation shall have the following meanings:

(1) "Local governing body" means the fiscal court of any county, the city council or commission of a city of the first through fourth classes, or the council of an urban county government.

(2) "KY" means a state numbered highway maintained by the Kentucky Department of Highways.

(3) "US" means a United States numbered highway maintained by the Kentucky Department of Highways.

(4) "I" means an interstate and defense highway maintained by the Kentucky Department of Highways.

(5) "CR" means a public highway, road, or

street not maintained by the Kentucky Department of Highways.

(6) "LENGTH" means the length of a road segment in miles.

(7) "FROM" means the beginning milepoint and terminus of a road segment.

(8) "TO" means the ending milepoint and terminus of a road.

(9) "LN" means line.

(10) "RD" means road.

(11) "CO" means county.

Section 2. Resolutions of local governing bodies issued pursuant to KRS 177.9771(9) making recommendations to the Secretary of Transportation shall be submitted to: Secretary of Transportation, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622. The resolution must set forth a specific description of the road or road segments under consideration. The resolution must further set forth with specificity those conditions which give rise to inherent and definite hazards or create special conditions which the Secretary of the Transportation Cabinet needs to consider.

Section 3. The following highways, or portions thereof, are certified as meeting the criteria of and are hereby designated as the extended weight coal haul road system:

HOPKINS COUNTY	ROAD	FROM	TO	LENGTH
*	Western Kentucky Parkway	21.8 Caldwell CO LN	43.4 Muhlenberg CO LN	21.6
*	Pennyrile Parkway (Nontoll Segment)	32.9 US 62	45.2 Begin Toll Segment	12.3
*	Pennyrile Parkway (Toll Segment)	45.2 Nontoll Segment	55.0 Webster CO LN	9.8
*	US 41	0.0 Christian CO LN	1.4 US 41A	1.4
		3.0 KY 1751	11.8 Webster CO LN	8.8
*	US 41A	0.0 US 41	29.4 Webster CO LN	29.4
*	US 62	1.7 KY 109	21.3 Sextet Mine & Tipple	19.6
*	KY 70	4.5 Peter Howton RD	18.7 US 41A	14.2
		18.7 US 41A	26.4 Muhlenberg CO LN	7.7
*	KY 85	0.0 KY 70	3.3 Green River Mine	3.3
*	KY 109	2.1 US 62	17.2 KY 814	15.1
*	KY 112	0.0 US 62	9.8 US 41A	9.8
*	KY 262	0.0 KY 630	0.3 Warrior Mine	0.3
*	KY 281	0.0 US 41A	0.7 Pennyrile Parkway	0.7
*	KY 336	0.0 US 41A	2.3 McLeod RD	2.3
*	KY 454	0.0 US 62	2.3 KY 112	2.3
*	<u>KY 630</u>	<u>0.0 KY 262</u>	<u>2.0 US 41A</u>	<u>2.0</u>
*	KY 813	2.5 Drakes Creek RD	2.8 US 62	0.3
		4.2 Mine	5.1 Private Haul Road	0.9
		10.2 Mortons Gap-WH CTY RD	12.3 US 41A	2.1
*	KY 814	0.0 KY 109	1.4 Webster CO LN	1.4
*	KY 1302	1.9 Bean Cemetery RD	2.7 Poole RD	0.8
*	KY 1751	0.0 US 41A	1.4 US 41	1.4
*	KY 2083	0.9 US 62	1.1 South Hopkins Tipple	0.2
*	KY 2086	0.0 Walnut Grove RD	1.2 KY 109	1.2
*	McLeod Road			
	CR 5140	0.0 KY 336	0.5 Mine	0.5
*	Mortons Gap-White City Road			
	CR 5153	0.0 KY 813	2.4 Mine	2.4
*	Farmers Crossing Road			
	CR 5161	0.0 KY 813	3.0 Ogelsby RD	3.0
*	Ogelsby Road			
	CR 5163	0.9 Mine	1.4 Farmers Crossing RD	0.5
*	Goat Lane			
	CR 5179	0.0 US 62	0.4 Drakes Creek RD	0.4
*	Drakes Creek Road			
	CR 5180	1.4 KY 813	1.5 Farmers Crossing RD	0.1
*	Wells Road			
	CR 5212	7.9 Barnsley Loop Road	8.7 Mine	0.8

* Barnsley Loop Road			
CR 5217	0.0 US 41A	1.5 Wells Road	1.5
* Copper Creek Road			
CR 5257	0.0 KY 112	1.0 Clyde Lee RD	1.0
* Clyde Lee Road			
CR 5258	0.0 Copper Creek RD	0.4 Mine	0.4
* Leonard Jackson Road			
CR 5262	0.0 Dawson Daylight RD	1.0 Private Haul RD	1.0
* Walnut Grove Road			
CR 5301	0.0 Mine	0.6 KY 2086	0.6
* Dawson Daylight Road			
CR 5305	0.0 KY 109	2.4 Leonard Jackson RD	2.4
* Ferguson Town Spur			
CR 5311	0.0 Ferguson Town RD	0.1 Roberts Bros Tipple	0.1
* Ferguson Town Road			
CR 5325	3.0 Ferguson Town Spur	3.2 KY 109	0.2
* Peter Howton Road			
CR 5330	0.0 KY 70	0.3 Mine	0.3
* Poole Road			
CR 5390	0.2 KY 70	0.4 KY 1302	0.2
* Bean Cemetery Road			
CR 5396	0.0 KY 1302	0.4 Mine	0.4
		STATE ROAD MILEAGE	<u>170.9</u>
			[168.9]
		COUNTY ROAD MILEAGE	15.8
		TOTAL ROAD MILEAGE	<u>186.7</u>
			[184.7]

TOTAL STATE ROAD MILEAGE 3,623.3
[3,621.3]
TOTAL COUNTY ROAD MILEAGE 361.6
TOTAL EXTENDED WEIGHT SYSTEM MILEAGE 3,984.9
[3,982.9]

MILO D. BRYANT, Secretary/Commissioner
APPROVED BY AGENCY: April 26, 1988
FILED WITH LRC: April 28, 1988 at 3 p.m.
PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on June 22, 1988 at 10:30 a.m. local prevailing time in the Fourth Floor Conference Room of the State Office Building located at the corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must, in writing, by June 17, 1988, so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All coal mining companies, all coal trucking companies, all coal truck drivers, county governments - 1.

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

1. First year: Coal mining companies - none, coal trucking companies - none, coal truck drivers - none, county governments - none, city governments - none.

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons

why alternatives were rejected: This regulation and annual revisions are required by statute. The new road shown in Hopkins County was inadvertently omitted in last update.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

COMPILER'S NOTE: The following proposed amendment contains only those counties (Bell, Bourbon, Carter, Hopkins, Livingston, and Magoffin) which are amended. The remainder of the regulation as it is in effect can be found on page 1241 in the January, 1988, edition of the Kentucky Administrative Register.

TRANSPORTATION CABINET
Department of Highways
(Proposed Amendment)

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

RELATES TO: KRS 177.9771, 189.230

PURSUANT TO: KRS 177.9771

NECESSITY AND FUNCTION: KRS 189.230 provides that the Department of Highways may prescribe gross vehicle weight limits for bridges lower than the limits prescribed in KRS 177.9771 on any bridge which may be damaged or destroyed to the point of catastrophic failure if gross vehicle weights exceed certain limits. This regulation identifies the bridges on the extended weight coal haul road system which the

Department of Highways has judged may be so damaged and prescribes the maximum weight limit for each such bridge.

Section 1. Definitions. The following terms when used in this administrative regulation shall have the following meanings:

(1) "TY I" means a single unit truck consisting of two (2) single axles.

(2) "TY II" means a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement.

(3) "TY III" means a single unit truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.

(4) "TY IV" means a tractor-semitrailer combination with five (5) or more axles.

(5) "KY" means a state numbered highway maintained by the Kentucky Department of Highways.

(6) "US" means a United States numbered highway maintained by the Kentucky Department of Highways.

(7) "I" means an interstate and defense highway maintained by the Kentucky Department of Highways.

(8) "CR" means a public highway, road, or street not maintained by the Kentucky Department of Highways.

(9) "MP" means milepoint.

(10) "FROM" means the beginning milepoint and terminus of a road segment on the extended weight coal haul road system.

(11) "TO" means the ending milepoint and terminus of a road segment on the extended weight coal haul road system.

(12) "Catastrophic failure" means a failure that is marked by sudden or unpredictable damage ranging from extreme misfortune to utter ruin.

(13) "AASHTO" means the American Association of State Highway and Transportation Officials.

(14) "CO" means county.

(15) "LN" means line.

(16) "Mpt." means milepoint.

(17) "PKWY" means parkway.

Section 2. (1) The Department of Highways shall determine the bridges on the extended

weight coal road system which may be damaged or destroyed to the point of catastrophic failure by motor vehicles operating at the weights authorized by KRS 177.9771. This determination shall be based upon an analysis of the bridges in accordance with the guidelines and ratings set forth in the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. The load factor method of analysis may be used only when a bridge is known to have been designed by that method. When the allowable stress method of analysis is used the maximum allowable stress in steel members shall not exceed sixty-nine (69) percent of the yield strength of the steel.

(2) When the analysis specified in subsection (1) of this section cannot be applied to a bridge, the Department of Highways shall determine if any such bridge may be damaged or destroyed to the point of catastrophic failure in accordance with the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. Before making such a determination the Department of Highways shall conduct an on-site inspection to determine whether the bridge shows appreciable signs of deterioration or distress or otherwise poses a significant hazard to the traveling public.

Section 3. When the Department of Highways determines that a bridge on the extended weight coal haul road system may be damaged or destroyed to the point of catastrophic failure, the department may adopt a weight limit for the bridge in accordance with the guidelines set forth in the AASHTO Manual for Maintenance Inspection Bridges, 1983 edition and 1984 and 1985 Interim Revisions.

Section 4. The Department of Highways has determined that the following bridges on the extended weight coal haul road system may be damaged or destroyed to the point of catastrophic failure as provided in Section 2 of this administrative regulation and has established a weight limit for each as set forth in Section 3 of this administrative regulation:

BELL COUNTY

ROAD	FROM	TO
* US 25E	0.0 Virginia State LN	19.5 Knox CO LN
Weight Limit - Bridge over Little Yellow Creek @ milepoint 2.17		
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons		
Weight Limit - Bridge over L & N R.R. @ milepoint 7.52		
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons		
Weight Limit - Bridge over Greasy Creek @ milepoint 18.14		
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 48 tons		
* US 119	0.0 US 25E	15.8 Harlan CO LN
Weight Limit - Bridge over Cumberland River @ milepoint 0.02		
TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons		
* KY 66	0.0 US 25E	8.4 Little Creek RD
Weight Limit - Bridge over Cumberland River @ milepoint 0.33		
TY I = 20 tons, TY II = <u>49</u> [45] tons, TY III = <u>49</u> [46] tons, TY IV = <u>54</u> [50] tons		
Weight Limit - Bridge over Left Fork Straight Creek @ milepoint 3.95		
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons		
Weight Limit - Bridge over Sims Fork @ milepoint 7.16		
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
	9.8 Titan Tipple	11.9 Straight CR RD
	12.9 Bow Valley	18.7 Clay CO LN
* KY 72	0.0 US 119	3.4 Harlan CO LN
Weight Limit - Bridge over Hinkston Creek @ milepoint 0.06		
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		

* KY 74 0.0 Tennessee State LN 0.9 KY 535
 9.8 Mine 16.8 US 25E
 Weight Limit - Bridge over L & N R.R. @ milepoint 11.56
 TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
 Weight Limit - Bridge over Stoney Fork @ milepoint 13.07
 TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons
 Weight Limit - Bridge over Yellow Creek Bypass Canal @ milepoint 14.21
 TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons
 Weight Limit - Bridge over Little Yellow Creek @ milepoint 16.66
 TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 37 tons
 * KY 92 0.0 Whitley CO LN 10.8 US 25E
 * KY 186 0.0 Tennessee ST LN 3.1 KY 74
 Weight Limit - Bridge over Bennett's Fork @ milepoint 2.41
 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
 * KY 217 4.6 KY 1344 8.8 KY 987
 Weight Limit - Bridge over Brownies Creek @ milepoint 8.77
 TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons
 * KY 221 0.0 KY 66 12.6 Harlan CO LN
 Weight Limit - Bridge over Right Fork Straight Creek @ milepoint 4.16
 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
 Weight Limit - Bridge over Stoney Fork Creek @ milepoint 9.23
 TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
 * KY 535 0.0 KY 74 0.6 Clear Fork RD
 * KY 987 4.8 Hen Wilder RD 8.7 KY 217
 Weight Limit - Bridge over Brownies Creek @ milepoint 8.19
 TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons
 * KY 1344 0.0 KY 217 2.1 Wolfpen Branch RD
 * KY 2011 0.0 KY 221 9.0 KY 66
 Weight Limit - Bridge over Knuckles Branch @ milepoint 1.27
 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
 Weight Limit - Bridge over Jim York Branch @ milepoint 1.88
 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
 Weight Limit - Bridge over Stoney Fork Creek @ milepoint 3.86
 TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
 Weight Limit - Bridge over Red Bird Creek @ milepoint 6.40
 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
 Weight Limit - Bridge over Red Bird Creek @ milepoint 7.54
 TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons
 Weight Limit - Bridge over Red Bird Creek @ milepoint 7.91
 TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons
 * KY 2012 0.0 Private Haul RD 2.0 US 119
 Weight Limit - Bridge over Cumberland River @ Tejay @ milepoint 1.30
 TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
 * Hen Wilder RD
 CR 5001 0.0 KY 987 2.0 KY 2012
 * Cow Fork Road
 CR 5032 0.0 KY 2011 2.6 Mine
 * Hignite Creek Road
 CR 5219 0.0 KY 74 2.3 End of Road
 Weight Limit - Bridge over Hignite Creek
 TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
 * Clear Fork Road
 CR 5227 0.0 KY 535 0.6 End of Road

BOURBON COUNTY

ROAD	FROM	TO
* US 27	8.3 US 460	15.4 Harrison CO LN
Weight Limit - Bridge over Cooper Creek @ milepoint <u>11.82</u> [13.22]		
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons		
Weight Limit - Bridge over Townsend Creek @ milepoint 15.4		
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 59 tons		
* US 68	2.4 US 68X	10.8 Nicholas CO LN
Weight Limit - Bridge over Hinkston Creek @ milepoint 9.41		
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 50 tons		
* US 68X	1.4 KY 627	2.8 US 68 (East)
Weight Limit - Bridge over Stoner Creek @ milepoint 2.0		
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 48 tons		
* US 460	7.7 US 27	9.2 US 68X
Weight Limit - Bridge over L & N RR @ milepoint 7.99		
TY I = <u>10</u> [5] tons, TY II = <u>10</u> [5] tons, TY III = <u>10</u> [5] tons, TY IV = <u>10</u> [5] tons		
Weight Limit - Bridge over Houston Creek @ milepoint 8.82		
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons		

ADMINISTRATIVE REGISTER - 2209

* KY 627 0.0 Clark CO LN 9.5 US 68X
Weight Limit - Bridge over Strodes Creek Mill Race @ milepoint 0.75
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons

CARTER COUNTY

ROAD	FROM	TO
* US 60	24.1 KY 1 and KY 7 30.7 KY 207	24.8 KY 1 35.0 Boyd CO LN
* KY 1	1.2 KY 1496	11.5 I-64
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 2.40		
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.13		
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.75		
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.41		
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.77		
TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 45 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 7.70		
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 55 tons		
Weight Limit - Bridge over I-64 @ milepoint 11.50		
TY I = 20 tons, TY II = 42 [26] tons, TY III = 44 [30] tons, TY IV = 60 [51] tons		
* KY 7	0.0 Elliott CO LN	10.9 KY 1
Weight Limit - Bridge over Clifty Creek near Sophie @ milepoint 1.64		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Little Sandy River @ milepoint 10.12		
TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons		
* KY 207	0.0 US 60	2.3 Greenup CO LN

HOPKINS COUNTY

ROAD	FROM	TO
* Western Kentucky Parkway	21.8 Caldwell CO LN	43.4 Muhlenberg CO LN
Weight Limit - Bridge over Tradewater River Overflow @ milepoint 22.00		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
Weight Limit - Bridge over I.C. RR @ milepoint 24.89		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
Weight Limit - Bridge over KY 112 & Copperas Creek @ milepoint 28.35		
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons		
Weight Limit - Bridge over Oak Hill Rd. & I.C. RR @ milepoint 33.87		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
Weight Limit - Bridge over Pennyrlle Parkway @ milepoint 38.31		
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 56 tons		
* Pennyrlle Parkway (Nontoll Segment)	32.9 US 62	45.2 Begin Toll Segment
Weight Limit - Bridge on exit ramp to U.S. 41 @ milepoint 45.2		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* Pennyrlle Parkway (Toll Segment)	45.2 End Nontoll Segment	55.0 Webster CO LN
Weight Limit - Bridge over KY 138 @ milepoint 54.07		
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 56 tons		
* US 41	0.0 Christian CO LN	1.4 US 41A
Weight Limit - Bridge over Drakes Creek @ milepoint 0.49		
TY I = 20 tons, TY II = 31 tons, TY III = 36 tons, TY IV = 53 tons		
3.0 KY 1751		
Weight Limit - Bridge over Otter Creek @ milepoint 6.13		
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
* US 41A	0.0 US 41	29.4 Webster CO LN
Weight Limit - Bridge over Crab Orchard Creek @ milepoint 0.82		
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 56 tons		
Weight Limit - Bridge over IC RR & Pleasant Run Creek @ milepoint 3.42		
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 48 tons		
Weight Limit - Bridge over L&N RR @ milepoint 6.59		
TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 34 tons		
Weight Limit - Bridge over Pond Creek @ milepoint 22.86		
TY I = 20 tons, TY II = 23 tons, TY III = 27 tons, TY IV = 43 tons		
* US 62	1.7 KY 109	21.3 Sextet Mine & Tipple
Weight Limit - Bridge over Copperas Creek @ milepoint 5.70		
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
Weight Limit - Bridge over Cane Run Creek @ milepoint 7.94		
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
Weight Limit - Bridge over Pleasant Run @ milepoint 12.51		
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		

Weight Limit - Bridge over L&N RR, Fork Pleasant Run @ milepoint 14.89
 TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 58 tons
 Weight Limit - Bridge over US 41 @ milepoint 15.64
 TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
 Weight Limit - Bridge over Pleasant Run Creek @ milepoint 16.39
 TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons
 Weight Limit - Bridge over Drakes Creek @ milepoint 16.72
 TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons
 * KY 70 4.5 Peter Howton Road 18.7 US 41A
 Weight Limit - Bridge over Lick Creek @ milepoint 5.92
 TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 51 tons
 Weight Limit - Bridge over Richland Creek @ milepoint 11.77
 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
 Weight Limit - Bridge over ICG RR NE of Richland @ milepoint 13.09
 TY I = 20 tons, TY II = 27 tons, TY III = 27 tons, TY IV = 34 tons
 Weight Limit - Bridge over Sugar Creek @ milepoint 13.45
 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
 Weight Limit - Bridge over L&N RR @ milepoint 18.53
 TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
 18.7 US 41A 26.4 Muhlenburg CO
 Weight Limit - Bridge over Pond River @ milepoint 26.32
 TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons
 * KY 85 0.0 KY 70 3.3 Green River Mine
 * KY 109 2.1 US 62 17.2 KY 814
 Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 3.81
 TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 54 tons
 Weight Limit - Bridge over IC RR @ milepoint 4.50
 TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons
 Weight Limit - Bridge over IC RR @ milepoint 6.49
 TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons
 Weight Limit - Bridge over Lick Creek @ milepoint 7.24
 TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
 * KY 112 0.0 US 62 9.8 US 41A
 Weight Limit - Bridge over Copperas Creek @ milepoint 0.68
 TY I = 20 tons, TY II = 25 tons, TY III = 26 tons, TY IV = 43 tons
 Weight Limit - Bridge over Finley Ditch @ milepoint 5.85
 TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
 Weight Limit - Bridge over Unnamed Stream @ milepoint 8.06
 TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
 Weight Limit - Bridge over Unnamed Stream @ milepoint 8.26
 TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
 * KY 262 0.0 KY 630 0.3 Warrior Mine
 * KY 281 0.0 US 41A 0.7 Pennyryle Parkway
 Weight Limit - Bridge over L&N RR @ milepoint 0.25
 TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons
 * KY 336 0.0 US 41A 2.3 McLeod RD
 * KY 454 0.0 US 62 2.3 KY 112
 Weight Limit - Bridge over Western KY PKWY @ milepoint 1.02
 TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons
 * KY 630 0.0 KY 262 2.0 US 41A
 * KY 813 2.5 Drakes Creek Road 2.8 US 62
 4.2 Mine 5.1 Private Haul Road
 10.2 Mortons Gap-WH CTY RD 12.3 US 41A
 * KY 814 0.0 KY 109 1.4 Webster CO LN
 * KY 1302 1.9 Bean Cemetery RD 2.7 Poole RD
 * KY 1751 0.0 US 41A 1.4 US 41
 Weight Limit - Bridge over L&N RR @ milepoint 1.14
 TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons
 * KY 2083 0.9 US 62 1.1 South Hopkins Tipple
 * KY 2086 0.0 Walnut Grove RD 1.2 KY 109
 * McLeod Road
 CR 5140 0.0 KY 336 0.5 Mine
 * Mortons Gap-White City Road
 CR 5153 0.0 KY 813 2.4 Mine
 * Farmers Crossing Road
 CR 5161 0.0 KY 813 3.0 Ogelsby RD
 Weight Limit - Bridge over Unnamed Tributary of Pond River
 TY I = 20 tons, TY II = 36 tons, TY III = 46 tons, TY IV = 50 tons
 * Ogelsby Road
 CR 5163 0.9 Mine 1.4 Farmer Crossing RD
 * Goat Lane
 CR 5179 0.0 US 62 0.4 Drakes Creek RD
 * Drakes Creek Road
 CR 5180 1.4 KY 813 1.5 Farmers Crossing RD

ADMINISTRATIVE REGISTER - 2211

* Wells Road			
CR 5212	7.9 Barnsley Loop RD		8.7 Mine
* Barnsley Loop Road			
CR 5217	0.0 US 41A		1.5 Wells Road
* Copper Creek Road			
CR 5257	0.0 KY 112		1.0 Clyde Lee RD
Weight Limit - Bridge over Copper Creek			
TY I = 20 tons, TY II = 36 tons, TY III = 46 tons, TY IV = 50 tons			
* Clyde Lee Road			
CR 5258	0.0 Copper Creek RD		0.4 Mine
* Leonard Jackson Road			
CR 5262	0.0 Dawson Daylight RD		1.0 Private Haul RD
* Walnut Grove Road			
CR 5301	0.0 Mine		0.6 KY 2086
* Dawson Daylight Road			
CR 5305	0.0 KY 109		2.4 Leonard Jackson RD
* Ferguson Town Spur			
CR 5311	0.0 Ferguson Town RD		0.1 Roberts Bros Tipple
* Ferguson Town Road			
CR 5325	3.0 Ferguson Town Spur		3.2 KY 109
* Peter Howton Road			
CR 5330	0.0 KY 70		0.3 Mine
* Poole Road			
CR 5390	0.2 KY 70		0.4 KY 1302
* Bean Cemetery Road			
CR 5396	0.0 KY 1302		0.4 Mine

LIVINGSTON COUNTY

ROAD	FROM	TO
* US 60	0.0 McCracken CO LN	29.1 Crittenden CO LN
Weight Limit - Bridge over Cumberland River @ milepoint 12.37		
TY I = 20 tons, TY II = 23 [24] tons, TY III = 26 tons, TY IV = 35 [37] tons		
Weight Limit - Bridge over Dyers Creek @ milepoint 16.66		
TY I = 14 [20] tons, TY II = 15 [35] tons, TY III = 16 [36] tons, TY IV = 23 [60] tons		
Weight Limit - Bridge over Mitchell Branch @ milepoint 21.31		
TY I = 15 [20] tons, TY II = 15 [28] tons, TY III = 15 [37] tons, TY IV = 15 [40] tons		
Weight Limit - Bridge over Sandy Creek @ milepoint 25.98		
TY I = 13 [20] tons, TY II = 13 [28] tons, TY III = 15 [37] tons, TY IV = 21 [40] tons		
Weight Limit - Bridge over Dry Creek @ milepoint 29.06		
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons		
* US 62	1.2 KY 453	2.9 Lyon CO LN
Weight Limit - Bridge over Cumberland River @ milepoint 2.78		
TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons		
* KY 453	0.5 B R T Dock	2.8 US 62
Weight Limit - Bridge over IC RR @ milepoint 1.92		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		

MAGOFFIN COUNTY

ROAD	FROM	TO
* Mountain PKWY	71.7 KY 30	75.6 US 460
Weight Limit - Bridge over Licking River @ milepoint 74.51		
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons		
* US 460	12.5 Mountain PKWY	20.4 Johnson CO LN
* KY 7	4.8 Brushy Creek RD	23.9 Mountain Parkway
Weight Limit - Bridge over Licking River @ milepoint 5.79		
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons		
* KY 30	3.3 KY 1397	8.9 Mountain Parkway
Weight Limit - Bridge over Middle Fork @ milepoint 7.55		
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
* KY 40	4.6 KY 1081	6.9 Johnson CO LN
Weight Limit - Bridge over Little Paint Creek @ milepoint 6.48		
TY I = 20 tons, TY II = 22 tons, TY III = 23 tons, TY IV = 39 tons		
* KY 364	0.0 KY 1081	1.3 Mine
* KY 404	0.0 KY 7	2.7 Floyd CO LN
* KY 542	0.0 Breathitt CO LN	5.8 KY 7
* KY 867	4.7 KY 1635	5.7 KY 7
	5.7 KY 7	7.4 Hickory Tipple
* KY 1081	8.3 KY 364	16.9 KY 40
* KY 1397	2.5 Crane Nest Branch RD	3.0 KY 30
* KY 1471	0.0 Big Half Mountain RD	4.3 KY 7
Weight Limit - Bridge over Licking River @ milepoint 3.96		
TY I = 15 [20] tons, TY II = 15 [28] tons, TY III = 15 [37] tons, TY IV = 15 [40] tons		
* KY 1502	2.7 Jake Wireman RD	3.3 KY 542
* KY 1635	0.0 Tiptop-Bettsmann RD	5.7 KY 867

* KY 1734	0.0 KY 7	1.3 Salt Lick RD
* Salt Lick Road		
CR 5126	0.0 KY 1734	0.3 Mine
* Brushy Fork Road		
CR 5132	0.0 KY 7	1.0 Mine
* Jake Wireman Road		
CR 5144	0.0 KY 1502	1.0 Mines
* Beetree Branch Road		
CR 5145	0.0 KY 7	0.7 Mine
* Big Half Mountain Road		
CR 5148	0.0 Mine	0.5 KY 1471
Weight Limit - Bridge over Big Half Mountain Creek		
TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons		
* Wright Oakley Creek Road		
CR 5221	0.0 KY 1635	0.3 Mine
Weight Limit - Bridge over Oakley Creek		
TY I = 6 tons, TY II = 6 tons, TY III = 6 tons, TY IV = 6 tons		
* Tiptop-Bettsmann Branch Road		
CR 5225B	0.0 Breathitt CO LN	0.7 KY 1635
* Crane Nest Branch Road		
CR 5229	0.0 KY 1397	0.3 Mine

Section 5. No person shall operate, or knowingly cause to be operated, on any bridge listed in Section 4 of this administrative regulation any vehicle whose gross vehicle weight exceeds the weight limits specified for that bridge.

Section 6. In accordance with KRS 189.230(3) the Department of Highways shall post the gross vehicle weight limits for each bridge listed in Section 4 of this administrative regulation.

Section 7. No person shall operate, or knowingly cause to be operated, on any bridge on the extended weight coal haul road system any vehicle whose gross vehicle weight exceeds the limits specified by a notice posted pursuant to KRS 189.230(3).

Section 8. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions is hereby incorporated by reference as part of this administrative regulation. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be viewed at the Transportation Cabinet, Department of Highways, Division of Maintenance, Frankfort, Kentucky. Copies of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

MILO D. BRYANT, Secretary/Commissioner

APPROVED BY AGENCY: April 26, 1988

FILED WITH LRC: April 28, 1988 at 3 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on June 22, 1988 at 10:30 a.m. local prevailing time in the Fourth Floor Conference Room of the State Office Building located at the corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must, in writing, by June 17, 1988, so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All coal mining companies, all coal trucking companies, all coal truck drivers, county governments - 73, city governments - undetermined number.

(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): Maximum gross vehicle weights for those coal haul routes using bridges listed in this regulation will be less than for other coal haul routes on the extended weight coal haul road system.

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: None available. This regulation required by statute.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Superintendent
(Proposed Amendment)

701 KAR 5:020. Elementary and secondary education hearing officer.

RELATES TO: KRS 156.070, 160.380 [160.045]

PURSUANT TO: KRS 156.070[, 156.060]

NECESSITY AND FUNCTION: KRS 156.070 requires the State Board of Education to hear all appeals from the Kentucky High School Athletic Association. KRS 160.380, moreover, provides for a hearing before the board of disputed appointments, promotions and transfers of local school personnel; [and KRS 160.045 provides for hearing before the board of transfers of territory] and in the course of normal business of the board various other parties from time to time petition the board for hearings not provided for by other regulations. This regulation establishes relevant hearing procedures.

Section 1. There is hereby established within the Department of Education the position of hearing officer for the State Board of Education. The State Board of Education shall appoint, upon the recommendation of the Superintendent of Public Instruction, a person to serve at the pleasure of the board in that capacity.

Section 2. The hearing officer shall conduct a hearing of all appeals from the Kentucky High School Athletic Association and such other matters, or individual issues involved in matters before the board, as may from time to time be assigned to the hearing officer [by the Chairman of the State Board of Education. In making such assignments the chairman may specify that the hearing officer hear all the issues in the matter or only such issues as the chairman, in his discretion, may direct].

Section 3. Any aggrieved party may appeal the written [a] ruling of the Kentucky High School Athletic Association within ten (10) days of the date of such ruling to the State Board of Education, by filing [giving] notice by certified mail to the Secretary of the State Board of Education and a copy of the same by certified mail to the Commissioner of the Kentucky High School Athletic Association. The secretary of the board shall immediately notify the commissioner of the Kentucky High School Athletic Association of the appeal and the commissioner shall forthwith send the record of the matter, including a transcript or tape recording of the hearing before the Board of Control, to the secretary.

(1) The notice of appeal need not be in any prescribed form, but must clearly state reasons for the appeal. If the appellant requests to present additional evidence, the notice also should set forth the nature of such evidence and reasons it has [had] not been previously introduced.

(2) The notice of appeal may also request oral argument, and if it does, it must also state the reasons for such request.

(3) Written arguments (or briefs) must be filed by certified mail with the secretary within ten (10) days after notice of the appeal

has been filed, with a copy sent by certified mail to the Commissioner of the Kentucky High School Athletic Association.

(4) The Commissioner of the Kentucky High School Athletic Association must respond to the written argument within five (5) days but may have one (1) extension of an additional five (5) days for good cause shown. Said response shall be made by certified mail to the appellant with copy sent by certified mail to the secretary of the board.

(5) Unless the hearing officer grants the motion to introduce additional evidence or the request for an oral argument, the appeal shall be considered on the written record alone. Only in extraordinary cases where additional evidence is allowed to be introduced shall the appeal be considered de novo in nature.

Section 4. The hearing officer shall make findings of fact, conclusions of law and recommendations to the parties and to the State Board for Elementary and Secondary Education, and such, if practicable, shall allow sufficient time for written exceptions and responses to the state board. If time for written exceptions and responses cannot be allowed, the parties shall have a right to make such in person to the state board.

Section 5. The board may accept or reject the submission of the hearing officer in total or in part, may return the matter to the hearing officer for further proceedings or may have the parties appear before the board for further proceedings and ultimate decision. In any event, the board, in making its final decision, shall adopt or incorporate appropriate findings and conclusions.

Section 6. Because of the varied nature of the other matters that may from time to time be assigned to the hearing officer, and because time may be of the essence, in order for the submission of the hearing officer to be presented to the board at a scheduled meeting of the board, the hearing officer is hereby authorized, consistent with the limitations of the assignment, to set such time frames and other procedural matters as will assure due process to the parties and allow the submission to the board within the time prescribed.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: May 4, 1988

FILED WITH LRC: May 13, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing has been scheduled on Tuesday, June 28, 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 May 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 June 23, 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: Kentucky High School Athletic Association,

individual schools and students with appeals.

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

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None, except for KHSAA transmission of appeal record.

(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: N/A

(b) Reporting and paperwork requirements: Recommended orders on appeal by hearing officer.

(3) Assessment of anticipated effect on state and local revenues: No effect.

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

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

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

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Need for uniformity in appeals.

EDUCATION AND HUMANITIES CABINET
 Department of Education
 Office of Local Services
 (Proposed Amendment)

702 KAR 1:115. Annual in-service training of district board members.

RELATES TO: KRS 160.180

PURSUANT TO: KRS 156.070, 160.180

NECESSITY AND FUNCTION: [Effective January 1, 1987, and thereafter,] KRS 160.180 provides that all local school board members must complete an established number of hours of in-service training annually, based on the number of years of experience, and that the State Board of Education shall identify the criteria for fulfilling such requirements. This regulation establishes standards for the annual in-service training of district board members.

Section 1. [Each affected member of a district board of education shall obtain at least fifteen (15) clock hours of in-service training in 1986 in topics relating to the responsibilities of local district board members. Effective January 1, 1987, and thereafter,] The annual in-service requirements for all district school board members shall be, for all calendar years after 1987, as follows:

(1) Twelve (12) hours training for school board members with zero to three (3) years of experience_ [;]

(2) Eight (8) hours training for school board members with four (4) to seven (7) years of experience_ [; and]

(3) Four (4) hours training for school board members with eight (8) or more years of

experience.

(4)(a) Newly appointed or elected school board members who take office after June 30th of a particular year shall be entitled, upon appropriate request, to an extension of time under Section 5 of this regulation within which to acquire a maximum number of unacquired hours equal to the difference between the required number of hours and one (1) hour per month for each full month actually served during the year, and such extensions may extend no longer than through the remainder of the term being served or the next two (2) calendar years, whichever is longer.

(b) Newly appointed or elected members who take office prior to July 1, but on or after March 1, of a particular year may be granted an extension of time under Section 5 of this regulation, in appropriate cases and for an appropriate period of time not to exceed two (2) calendar years, within which to obtain the balance of any required, but unacquired in-service hours for the initial year of new service. Any such extension to acquire hours shall not exceed the difference between the required number of hours and one (1) hour per month for each full month actually served during the year.

Section 2. Except as specifically provided for in Section 3(2)(b) of this regulation, the topics relating to the responsibilities of board members may include but not be limited to the following subjects:

(1) The basic role and responsibility of the district board and its members;

(2) Instructional programs;

(3) District finance;

(4) Relations with superintendent and staff;

(5) School law; and

(6) Community relations.

Section 3. (1) [For the 1986 calendar year, the Kentucky School Boards Association is recognized as the approved provider of a minimum of ten (10) hours of district board member in-service training, with the remaining five (5) hours being eligible to be obtained elsewhere.

(2)](a) For calendar years after [Effective January 1, 1987, [and thereafter,] the Kentucky School Boards Association (KSBA) is recognized as the provider of eight (8) hours of district board member in-service training for board members who are required to obtain twelve (12) hours annually. This arrangement equates to the KSBA being the provider of thirty-two (32) of the forty-eight (48) hours required during the four (4) year period for new board members.

(b) New, inexperienced board members should be exposed to basic information and basic skills that make them informed and effective board members. During the zero to three (3) year experience period, district board members initially elected in 1986, or initially elected thereafter, shall be required to acquire a minimum of two (2) hours training in each of the following areas through programs offered by the KSBA:

1. School law;

2. School finance;

3. Community relations;

4. Policy development;

5. Personnel relations;

6. Instructional programs;

7. Superintendent/board relations;

8. Goal setting/decision making;
9. Employment and evaluation of the superintendent;

10. Educational services provided for the exceptional, gifted and other special population children; and

11. The increasing problems of drug and alcohol use among our young people.

(c) Board members in the zero to three (3) year experience period will be allowed a maximum of four (4) hours per year or sixteen (16) hours for the four (4) year period, as flexible hours of in-service. If board members in this category opt to get all of their hours through the KSBA, then they can have KSBA credit them for these hours. If they determine to acquire a portion or all of the sixteen (16) flexible hours through sources other than KSBA, then they must get credit through their own school board's action at a board meeting, and a copy of that record must be sent to KSBA so that proper credit can be given.

(2) [(3)] Those district board members in the four (4) to seven (7) years experience category can acquire their hours anywhere, through any source they desire. If they obtain their hours through any source other than the KSBA, they must have local board approval and send a copy of the record (board minutes) to KSBA.

(3) [(4)] Those board members in the eight (8) or more years experience category are subject to subsection (2) [(3)] of this section.

(4) [(5)] As the approved provider, the Kentucky School Boards Association shall, in cooperation with the Superintendent of Public Instruction, annually develop an in-service training plan for the review and approval of the State Board of Education. In-service training for district board members shall be provided at a minimum of five (5) geographic locations, on a variety of dates.

(5) [(6)] The local district board of education shall by board action certify completion of all qualifying flexible hours of in-service training in writing to KSBA, which shall combine such hours with hours of in-service training received through its approved activities. The certification to KSBA shall include a description of the time, date, location, and description of the in-service training. These records shall be submitted annually to the State Board of Education.

Section 4. Subject to extensions granted under Section 5 of this regulation, the names of all district school board members who fail to complete the required hours of in-service training shall be transmitted by the Department of Education to the Attorney General.

Section 5. The State Board of Education, in cases of emergency, may grant an extension of time within which a local board member may complete the required hours of in-service training. Such extensions may include true emergencies for board members serving less than a full year, based upon reasons other than merely less than a full year's service.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: May 4, 1988

FILED WITH LRC: May 13, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing has been scheduled on Tuesday, June 28, 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 May 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 June 23, 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: Arnold Guess

(1) Type and number of entities affected: Local school boards.

(a) Direct and indirect costs or savings to those affected: Minimal, if any at all.

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: Will save local boards/superintendents from filing requests for extensions of time to complete board member in-service training under most circumstances.

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Will reduce substantially the number of in-service extensions to be processed.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Does not apply.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Not applicable

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: This amendment of the regulation clarifies and simplifies enforcement of the regulation and KRS 160.180.

TIERING: Was tiering applied? Yes. Tiering applied in Section 1(4) to allow for board members appointed or elected during a year to serve out a term of office.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

(Proposed Amendment)

704 KAR 3:290. Chapter 1, ECIA annual program plan.

RELATES TO: KRS 156.010, 156.031, 156.035, 156.070

PURSUANT TO: KRS 156.031, 156.035, 156.070

NECESSITY AND FUNCTION: This regulation implements the State Board of Education's management and control of common schools and federal statute implementation functions under

KRS 156.031, 156.035, and 156.070, relative to federal funds received under Chapter 1 of the Education Consolidation and Improvement Act (formerly Title I of the Elementary and Secondary Education Act).

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.035, the Chapter 1, ECIA, Program Plan for one (1) [three (3)] fiscal year[s] ending September 30, 1989 [1988], is presented herewith for filing with the Legislative Research Commission, and incorporated by reference. This document shall be known as the State Plan for Chapter 1, ECIA, revised May 1, 1988 [March 5, 1985], copies of which may be obtained from the Division of Compensatory Education, and it shall remain in effect for all funds until July 1, 1989 [1988], and between July 1 and September 30, 1989 [1988], for all funds obligated or encumbered by June 30, 1989 [1988]. This plan shall govern the distribution and allocation of ECIA, Chapter 1 funds to all eligible local school districts. The funds will be expended on remedial programs for educationally deprived children in the areas of reading, mathematics and language arts.

Section 2. Local educational agency program applications must be authorized by the local board of education prior to submission to the Kentucky Department of Education, and such applications must be submitted on the Chapter 1, ECIA Project Application Form, which is incorporated herein by reference and copies of which may be obtained from the Division of Compensatory Education.

Section 3. Local school district subgrantees shall submit monthly financial reports to the Department of Education by the 15th day of the next succeeding month in order to entitle such subgrantees to timely monthly disbursements of funds by the end of the then next succeeding month for which funds are to be advanced. Such reports shall be submitted on the Monthly Financial Report Form, which is incorporated herein by reference and copies of which may be obtained from the Division of Compensatory Education.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: May 4, 1988

FILED WITH LRC: May 13, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing has been scheduled on Tuesday, June 28, 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 May 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 June 23, 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: Joanne Brooks

(1) Type and number of entities affected:

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

1. First year: LEA may claim indirect cost as

per indirect cost formula approved by Kentucky Department of Education if not directed otherwise by new Federal Legislation in 1988.

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: LEA must file monthly financial reports.

(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: SEA will generate approximately \$645,000 for administration over a one year period. The affected LEAs will generate approximately \$67,000,000 over a one year period.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no allowable alternatives.

(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: None

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering not possible under Federal Law providing these funds.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

(Proposed Amendment)

704 KAR 3:292. Chapter 1, ECIA Migrant Plan.

RELATES TO: KRS 156.010, 156.035, 156.070

PURSUANT TO: KRS 156.035, 156.070

NECESSITY AND FUNCTION: In accordance with Section 435 of the General Education Provisions Act and Section 564 of the Education Consolidation and Improvement Act of 1981, the Department of Education, when applying to the U.S. Department of Education for participation in programs for migratory children under Chapter 1 of the Education Consolidation and Improvement Act of 1981, must submit an approvable plan and satisfactory assurances that all requirements of the law will be met. This regulation, through adoption of the migrant plan developed by the Department of Education, implements the State Board of Education's duties to develop education policy, to implement acts of Congress appropriating and apportioning funds to the state and to provide for the proper apportionment and disbursement of migratory children funds.

Section 1. The Chapter 1, ECIA Migrant Education Annual Program Plan for fiscal year ending September 30, 1989 [1988], such to become effective July 1, 1988 [1987], is presented herewith for filing with the Legislative Research Commission, and incorporated by reference. Copies of this plan may be obtained from the Division of Compensatory Education,

17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601. This plan shall govern the distribution and allocation of subgrants to eligible local school districts and provide supplemental education services to eligible migratory students, grades K-12.

[Section 2. The Chapter 1, ECIA Migrant Plan for Fiscal Year 1987, ending September 30, 1987, which is filed herewith and incorporated by reference, shall remain in effect for all funds until July 1, 1987, and between July 1 and September 30, 1987, for all funds obligated or encumbered by June 30, 1987.]

Section 2. [3.] Local educational agency program applications must be authorized by the local board of education prior to submission to the Kentucky Department of Education.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: May 4, 1988

FILED WITH LRC: May 13, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing has been scheduled on Tuesday, June 28, 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 May 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 June 23, 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: Joanne Brooks

(1) Type and number of entities affected:

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

1. First year: LEAs may claim indirect costs as per formula approved by Kentucky Department of Education.

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: LEAs must file monthly financial reports.

(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: SEA file annual financial report to USDE.

(3) Assessment of anticipated effect on state and local revenues: SEA will generate approximately \$20,500 for administration. The affected LEAs will generate approximately \$2.05 million.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no allowable alternatives.

(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: None

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering not possible under Federal Law providing these funds.

EDUCATION AND HUMANITIES CABINET Department of Education Office of Vocational Education (Proposed Amendment)

705 KAR 2:120. Distribution of funds for local operation of area vocational education centers and local vocational departments.

RELATES TO: KRS 156.035, 163.030

PURSUANT TO: KRS 156.070, 163.030

NECESSITY AND FUNCTION: KRS 156.035(2) authorizes the State Board of Education to provide for the proper disbursement of state funds for the benefit of programs under its control and management; and KRS 163.030 authorizes the state board to carry out the purposes of the state's vocational education program. This regulation establishes a procedure for distribution of appropriated funds to local school districts operating area vocational education centers and local vocational education departments.

Section 1. The funds appropriated by the General Assembly to support locally operated vocational education departments and centers shall be distributed to the local districts named in the biennial budget.

Section 2. All funds shall be distributed according to the following basic formula. Funds will be allotted on a per teacher basis for each approved vocational teacher in the previous school year. For 1987-88, the local district shall receive \$21,000 per teacher for one (1) to five (5) teachers, except that the amount shall vary according to the total funds available; \$16,000 per teacher for six (6) to nine (9) teachers; and \$10,000 per teacher for ten (10) or more teachers.

Section 3. Approved teacher count per school shall:

(1) Include all teachers in the school if the number is five (5) or less.

(2) Consist, for those schools above five (5) teachers, of those qualified, approvable teachers included in the actual vocational facility. The teachers counted shall include the following:

(a) All Industrial Education Level III, distributive education and health services teachers;

(b) Only those agriculture teachers in full-time horticulture or agricultural mechanics programs;

(c) Only those home economics teachers in full-time gainful home economics programs such as child care and commercial foods;

(d) Only business education teachers not to exceed three (3) after subtracting two (2) from the total number of business teachers in the home high school unless enrollments from multiple high schools require duplication of advanced course offerings. In such cases, up to an additional two (2) teachers may be added when the local vocational center has enrollees from

three (3) or more home high schools; and

(e) Only those special vocational teachers in developmental occupational programs.

Section 4. Districts receiving this supplemental funding must have a plan to provide supervision by a qualified vocational education administrator.

Section 5. Those state operated area vocational education centers which have become locally operated since 1980 shall have a contract of agreement equal to the amount of the funds calculated for the districts specified in Section 1 of this regulation, except that no district shall receive less than the amount received in 1986-87 for basic contract and twenty (20) percent capital outlay funds. Other districts agreeing to local control will receive the amount provided for the districts specified in Section 1 of this regulation.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: May 4, 1988

FILED WITH LRC: May 6, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing has been scheduled on Tuesday, June 28, 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 May 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 June 23, 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: Charles D. Wade

(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:

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET Department of Education Office of Federal Programs (Proposed Amendment)

709 KAR 1:050. Adult plan.

RELATES TO: KRS 156.035, 156.070

PURSUANT TO: KRS 156.035, 156.070[, 163.030]

NECESSITY AND FUNCTION: KRS 156.035 gives the State Board of Education the authority to implement the provisions of any act of Congress appropriating and apportioning funds to the state; KRS 156.070 gives the State Board the management and control of the common schools and all programs operated therein. This regulation adopts the [three (3) year] program plan for adult education for fiscal year 1989 that is required in order to be eligible to receive federal funds under the Adult Education Act.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education, the Kentucky Three (3) Year Program Plan for Adult Education shall be prepared and approved by the State Board of Education, in accordance with the appropriate federal regulations and guidelines, and submitted to the U.S. Commissioner of Education by June 30 of the appropriate year for approval. The current document, as amended and extended by this regulation through June 30, 1989 [June 22, 1982], is incorporated by reference [and hereinafter shall be referred to as the Three (3) Year Program Plan for the years July 1, 1985, to June 30, 1988]. Copies of the [Three (3) Year Program] Plan may be obtained from the Adult Education Unit, State Department of Education.

DR. JOHN BROCK, Superintendent

APPROVED BY AGENCY: May 4, 1988

FILED WITH LRC: May 13, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing has been scheduled on Tuesday, June 28, 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 May 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 June 23, 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: Brenda Rollins

(1) Type and number of entities affected: One

(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: Continuing only

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Same
(3) Assessment of anticipated effect on state and local revenues: Continuation of those required in present plan.

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Not applicable in this situation.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Due to failure of Congress to enact new legislation in sufficient time, it was necessary to amend the present state plan for adult education according to Public Law 91-230 as amended to extend said plan for one (1) year to provide time for preparation of a new plan.

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:

PUBLIC PROTECTION & REGULATION CABINET Department of Insurance (Proposed Amendment)

806 KAR 12:090. Unfair claims settlement practices.

RELATES TO: KRS 304.2-165, 304.3-200, 304.12-010, 304.12-220, 304.12-230, 304.14-400, 304.20-070, 304.20-150 to 304.20-180, 304.29-590, 304.32-270, 304.38-200, 304.39-070, 304.43-130, HB 552 §17

PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.32-250, 304.38-150

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky insurance code. KRS 304.32-250 provides that the commissioner may promulgate reasonable regulations which he deems necessary for the proper administration of KRS Chapter 304.32. KRS 304.38-150 provides that the Commissioner of Insurance may promulgate reasonable regulations which he deems necessary for the proper administration of KRS Chapter 304.38. This regulation defines certain minimum standards which, if violated in such a manner as to indicate a general business practice, will be deemed to constitute unfair claims settlement practices.

Section 1. Scope. This regulation defines certain practices [minimum standards] which are [, if violated with such frequency or in any

other manner as to indicate a general business practice, will be] deemed to constitute unfair claims settlement practices. This regulation applies to all insurance policies and insurance contracts except workers' compensation insurance. This regulation applies to all persons, but shall not be construed as creating sanctions against an insured. This regulation is not exclusive and other acts or practices not herein specified may also be deemed to be a violation of KRS 304.12-230.

Section 2. Definitions. As used in this regulation:

(1) "Agent" means any individual, corporation, association, partnership, or other legal entity authorized to represent an insurer with respect to a claim.

(2) "Claimant" means either a first party claimant, a third party claimant, or both and includes such claimant's designated legal representative and includes a member of the claimant's immediate family designated by the claimant.

(3) "First party claimant" means any individual, corporation, association, partnership, or other legal entity asserting a right to payment under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by such policy or contract.

(4) "Insurance policy or insurance contract" has the meaning defined in KRS 304.14-020 and also includes certificates of group insurance.

(5) "Insurer" means a person licensed to issue or who issues any insurance policy or insurance contract in this state, fraternal benefit societies, nonprofit hospital, medical, surgical, dental, and health service corporations, health maintenance organizations, or prepaid dental plan organizations.

(6) "Investigation" means all activities of an insurer directly or indirectly related to the determination of liabilities under coverages afforded by an insurance policy or insurance contract.

(7) "Notification of claim" means any notification, whether in writing or other means acceptable under the terms of an insurance policy or insurance contract, to an insurer or its agent, by a claimant, which reasonably apprises the insurer of the facts pertinent to a claim.

(8) "Person" has the meaning defined in KRS 304.1-020.

(9) "Third party claimant" means any individual, corporation, association, partnership or other legal entity asserting a claim against any individual, corporation, association, partnership, or other legal entity insured under an insurance policy or insurance contract of an insurer.

(10) "Workers' Compensation" includes, but is not limited to, Longshoremen's and Harbor Workers' Compensation.

Section 3. File and Record Documentation. The insurer's claim files shall be subject to examination by the Commissioner of Insurance or by his duly appointed designees. Such files shall contain all notes and work papers pertaining to the claim in such detail that pertinent events and the dates of such events can be reconstructed.

Section 4. Misrepresentation of Policy Provisions. (1) No insurer shall fail to fully disclose to first party claimants all pertinent benefits, coverages, or other provisions of an insurance policy or insurance contract under which a claim is presented.

(2) No agent shall conceal from first party claimants benefits, coverages, or other provisions of any insurance policy or insurance contract when such benefits, coverages, or other provisions are pertinent to a claim.

(3) No insurer shall deny a claim for failure to exhibit the property without proof of demand and unfounded refusal by a claimant to do so.

(4) No insurer shall, except where there is a time limit specified in the policy, make statements, written or otherwise, requiring a claimant to give written notice of loss or proof of loss within a specified time limit and which seek to relieve the company of its obligations if such a time limit is not complied with unless the failure to comply with such time limit prejudices the insurer's rights.

(5) No insurer shall request a first party claimant to sign a release that extends beyond the subject matter that gave rise to the claim payment.

(6) No insurer shall issue checks or drafts in partial settlement of a loss or claim under a specific coverage which contain language which release the insurer or its insured from its total liability.

Section 5. Failure to Acknowledge Pertinent Communications. (1) Every insurer, upon receiving notification of a claim shall, within ten (10) working days, acknowledge the receipt of such notice unless payment is made within such period of time. If an acknowledgment is made by means other than writing, an appropriate notation of such acknowledgment shall be made in the claim file of the insurer and dated. Notification given to an agent of an insurer shall be notification to the insurer.

(2) Every insurer, upon receipt of any inquiry from the Insurance Department respecting a claim shall, within fifteen (15) working days of receipt of such inquiry, furnish the Insurance Department with an adequate response to the inquiry. Insurers receiving Insurance Department inquiries concerning health insurance claims should send a written reply to the Insurance Department within ten (10) days of receipt if it is reasonably possible to do so.

(3) An appropriate reply shall be made within ten (10) working days on all other pertinent communications from a claimant which reasonably suggest that a response is expected.

(4) Every insurer, upon receiving notification of claim, shall promptly provide necessary claim forms, instructions, and reasonable assistance so that first party claimants can comply with the policy conditions and the insurer's reasonable requirements. Compliance with this subsection within ten (10) working days of notification of a claim shall constitute compliance with subsection (1) of this section.

Section 6. Standards for Prompt Investigation of Claims. Every insurer shall complete investigation of a claim within thirty (30) days after notification of claim, unless such investigation cannot reasonably be completed within such time.

Section 7. Standards for Prompt, Fair, and Equitable Settlements Applicable to All Insurers. (1) Within sixty (60) [fifteen (15) working] days after receipt by the insurer of properly executed proofs of loss, the first party claimant shall be advised of the acceptance or denial of the claim by the insurer. No insurer shall deny a claim on the grounds of a specific policy provision, condition, or exclusion unless reference to such provision, condition, or exclusion is included in the denial. The denial must be given to the claimant in writing and the claim file of the insurer shall contain a copy of the denial. A fire insurance claim for which a first party claimant is entitled to be paid shall be paid within thirty (30) days of receipt of due proof of loss. Where there is a reasonable basis supported by specific information available for review by the Commissioner of Insurance that the first party claimant has fraudulently caused or contributed to the loss by arson, the insurer is relieved from the requirements of this subsection. Provided, however, that the claimant shall be advised of the acceptance or denial of the claim within a reasonable time for full investigation after receipt by the insurer of a properly executed proof of loss.

(2) If a claim is denied for reasons other than those described in subsection (1) of this section and is made by any other means than writing, an appropriate notation shall be made in the claim file of the insurer.

(3) If the insurer needs more time to determine whether a first party claim should be accepted or denied, it shall so notify the first party claimant within fifteen (15) working days after receipt of the proofs of loss, giving the reasons more time is needed. If the investigation remains incomplete, the insurer shall, forty-five (45) days from the date of the initial notification and every forty-five (45) days thereafter, send to such claimant a letter setting forth the reasons additional time is needed for investigation. The notice shall also advise the first party claimant that the claim bears interest at the rate of twelve (12) percent per annum from the expiration of the sixty (60) day period specified in subsection (1) of this section and that if the delay is without reasonable foundation, the insured must be reimbursed for reasonable attorney's fees incurred in collecting the claim. Where there is a reasonable basis supported by specific information available for review by the Commissioner of Insurance for suspecting that the first party claimant has fraudulently caused or contributed to the loss by arson, the insurer is relieved from the requirements of this subsection. Provided, however, that the claimant shall be advised of the acceptance or denial of the claim by the insurer within a reasonable time for full investigation after receipt by the insurer of a properly executed proof of loss.

(4) Insurers shall not fail to settle first party claims on the basis that responsibility for payment should be assumed by others except as may otherwise be provided by policy provisions.

(5) Insurers shall not continue negotiations for settlement of a claim directly with a claimant who is neither an attorney nor represented by an attorney until the claimant's rights may be affected by a statute of limitations or a policy or contract time limit,

without giving the claimant written notice that the time limit may be expiring and may affect the claimant's rights. Such notice shall be given to first party claimants thirty (30) days and to third party claimants sixty (60) days before the date on which such time limit may expire.

(6) No insurer shall make statements which indicate that the rights of a third party claimant may be impaired if a form or release is not completed within a given period of time unless the statement is given for the purpose of notifying the third party claimant of the provision of a statute of limitations.

Section 8. Standards for Prompt, Fair, and Equitable Settlements Applicable to Motor Vehicle [Automobile] Insurance. (1) When the insurance policy provides for the adjustment and settlement of first party motor vehicle [automobile] total losses on the basis of actual cash value or replacement with another of like kind and quality, one of the following methods must apply:

(a) The insurer may elect to offer a replacement motor vehicle [automobile] which is a specific comparable motor vehicle [automobile] available to the insured, with all applicable taxes, license fees (if such fees cannot be refunded by the Transportation Cabinet), and other fees incident to transfer of evidence of ownership of the motor vehicle [automobile] paid, at no cost other than any deductible provided in the policy. The offer and any rejection thereof must be documented in the claim file.

(b) The insurer may elect a cash settlement based upon the actual cost, less any deductible provided in the policy, to purchase a comparable motor vehicle [automobile] including all applicable taxes, license fees (if such fees cannot be refunded by the Transportation Cabinet), and other fees incident to transfer of evidence of ownership of a comparable motor vehicle [automobile]. Such cost may be determined by:

1. The cost of a comparable motor vehicle [automobile] in the local market area when a comparable motor vehicle [automobile] is available in the local market area.

2. One (1) of two (2) or more quotations obtained by the insurer from two (2) or more qualified dealers (i.e., dealers which engage in the buying and selling of comparable motor vehicles [automobiles] in the ordinary course of their business) located within the local market area when a comparable motor vehicle [automobile] is not available in the local market area.

(c) When a first party motor vehicle [automobile] total loss is settled on a basis which deviates from the methods described in subsection (1)(a) and (b) of this section, the deviation must be supported by documentation giving particulars of the motor vehicle's [automobile] condition. Any deductions from such cost, including deduction for salvage, must be measurable, discernible, itemized, and specified as to dollar amount and shall be appropriate in amount. The basis for such settlement shall be fully explained to the first party claimant.

(2) The measure of damages in a third party motor vehicle loss is the difference between the fair market value of the motor vehicle before and after the loss. Repair estimates or

appraisers' reports may be used to indicate the difference in fair market value.

(3) [(2)] Where liability and damages are reasonably clear, insurers shall not recommend that third party claimants make claims under their own policies solely to avoid paying claims under such insurers' insurance policies or insurance contracts.

(4) [(3)] Insurers shall not require a claimant to travel unreasonably either to inspect a replacement motor vehicle [automobile], to obtain a repair estimate or to have the motor vehicle [automobile] repaired at a specific repair shop.

(5) [(4)] Insurers shall, upon the claimant's request, include the first party claimant's deductible, if any, in subrogation demands. Subrogation recoveries shall be shared on a proportionate basis with the first party claimant, unless the deductible amount has been otherwise recovered. No deduction for expenses can be made from the deductible recovery unless an outside attorney is retained to collect such recovery. The deduction may then be for only a pro rata share of the allocated loss adjustment expense. This subsection shall not be construed as requiring subrogation procedures prohibited by KRS 304.39-070.

(6) [(5)] If an insurer prepares an estimate of the cost of motor vehicle [automobile] repairs, such estimate shall be in an amount for which it may be reasonably expected the damage can be satisfactorily repaired. The insurer shall give a copy of the estimate to the claimant and may furnish to the claimant the names of one (1) or more conveniently located repair shops.

(7) [(6)] When the amount claimed is reduced because of betterment or depreciation, all information supporting such reduction shall be contained in the claim file. Such deductions shall be itemized and specified as to dollar amount and shall be appropriate for the amount of deductions.

(8) [(7)] When the insurer elects to repair and designates a specific repair shop for motor vehicle [automobile] repairs, the insurer shall cause the damaged motor vehicle [automobile] to be restored to its condition prior to the loss at no additional cost to the claimant other than as stated in the policy and within a reasonable period of time.

LEROY MORGAN, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 9, 1988

FILED WITH LRC: May 12, 1988 at 1 p.m.

PUBLIC HEARING: Persons with an interest in the subject matter of the proposed regulation may appear and make comments at a public hearing scheduled for June 21, 1988 at 9:30 a.m., in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Leroy Morgan, Commissioner, Kentucky Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602. Written comments will be given consideration equal to testimony at the public hearing if such written comments are received by the close of business on June 21, 1988.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts

Need for the Proposed Regulation: The proposed

amendment is necessary to conform 806 KAR 12:090 to Sections 17 and 19 of HB 552 adopted by the 1988 General Assembly. Section 17 provides that first party insurance claims must be paid within 60 days of the date proof of loss is filed with the insurer or the insurer must pay interest on the claim and, if the delay is without reasonable foundation, the insurer must pay the insured's attorney's fees. Section 19 of HB 552 provides that a single instance of an unfair claims settlement practice is a violation, not the commission of such acts as a general business practice.

The amendments in Section 8 dealing with motor vehicle insurance claims are technical changes reflecting current department practices. These include guidelines for settlement of third party property damage losses and application of Section 8 to all motor vehicle insurance claims, not just automobile insurance claims.

(1) Type and number of entities affected: The proposed amendment will affect all persons making claims under insurance policies. the proposed amendment will also affect the approximately 1,200 insurers authorized to do business in Kentucky. The proposed amendment will also affect the 4,000 adjusters licensed in Kentucky and all agents licensed in Kentucky who have claim authority.

(a) Direct and indirect costs or savings to those affected: The amendments relating to HB 552 are required by statutory changes, and, therefore, any costs associated with those amendments result from the statutory changes, not the proposed amendment. The proposed amendment to Section 8 merely reflects current department practices, and, therefore, should not impose additional costs. Any savings for claimants are also attributable to statutory changes and current department practices.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: The statutory changes in HB 552 will make it easier to find insurers in violation of the Unfair Claims Settlements Practices Act. However, the greater number of violations will mean more work for the department. As to the amendments to Section 8, these merely reflect current department practices.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative to amending the regulation to conform to statutory changes. Further, it is appropriate that the regulation reflect current department practices.

(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? As to the amendments relating to HB 552, tiering has been recognized to the extent permissible in HB 552. It is necessary that the "single instance" rule apply to all claims settlement activities, but the 60 day payment rule applies only to first party claims, recognizing the higher duty insurers have to their own insureds as to opposed to third party claimants.

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance
(Proposed Amendment)

806 KAR 20:010. Declination, cancellation, and nonrenewal of property and casualty insurance.

RELATES TO: KRS 304.12-020, 304.14-120, 304.14-210, 304.20-160, 304.20-300 to 304.20-350, 304.30-110

PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.30-070

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.30-070 provides that the Commissioner of Insurance may make reasonable regulations necessary for the effectuation of any provision of KRS Chapter 304.30. This regulation provides certain guidelines for the declination, cancellation, and nonrenewal of property and casualty insurance pursuant to KRS 304.20-300 to 304.20-350.

Section 1. Definitions. The definitions of KRS 304.20-300 and 304.20-310 apply to this regulation.

Section 2. Application of KRS 304.20-300 to 304.20-350 to Property and Casualty Insurance Policies. (1) KRS 304.20-300 to 304.20-350 apply to declinations, cancellations, nonrenewals, and twenty-five (25) percent premium increases of property and casualty insurance policies described in KRS 304.20-300 delivered, issued for delivery, or renewed after July 15, 1986.

(2) KRS 304.20-300 to 304.20-350 apply to every declination which occurs after July 15, 1986.

(3) KRS 304.20-300 to 304.20-350 apply to the cancellation, nonrenewals, and twenty-five (25) percent premium increases of all property and casualty insurance policies delivered or issued for delivery after July 15, 1986.

(4) KRS 304.20-300 to 304.20-350 apply to the cancellation, nonrenewals, and twenty-five (25) percent premium increases of property and casualty insurance policies in existence on July 15, 1986, only after such policies have been renewed after July 15, 1986.

(5) The 1988 amendments to KRS 304.20-300 to 304.20-350 apply to:

(a) Declinations which occur on or after July 15, 1988;

(b) Cancellations, nonrenewals, and twenty-five (25) percent premium increases of all property and casualty insurance policies delivered or issued for delivery on or after July 15, 1988; and

(c) Cancellations, nonrenewals, and twenty-five (25) percent premium of property and

casualty insurance policies in existence on July 15, 1988, only after such policies have been renewed after July 15, 1988.

[Section 3. Notice of Nonrenewal. (1) Every notice of nonrenewal pursuant to KRS 304.20-320 shall contain the following statement, or a statement substantially similar to the following statement:]

[Kentucky law provides that you may submit a written request to the insurer for an explanation of the reason for the nonrenewal of your policy. The insurer must respond within 15 working days of the receipt of your request. Submit your written request to: (name and address of person whom request should be directed).]

[(2) The statement required by subsection (1) of this section shall be printed in a manner reasonably calculated to inform the insured of the right to request in writing the reason for the nonrenewal.]

[(3) Written requests for explanations of the reasons for nonrenewals shall be answered by insurers within fifteen (15) working days of receipt of such requests.]

[(4) The statement set forth in subsection (1) of this section is not required if the notice of nonrenewal contains the reason for the nonrenewal.]

Section 3. [4.] Notice of Reason for Declination, Cancellation, or Nonrenewal. (1) In every instance where KRS 304.20-300 to 304.20-350 [or this regulation] require a reason for declination, cancellation, or nonrenewal to be given to an applicant or an insured, the reason given shall be a statement reasonably calculated to inform the applicant or insured of the reason for the declination, cancellation, or nonrenewal. For example, the statement that a policy was nonrenewed for "underwriting reasons" is inadequate.

(2) Subsection (1) of this section does not apply where a risk is declined or a policy terminated where there is specific information available for review by the Commissioner of Insurance that the insured has contributed to a loss by arson. A more general reason may be given to the insured in this situation.

(3) The fact that the reason for declination, cancellation, or nonrenewal has been obtained through an investigative consumer report subject to the Fair Credit Reporting Act, 15 U.S.C. §1681 et seq., does not relieve the insurer from the requirement of notifying the insured of the declination, cancellation, or nonrenewal pursuant to KRS 304.20-300 to 304.20-350. However, any insured wishing to learn the substance of an investigative consumer report must be directed to contact the consumer reporting agency and follow the procedures contained in the Fair Credit Reporting Act.

(4) A reason for cancellation or nonrenewal which does not appear in the notice of cancellation or nonrenewal shall not be a basis for cancellation or nonrenewal.

Section 4. [5.] Policy Forms. (1) Policy forms filed with and approved by the Commissioner of Insurance as of July 15, 1986, need not be amended to comply with KRS 304.20-300 to 304.20-350, but insurers using such forms shall adopt procedures which conform to KRS 304.20-300 to 304.20-350. Policy forms filed with and

approved by the Commissioner of Insurance as of July 15, 1988, need not be amended to comply with the 1988 amendments to KRS 304.20-300 to 304.20-350, but insurers using such forms shall adopt procedures which conform to the 1988 amendments to KRS 304.20-300 to 304.20-350.

(2) Policy forms filed with the Commissioner of Insurance after July 15, 1986, shall contain language complying with KRS 304.20-300 to 304.20-350. Policy forms filed with the Commissioner of Insurance after July 15, 1988, shall contain language complying with the 1988 amendments to KRS 304.20-300 to 304.20-350.

Section 5. [6.] Cancellation for Nonpayment of Premium Under Insurance Premium Finance Company Contracts Controlled by KRS Chapter 304.30. (1) If an insurance premium finance company exercises its power of attorney to cancel a policy pursuant to KRS 304.30-110, such cancellation is considered to be a cancellation at the request of the insured and shall not be subject to KRS 304.20-300 to 304.20-350.

(2) The phrases "premium finance plan" and "extension of credit" in KRS 304.20-310(2) refer to extensions of credit to pay for insurance which are made by insurers or other entities not subject to KRS Chapter 304.30.

Section 6. [7.] Effective Date. This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

LEROY MORGAN, Commissioner
THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 9, 1988

FILED WITH LRC: May 12, 1988 at 1 p.m.

PUBLIC HEARING: Persons with an interest in the subject matter of the proposed regulation may appear and make comments at a public hearing scheduled for June 21, 1988 at 9:30 a.m., in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Leroy Morgan, Commissioner, Kentucky Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602. Written comments will be given consideration equal to testimony at the public hearing if such written comments are received by the close of business on June 21, 1988.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts

Need for the Proposed Regulation: The proposed amendment is necessary to conform the regulation to Sections 7 and 8 of HB 552 adopted by the 1988 General Assembly. The amendment to Section 2(5) makes it clear the statutory changes do not apply in an unconstitutional manner by avoiding the impairment of existing contracts. The elimination of existing Section 3 recognizes the change in HB 552 requiring that the reason for a nonrenewal be in or accompany the notice of nonrenewal. The addition of subsection (4) to proposed Section 3 will prohibit insurers from attempting to use reasons for nonrenewal which do not appear in the notice of nonrenewal. The changes to proposed Section 4 make it clear that new procedures must be adopted to comply to the statutory changes and that future policy form filings must contain language which conforms with the statutes.

(1) Type and number of entities affected: The

proposed amendment affects the insureds of approximately 600 property and casualty insurers authorized to transact business in Kentucky and those insurers as well.

(a) Direct and indirect costs or savings to those affected: Any cost or savings are created by statutory changes, not the proposed amendment.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: The proposed amendments provide clear guidelines for implementation of Sections 7 and 8 of HB 552.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: This approach was taken because an identical approach was used with great success in the implementation of 1986 legislation creating the declination, cancellation, and nonrenewal statutes.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Tiering has been applied in recognizing the differing effective dates for declinations, cancellation, and nonrenewals.

PUBLIC PROTECTION & REGULATION CABINET
State Racing Commission
(Proposed Amendment)

810 KAR 1:013. Entries, subscriptions and declarations.

RELATES TO: KRS 230.210 to 230.360

PURSUANT TO: KRS 13A.350

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this regulation is to outline requirements for entry, subscription and declaration of horses in order to race.

Section 1. Entering Required. No horse shall be qualified to start in any race unless such horse has been and continues to be duly entered therein. Entries or subscriptions for any horse, or the transfer of same, may be refused or cancelled by the association without notice or reason given therefor.

Section 2. Procedure for Making Entries. (1) All entries, subscriptions, declarations, and scratches shall be lodged with the racing secretary and shall not be considered as having been made until received by the racing secretary who shall maintain a record of time of receipt

of same for a period of one (1) year.

(2) Every entry must be in the name of such horse's licensed owner, as completely disclosed and registered with the racing secretary under these rules, and made by the owner, or trainer, or a licensed authorized agent of such owner or trainer.

(3) Every entry must be in writing, except that an entry may be made by telephone to the racing secretary, but must be confirmed in writing should the stewards, the racing secretary, or an assistant to the racing secretary so request.

(4) Every entry shall clearly designate the horse so entered. When entered for the first time during a meeting, every horse shall be designated by name, age, color, sex, sire, and dam, as reflected by such horse's registration certificate.

(a) No horse may race unless correctly identified to the satisfaction of the stewards as being a horse duly entered.

(b) In establishing identity of a horse, responsibility shall be borne by any person attempting to identify such horse as well as the owner of such horse, all such persons being subject to appropriate disciplinary action for incorrect identification.

(c) Every entry shall clearly state any and all medications, drug, or substances which the horse shall receive as prerace treatment. Medications, drugs, or substances shall be categorized into two (2) sections and shall be designated as follows: NSAID (nonsteroidal anti-inflammatory) shall be designated by (B); and any and all bleeder medications shall be designated by (L). Horses racing for the first time with either of the above categories shall be clearly designated with (1).

(5) No alteration may be made in any entry after the closing of entries, but an error may be corrected with permission of the stewards.

(6) No horse may be entered in two (2) races to be run on the same day.

(7) No horse which has not started in the past ninety (90) days shall be permitted to start unless it has at least one (1) published workout within twenty (20) days of entry at a distance satisfactory to the stewards of the meeting. In the event that a horse has done the requisite workout, but through no fault of the trainer, such workout does not appear in the past performances, the horse shall be permitted to start and the correct workout shall be publicly displayed on the bulletin boards where photo-finishes are shown at least fifteen (15) minutes prior to the first race and for the duration of the day's racing. Additionally, such workouts shall be displayed on the television monitors and tote board for fifteen (15) minutes prior to the first race [announced]. No horse which has never started shall be entered until the trained has produced satisfactory evidence to indicate to the starter that it has been adequately schooled from the starting gate.

Section 3. Stabling Requirement. No entry shall be accepted for any horse not stabled on association grounds where such race is to be run, unless its stabling elsewhere has been approved by the commission in its approved off-track stable list.

Section 4. Limitation as to Spouses. No entry in any race shall be accepted for a horse owned

wholly or in part by, or trained by, a person whose husband or wife is under license suspension at time of such entry; except that, if the license of a jockey has been suspended for a routine riding offense, then the stewards may waive this rule as to the duly licensed husband or wife or such suspended jockey.

Section 5. Mutuel Entries. (1) All horses entered in the same race and trained by the same trainer shall be joined as a mutuel entry and single betting interest. All horses entered in the same race and owned wholly, or in part by the same owner or spouse thereof, shall be joined as a mutuel entry and single betting interest.

(2) No more than two (2) horses having common ties through ownership or training as to be joined as a mutuel entry may be entered in a purse race. When making such double entry, a preference for one (1) of the horses must be made.

(3) In no case may two (2) horses having common ties through ownership start in a purse race to the exclusion of a single interest. In races in which the number of starters is limited to ten (10) or less, no two (2) horses having common ties through training may start to the exclusion of a single entry.

Section 6. Subscriptions. (1) Nominations to or entry of a horse in a stakes race is a subscription. Any subscriber to a stakes race may transfer or declare such subscription prior to closing.

(2) Joint subscriptions and entries may be made by any one (1) of the joint owners of a horse, and each such owner shall be jointly and severally liable for all payments due thereon.

(3) Death of a horse, or a mistake in its entry when such horse is eligible, does not release the subscriber or transferee from liability for all stakes fees due thereon. No fees paid in connection with a subscription to a stakes race that is run shall be refunded, "except as otherwise stated in the conditions of a stakes race."

(4) Death of a nominator or original subscriber to a stakes race shall not render void any subscription, entry, or right of entry thereunder. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent.

(5) When a horse is sold privately, or sold at public auction, or claimed, stakes engagements for such horse shall be transferred automatically with such horse to its new owner; except that, if such horse is transferred to a person whose license is suspended or otherwise unqualified to race or enter such horse, then such subscription shall be void as of the date of such transfer.

(6) All stakes fees paid toward a stakes race shall be allocated to the winner thereof unless otherwise provided by the condition for such stakes race. In the event a stakes race is not run for any reason, all such subscription fees paid shall be refunded.

Section 7. Closing. (1) Entries for purse races and subscriptions to stakes races shall close at the time designated by the association in previously published conditions for such races. If a race is not split, no entry,

subscription, or declaration shall be accepted after such closing time; except that in event of an emergency, or if a purse race fails to fill them the racing secretary may, with the approval of a steward, extend such closing time.

(2) If the hour of closing is not specified for stakes races, then subscriptions and declarations therefor may be accepted until midnight of the day of closing; provided, they are received in time for compliance with every other condition of such race.

(3) Entries which have closed shall be complied without delay by the racing secretary and, along with declarations, be posted.

Section 8. Number of Starters in a Race. (1) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and extensions thereof approved by the commission as can be positioned across the width of the track at the starting point for such race; and such maximum number of starters further shall be limited by the number of horses which, in the opinion of the stewards, considering the safety of the horses and riders, and the distance from the start to the first turn, can be afforded a fair and equal start.

(2) At tracks measuring less than a mile in circumference, no more than ten (10) horses may start in any race without consent of the stewards, and no more than twelve (12) horses may start without approval of the commission.

(3) Any claiming race in the printed condition book for which eight (8) or more horses representing different betting interests are entered must be run. All other purse races in the printed condition book for which six (6) or more horses representing different betting interests are entered must be run.

(4) If any purse race in the printed condition book fails to fill with the minimum number of entries required by subsection (3) of this section to be run, then the association may cancel or declare off such race. The names of all horses entered therein shall be publicly posted in the office of the racing secretary not later than 1 p.m. the same day.

Section 9. Split or Divided Races. (1) In the event a race is cancelled or declared off, the association may split any race programmed for the same day and which may previously have been closed. Races printed in the condition book shall have preference over substitute and extra races.

(2) When a purse race is split, forming two (2) or more separate races, the racing secretary shall give notice thereof not less than fifteen (15) minutes before such races are closed so as to grant time for the making of additional entries to such split races.

(3) Division of entries upon the splitting of any race shall be made in accordance with the conditions under which entries and subscriptions therefor were made, and in the absence of specific prohibition of such conditions:

(a) Horses originally joined as a mutuel entry may be placed in different divisions of a split race unless the person making such multiple entry, at the time of such entry indicates such coupling of horses is not to be uncoupled when such race is split.

(b) Division of entries in any split stakes race may be made according to age, or sex, or

both.

(c) Entries for any split race not divided by any method provided above by this rule, shall be divided by lot so as to provide a number of betting interests as near equal as possible for each division of such split race.

Section 10. Post Positions. Post positions for all races shall be determined by lot, drawn in the presence of those making the entries for such race. Post positions in split races also shall be redetermined by lot in the presence of those making the entries for such split race. The racing secretary shall assign pari-mutuel numbers for each starter to conform with the post position drawn, except when a race included two (2) or more horses joined as a single betting interest.

Section 11. Also-eligible List. (1) If the number of entries for a race exceeded the number of horses permitted to start in such race as provided by Section 8 of this regulation, then the names of as many as eight (8) horses entered but not drawn into such race as starters shall be posted on the entry sheet as "also-eligible" to start.

(2) After any horses have been excused from a race at scratch time, a new drawing shall be taken as to horses on the also-eligible list, and the starting and post position of such horses drawn from the also-eligible list shall be determined by the sequence drawn, unless otherwise stipulated in published conditions of the race.

(3) Any owner or trainer of any horse on the also-eligible list who does not wish to start such horse in such race shall so notify the racing secretary prior to scratch time for such race and such horse shall forfeit any preference to which it may have been entitled.

(4) Where entries are closed two (2) racing days prior to the running of a race, any horse on an also-eligible list, and which also has been drawn into a race as a starter for the succeeding day, shall not be permitted to run in the race for which it had been listed as also-eligible.

Section 12. Preferred List; Stars. (1) The racing secretary shall maintain a list of horses which were entered but denied an opportunity to race because eliminated from a race programmed in the printed condition book either by overfilling or failure to fill. The racing secretary shall submit for approval of the commission at least thirty (30) days prior to the opening date of a race meeting a detailed description of the manner in which preference will be allocated.

(2) No preference shall be given a horse otherwise entitled thereto for a race if such horse also is entered for a race on the succeeding day.

Section 13. Arrears. No horse may be entered or raced if the owner thereof is in arrears as to any stakes fees due by such owner; except with the approval of the racing secretary.

Section 14. Declarations. Withdrawal of a horse from a race before closing thereof by the owner or trainer or person deputized by either, such being known as a "declaration," shall be made in the same manner as to form, time, and

procedure as provided for the making of entries. Declarations and scratches are irrevocable. No declaration fee shall be required by any licensed association.

Section 15. Scratches. Withdrawal of a horse from a race after closing thereof by owner or trainer or person deputized by either, such being known as a "scratch," shall be permitted only under the following conditions:

(1) A horse may be scratched from a stakes race for any reason at any time up until fifteen (15) minutes prior to post time for the race preceding such stakes race by the filing in writing of such intention with the racing secretary, unless a list of also-eligibles has been drawn, in which case scratches must be filed at the regular scratch time as posted by the racing secretary, and no horse will be excused thereafter without a valid physical reason. Upon receiving a scratch from a stakes race, the racing secretary shall promptly notify the stewards and pari-mutuel manager, and shall cause public announcement of same to be made.

(2) No horse may be scratched from a purse race without approval of the stewards and unless such intention to scratch has been filed in writing with the racing secretary or his assistant at or before the time conspicuously posted as "scratch time." Scratch of one (1) horse coupled in a mutuel entry in a purse race must be made at or before the posted scratch time, unless permission is granted by the stewards to allow both horses to remain in the race until a later appointed scratch time therefor.

(3) In purse races, horses that are physically disabled or sick shall be permitted to be scratched first. Should horses representing more than ten (10) betting interests in either of the two (2) daily double races, or horses representing more than eight (8) betting interests in any other purse race, remain in after horses with physical excuses have been scratched, then owners or trainers may be permitted at scratch time to scratch horses without physical excuses down to such respective minimum numbers for such races, this privilege to be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(4) Entry of any horse which has been scratched, or excused from starting by the stewards, because of a physical disability or sickness shall not be accepted until the expiration of three (3) calendar days after such horse was scratched or excused.

Section 16. In determining eligibility, allowances and penalties, the reports, records, and statistics as published in the Daily Racing Form and the monthly chart books, or corresponding official publications of any foreign county, shall be considered official, but may be corrected until forty-five (45) minutes prior to post time of the race.

LYLE G. ROBEY, Chairman

APPROVED BY AGENCY: April 22, 1988

FILED WITH LRC: May 5, 1988 at 4 p.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 24, 1988 at 10 a.m. at the offices of the Kentucky State Racing Commission at 535 West Second Street, Lexington, Kentucky. Those interested in attending the

hearing should contact in writing: Michael A. Fulkerson, Chief Administrative Officer, Kentucky State Racing Commission, P. O. Box 1080, Lexington, Kentucky 40588.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael Fulkerson

(1) Type and number of entities affected: 4 thoroughbred tracks/betting public.

(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: Will require a clerk at the tracks to post workouts (if any are required by new rule) on a bulletin board.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: This method allows the most exposure to the betting public.

(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: The position (clerk) described in 1(b) is not a new position.

TIERING: Was tiering applied? No. Since the fundamental reason for the change is to increase access to information and provide such in a timely manner, the KSRC does not want to differentiate between the four tracks responsible for displaying this information.

PUBLIC PROTECTION & REGULATION CABINET

Department of Housing, Buildings & Construction
Office of State Fire Marshal
(Proposed Amendment)

815 KAR 45:015. Aid to fire departments.

RELATES TO: KRS 17.210, 136.392

PURSUANT TO: KRS 17.250

NECESSITY AND FUNCTION: KRS 17.250 requires the State Fire Marshal to allot funds to local volunteer fire departments in order to promote better fire protection through better facilities and equipment. This proposed regulation sets out standards and procedures for determining the amount or use of volunteer fire department aid.

Section 1. Definitions. (1) Certified firefighter. For the purpose of these regulations shall be one who has received at least 150 hours of certified fire training as recognized by the Commission on Fire Protection Personnel Standards and Education and receives

at least twenty (20) hours certified training annually thereafter.

(2) Certified training. For the purpose of these regulations means firefighter training given or verified by a certified instructor and approved and recorded by the commission.

(3) Commission. For the purpose of these regulations means the Commission on Fire Protection Personnel Standards and Education established pursuant to KRS 95A.020.

(4) Fire apparatus. For the purpose of these regulations means an operational truck type vehicle, equipped with a pump of sufficient capacity to fight fires and with sufficient space to carry hose and other firefighting equipment.

(5) Full-time paid firefighter. For the purpose of these regulations means individuals who work for a salary a minimum of 2,080 hours per year as an employee of a fire department or fire protection district.

(6) Volunteer fire department. For the purpose of these regulations means a fire department which has a membership consisting of less than fifty (50) percent of its members being full-time paid firefighters and the remaining number being volunteer firefighters.

(7) Newly formed department. For the purpose of these regulations means a department which has organized to the point of having at least twelve (12) members and a chief, having either in their possession or on order an operational fire apparatus. They shall also have funds, equipment, land and buildings of such sufficient value made available to the newly formed fire unit from any source whatever for the year in which the allotment is to be made to match or exceed the amount of the aid allotment.

Section 2. Eligibility. (1) The State Fire Marshal shall allot on an annual basis (August 1 through September 30) an equal share of the funds accruing to and appropriated for volunteer fire department aid to all eligible departments.

(2) To qualify to receive aid under the Volunteer Fire Department Aid Law, volunteer fire departments in cities of all classes, fire prevention districts organized pursuant to KRS Chapter 75, county districts established under authority of KRS 67.083 and all other organized volunteer fire departments operated and maintained on a nonprofit basis in the interest of the health, safety, prosperity and security of the inhabitants of the Commonwealth must maintain at least twelve (12) firefighters, a chief and at least one (1) operational fire apparatus.

(3) Any fire department or entity eligible for and receiving funding pursuant to these regulations shall have a minimum of fifty (50) percent of its personnel certified as recognized by the Commission on Fire Protection Personnel Standards and Education.

(4) Each fire department shall furnish the Office of State Fire Marshal an update list of active firefighting members of the fire department by the 31st of July each year so that the fifty (50) percent certification requirement can be checked.

(5) To be eligible to receive funds, a newly formed fire department must have at least twelve (12) firefighters, a chief and at least one (1) operational fire apparatus or one (1) on order. They must have fifty (50) percent of their membership with at least one-half (1/2) of their

training hours toward certification by July 31 within their first year of existence and plans to receive the balance of the required hours for certification within the second year of their existence. Each year thereafter, they shall meet the requirements of the commission to retain certification.

(6) New members on the active list of an established department receiving funds will not count in the fifty (50) percent requirement set forth in subsection (3) of this section. These new members must receive one-half (1/2) (i.e., seventy-five (75) hours) of their training towards certification within their first year of membership and the balance within the second year. Each year thereafter, the established department and all members shall meet all the requirements of the commission to retain certification.

Section 3. Participation Requirement. (1) It shall be the responsibility of the Chief Officer or his appointed representative of each department to [of] furnish any information required by the Fire Department Aid Coordinator for determination of eligibility.

(2) Any volunteer fire department seeking aid pursuant to the authority of KRS 17.250 shall file an application on blanks which may be obtained from the Office of the State Fire Marshal.

(3) Such applications shall be executed in duplicate, one (1) copy to be retained by the applicant and the original to be forwarded to the State Fire Marshal.

Section 4. Verification and Inspection. (1) The application for aid shall contain or have attached thereto a detailed statement of the equipment to be purchased, repairs to be made, or other purposes for which the allotment is to be expended and such other information as the State Fire Marshal may require to give proper consideration to the request.

(2) Where a new department is being established, there shall be furnished with the application additional information as to the territory to be served and plans and specifications for the establishment of the department.

(3) The Fire Department Aid Coordinator shall, upon receipt of the application, advise the State Fire Marshal as to the validity of the qualifications and approval for grant-in-aid.

(4) The State Fire Marshal or the Fire Department Aid Coordinator or their representative may make an inspection of the applicant's department to determine comparative needs within the department before allotment is made.

Section 5. Processing Applications for and Expenditure of Aid. (1) No allotment may be expended for any purpose other than that for which it is approved without the approval of the Fire Department Aid Coordinator.

(2) If approved allotment is insufficient to cover cost of equipment or other approved purpose, funds granted for any fiscal year may be deposited in any bank legally authorized by applicant, to be held for a period not to exceed five (5) years from the initial request. If additional time beyond the five (5) years is needed, a written request shall be made to the Fire Department Aid Coordinator giving reasons

why additional time is needed. This shall be held in a special and separate bank account marked Fire Department Aid.

(3) If an allotment is granted to a department and is not to be used for purchase of equipment for which it [is] was granted, the chief of the department shall:

(a) Contact the Fire Department Coordinator directly giving reason why he wishes to make a change in the original equipment list;

(b) Resubmit a new equipment list which is to be approved by the State Fire Marshal; or

(c) Refund the grant-in-aid allotment.

(4) Amounts expended for expenses of firemen in attending fire related school or classes shall not exceed \$200 for any one (1) department. This shall be an item entered on your regular equipment list.

(5) When expenditure is made of any allotted funds, copies of receipted bills shall be forwarded (by the 31st of December of the current fiscal year) to the Fire Department Aid Coordinator and after his approval shall be forwarded to the State Fire Marshal. If grant is to be used toward the retirement of a preexisting debt for purchase of land, buildings or equipment, proof of such expenditure in the form of affidavit or cancelled note shall be furnished the State Fire Marshal. Any false statements made knowingly by an applicant shall call for refund of grant monies and prosecution under existing statutes.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: April 20, 1988

FILED WITH LRC: May 13, 1988 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 21, 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 June 16, 1988, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: No financial impact 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 reporting or paperwork will be necessary.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No financial impact involved.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional paperwork involved.

(3) Assessment of anticipated effect on state and local revenues: No affect on state or local

revenue is anticipated.

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

(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: No legislation in conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None in conflict.

(6) Any additional information or comments: This amendment allows new firefighters in an established fire department to have two years to certify like a new department without restricting the fire department's eligibility for state aid. No additional cost is involved because the fund is divided evenly according to need.

TIERING: Was tiering applied? Yes

LOCAL MANDATE IMPACT STATEMENT

SUBJECT/TITLE: Aid to fire departments.

SPONSOR:

NOTE SUMMARY

LOCAL GOVERNMENT MANDATE: No.

TYPE OF MANDATE:

LEVEL(S) OF IMPACT: City, county, urban county government.

BUDGET UNIT(S) IMPACT: Fire departments.

FISCAL SUMMARY:

MEASURE'S PURPOSE: Provides funds to local volunteer fire departments in order to promote better fire protection through better facilities and equipment. Sets out standards and procedures for determining the amount or use of volunteer fire department aid.

PROVISION/MECHANICS:

FISCAL EXPLANATION:

PUBLIC PROTECTION & REGULATION CABINET

Department of Housing, Buildings, & Construction

Office of State Fire Marshal
(Proposed Amendment)

815 KAR 45:030. Fire protection instructors' qualifications and certification.

RELATES TO: KRS 95A.040(2)(b)

PURSUANT TO: KRS 95A.050(3)

NECESSITY AND FUNCTION: KRS 95.040(b) authorizes the commission to certify fire protection instructors. This regulation sets forth the prerequisite for and justification of those instructors.

Section 1. Definitions. The definitions of terms set forth in 815 KAR 45:020 shall apply to this regulation, unless otherwise stated.

Section 2. Requirements for Certification of Fire Protection Instructors. An individual may be certified by the commission as a fire protection instructor if satisfactory written evidence is provided to the commission that he or she:

(1) Is qualified by the following:

(a) Is a high school graduate or equivalent; and

(b) Is a certified firefighter (paid or volunteer); and

(c) Has four (4) years firefighting

experience; and

(d) Has completed an instructor training course based on the objectives of NFPA 1041, and conducted:

1. By the Kentucky Department of Education; or

2. By a Kentucky college or university; or

3. At Kentucky State Fire School; or

4. By the National Fire Academy or a government entity authorized by the NFA to train within its own local jurisdiction and approved by the commission; or

(2) Holds a valid teaching certificate issued by the Kentucky Department of Education and is a certified firefighter; or

(3) Is a full-time instructor or faculty member of an institution of higher education in Kentucky, teaching in a fire science or fire technology curriculum; or

(4) Holds a valid instructor's certificate issued by an out-of-state fire training agency and approved by the commission.

(5) Any individual who fails to qualify as an instructor under subsection (1) of this section may make application through the commission to the program eligibility review committee who will review the application, including any documentation they may require, and make recommendations on certification to the full commission; however, certification may be restricted only to the subject area the individual is qualified to instruct.

Section 3. Certification Term, Revocation, Renewal. (1) Certification of an instructor shall be made for a period of five (5) years, unless the commission determines sooner that the certification should be revoked.

(2) The commission may revoke a certification if it finds, after giving the holder an opportunity to be heard, that there was a material misstatement or misrepresentation in any document furnished the commission to obtain the issuance or renewal of a certification, that the holder has not engaged in fire service training and instruction activities for one (1) year, or that the holder has not been in active service in any fire department for a period exceeding six (6) months.

(3) The commission may issue a five (5) year renewal certification for any instructor by written application for renewal.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: April 20, 1988

FILED WITH LRC: May 13, 1988 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 21, 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 June 16, 1988, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: No financial impact 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 reporting or paperwork will be necessary.
- (2) Effects on the promulgating administrative body:
 - (a) Direct and indirect costs or savings: No financial impact involved.
 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 or local revenue is anticipated.
 - (4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative appropriate.
 - (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: No legislation in conflict.
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None in conflict.
 - (6) Any additional information or comments: This amendment is intended to provide experts in certain fields to be able to teach firefighters in case they do not meet the full requirements to teach all levels of instruction. No cost involved.

TIERING: Was tiering applied? Yes

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings, & Construction

Office of State Fire Marshal
(Proposed Amendment)

815 KAR 45:035. Education incentive.

RELATES TO: KRS Chapter 95A

PURSUANT TO: KRS 95A.240

NECESSITY AND FUNCTION: KRS 95A.240(1) authorizes the Commission on Fire Protection Personnel Standards and Education to issue such regulations as are necessary to properly administer the Professional Firefighters Foundation Program Fund. This regulation establishes the procedures and criteria which shall be utilized to determine the eligibility of local governments and individual firefighters to share in the fund.

Section 1. Definitions. As employed in the Kentucky Professional Firefighters Program Fund administrative regulations, the following words and phrases have the following meanings:

- (1) "Allowable sickness, injury or other medical causes" for the purpose of this regulation shall mean reasons for which time off the job is granted by the local government for sickness, injury, or other medical causes.
- (2) "Annual salary" means base pay for forty (40) hours and any required scheduled overtime.
- (3) "Certified training" means firefighter training given by a certified instructor and approved and recorded by the commission.
- (4) "Commission" means the Commission on Fire

Protection Personnel Standards and Education established pursuant to KRS 95A.020.

(5) "Department" means the Department of Housing, Buildings and Construction.

(6) "Fiscal year" means the period July 1 through June 30 of each twelve (12) month period.

(7) "Full-time firefighters" means individuals who work a minimum of 2,080 hours per year as a member of a fire department or fire protection district. This definition is intended to cover jobs involving the suppression, investigation, inspection and prevention of emergency situations, but does not include public safety officers or any peace officer who has responsibility for the prevention and detection of crime other than arson.

(8) "Fund" means Professional Firefighters Foundation Program Fund.

(9) "Incentive pay" means monies from the fund used to supplement compensation paid to full-time paid firefighters.

(10) "Leave of absence" for the purpose of this regulation shall mean a leave granted by the local government by which the firefighter is employed.

(11) "Local government" means any city or county, or any combination thereof, or urban county government of the Commonwealth, including airport boards thereof.

(12) "Member," for purposes of determining initial eligibility under the fund, shall mean an individual who has completed a 200-hour basic training course if hired prior to July 15, 1982 or a 400-hour basic training course if hired on or after July 15, 1982 in fire suppression, extinguishment and self-protection as approved by the commission and whose job position is such that the individual may be subject to responding to an emergency situation at the direction of the fire chief. This definition is intended to cover jobs involving the suppression, investigation, inspection and prevention of emergency situations. Janitorial, maintenance, and clerical personnel are specifically exempted from this definition.

(13) "Professional firefighter" means any sworn member of a paid municipal fire department organized under KRS Chapter 95 or a fire protection district organized under KRS Chapter 75, or a county fire department created pursuant to Chapter 67.

(14) "Scheduled overtime" means those working hours required beyond forty (40) hours a week in order to meet the requirements of KRS Chapter 95 concerning firefighters working hours.

(15) "Total annual compensation" means the base pay, including longevity, plus scheduled overtime.

Section 2. Eligibility. Each local government which meets the following requirements shall be eligible to participate and share in the distribution of funds when it has made application on forms prescribed by the commission and the commission has determined that the local government has met the eligibility criteria. Those criteria are:

- (1) Employs one (1) or more full-time firefighters.
- (2) Pays a minimum annual salary of \$8,000.
- (3) Maintains as a minimum educational requirement, for anyone newly employed as a firefighter after August 1, 1980, high school graduation or its equivalent.
- (4) Requires all firefighters employed on or

after July 15, 1982 to successfully complete within one (1) year of the date of employment a basic training course of a minimum of 400 hours as mandated by the commission as to subject matter and number of hours for each subject at a school or by a method certified or recognized by the commission.

(5) Local units which have not previously participated in the fund shall require all firefighters who have been employed for at least one (1) year by the local unit on the date of initial participation to have completed a basic training course certified or recognized by the commission of at least 400 hours duration. All firefighters employed less than one (1) year prior to or hired after the date of initial participation shall complete the basic training within one (1) year of the date of employment as required for participating local units.

(6) Requires all firefighters to successfully complete in each calendar year an in-service training program appropriate to the firefighter's rank and responsibilities of at least 100 hours duration at a school or through a method certified or recognized by the commission.

(7) The commission shall review the qualifications of firefighters employed by local units after the effective date of this regulation, to determine the basic training, if any, which the firefighter may be required to successfully complete prior to being eligible to participate in the fund.

(8) Requires compliance with all rules and regulations issued by the commission to facilitate the administration of the fund and further the provisions of KRS Chapter 95A.

(9) Requires compliance with all provisions of law applicable to local firefighters.

(10) Any firefighter who does not possess a high school degree or its equivalent and who has been deemed eligible to participate in the fund pursuant to KRS Chapter 95A who terminates firefighter service forfeits such eligibility and must meet the minimum educational requirement to reparticipate in the fund.

(11) Any firefighter who possesses sufficient training to meet the basic training requirements established by the commission and who terminates or is granted a leave of absence from firefighter service for a period exceeding one (1) year (365 days) forfeits such eligibility and must meet the minimum training requirements to reparticipate in the fund. If his separation or leave of absence does not exceed one (1) year, he shall be considered eligible for participation in the fund.

(12) Should an individual firefighter be off duty due to allowable sickness, injury, or other medical cause in his/her first year of employment, he/she shall have an additional amount of time equal to the required time off to acquire the balance of his initial 400 hours of required training or after the first year of his/her 100 hours of required training to maintain his/her eligibility.

(13) A copy of the high school diploma or GED certificate for each firefighter where required must be maintained by the local unit and must be available for review by appropriate commission personnel.

(14) If, after having successfully completed a certified basic training course, a firefighter transfers from one (1) participating local unit to another, he shall be eligible to receive

payments from the fund providing he continues to meet the requirements of the fund as set down by the commission.

(15) If a firefighter transfers from one (1) fire department to another, paid or volunteer, all certified training received by him/her shall be recognized by the fire department to which he/she transferred and shall be considered toward his/her eligibility for participation in the fund.

Section 3. Participation Requirements. (1) Beginning July 1, 1982, an eligible local government shall be entitled to receive annually an incentive of \$2,500 for each qualified professional firefighter it employs.

(2) Each qualified professional firefighter, whose local government receives an incentive pursuant to subsection (1) of this section, shall be paid by that local government the incentive which his qualifications brought to the local government. The incentive paid each qualified firefighter shall be in addition to his regular salary.

(3) Participation in the Professional Firefighter's Incentive Pay Program during the first fiscal year of the program's existence (January 1 - June 30, 1981) shall require that application be made to the commission within the dates of August 1, 1980 through October 20, 1980. Thereafter, application must be made annually by local governments for new or continued participation. Applications shall be accepted from February 1 through April 30 of each year. Local governments failing to make application within the specified dates shall not be considered for participation until the next application filing period.

(4) The commission shall determine which local governments are eligible to share in the fund and may withhold or terminate payments to any local government that does not comply with the requirements of KRS Chapter 95A or the rules and regulations issued by the commission thereunder.

Section 4. Local Use of Funds. Funds made available to local governments shall be received, held and expended in accordance with the provisions of this act, any rules and regulations issued by the commission, and the following specific restrictions:

(1) Funds provided shall be used only as a direct monetary incentive to firefighters' compensation.

(2) Funds provided shall be used only to compensate firefighters who have complied with Section 2(3), (4), and (6) of this regulation.

(3) Each firefighter shall be entitled to receive the state incentive which his qualifications brought to the local government.

(4) Funds shall not be used to supplant existing salaries or as a substitute for normal salary increases periodically due to a firefighter.

(5) No firefighter shall receive monies from this fund for employment with more than one (1) employer and in no instance shall receive dual payment.

Section 5. Certification of Funds. The Department of Finance, on the certification of the commission, shall draw warrants as specified on the State Treasury for the amount of the fund due each eligible local government. Checks shall be issued by the State Treasurer and transmitted

to the commission for distribution to the proper officials or participating local governments which have complied with the provisions of KRS Chapter 95A and this regulation. Beginning January 1, 1981, and on the first day of each month thereafter, the share of each eligible local unit shall be distributed from the fund.

Section 6. Available Funds. (1) If funds appropriated by the General Assembly and otherwise made available to the fund are insufficient to provide the amount of money required by Section 3(1) of this regulation, the commission shall make a uniform percentage reduction in the allotment of funds available.

(2) Funds appropriated by the General Assembly and unexpended by the commission at the close of the fiscal year for which the funds were appropriated and otherwise made available to this fund pursuant to KRS 136.340 to 136.400, KRS Chapter 42 and KRS 95A.220 shall not lapse but shall be carried forward into the following fiscal year.

Section 7. Transmittal of Funds. (1) Request for funds by the local unit shall be submitted to the department not later than thirty (30) days prior to the beginning of the month in which the funds are to be expended.

(2) The department shall mail fund checks by the first day of each month to all local units which have filed timely requests for funds.

(3) The local unit shall acknowledge receipt of funds to the department on forms provided for that purpose.

Section 8. Local Unit Distribution of Funds.

(1) The local unit shall include the incentive compensation paid to each firefighter from the fund as a part of the firefighter's salary in determining all payroll deductions.

(2) The local unit shall provide each firefighter with a check stub or separate receipt upon which the gross amount of incentive funds paid to the firefighter is identified.

(3) The local unit shall disburse incentive funds during the month for which the funds are requested.

(4) The local unit shall maintain records to document that each firefighter devotes sufficient hours performing firefighter's duties and training to qualify him for incentive funds consistent with his annual salary.

Section 9. Quarterly Reports. (1) Each participating local unit shall submit quarterly reports to the department within fifteen (15) days of the close of the quarter falling on March 31, June 30, September 30 and December 31 of each year.

(2) The quarterly report shall include the name, rank, social security number, date of employment, annual compensation and the amount of incentive funds received for each firefighter and any other information specifically requested on the respective quarterly report form.

Section 10. Local Audits. (1) The local unit may be audited by the department pursuant to established procedures.

(2) For audit purposes, the local unit shall maintain accurate financial records. Such records shall include, but are not limited to, books of original entry, source documents supporting accounting transactions, the general

ledger, subsidiary ledgers, personnel and payroll records, cancelled checks and any related document and record.

(3) These records shall be retained by the local unit until destruction is authorized by the commission.

Section 11. False or Fraudulent Statements.

(1) Any person who knowingly or willfully makes any false or fraudulent statement or representation in any record or report to the commission under KRS Chapter 95A or this regulation shall cause the unit of government which he represents to become ineligible for further funds and that unit of government may be responsible for the return to the State Treasury of those funds which were received through these false or fraudulent statements or representations. Eligibility can be reestablished by submitting a new application as outlined in Section 2 of this regulation after settlement has been completed to the satisfaction of the commission.

(2) Any person who knowingly or willfully makes a false or fraudulent statement or representation in any record or report to the commission under this act shall be fined not less than \$100 nor more than \$500 or imprisoned for not less than thirty (30) days nor more than one (1) year or both.

Section 12. Appeals. (1) No decision of the commission which negatively affects the eligibility of a firefighter to be a recipient of the fund shall be final until said firefighter shall have been afforded an opportunity to be heard on the matters.

(2) An appeal may be taken from a final decision of the commission to withhold or terminate payment from the fund to any local government. Said appeal shall be to the circuit court of the circuit where the controversy originated.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: April 20, 1988

FILED WITH LRC: May 13, 1988 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 21, 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 June 16, 1988, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: No financial impact 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.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No financial impact involved.

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 affect on state or local revenues.

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

(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: No conflicting legislation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: No conflicting legislation.

(6) Any additional information or comments: This regulation only deals with one category of recipient, that is, full-time firefighter, who all receive the same benefits, based on the same qualifying criteria. Firefighters who are not full time are not eligible to receive these payments. The amendment merely clarifies the categories eligible recipients for incentive pay.

TIERING: Was tiering applied? Yes

LOCAL MANDATE IMPACT STATEMENT

SUBJECT/TITLE: Education incentive.

SPONSOR:

NOTE SUMMARY

LOCAL GOVERNMENT MANDATE: No.

TYPE OF MANDATE:

LEVEL(S) OF IMPACT: City, county, urban county government.

BUDGET UNIT(S) IMPACT: Fire departments.

FISCAL SUMMARY:

MEASURE'S PURPOSE: To administer the professional firefighters foundation program fund and establish the procedures and criteria to determine eligibility of local governments and individual firefighters to share in the fund.

PROVISION/MECHANICS:

FISCAL EXPLANATION:

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 May 15 [April 15] 1988, edition of the "Oakwood Policy Manual" consisting of three (3) volumes relating to the operation of Oakwood ICF-MR Facility are hereby adopted by

reference.

Section 2. Hazelwood Policy Manual. The policies and procedures set forth in the May [April] 15, 1988, edition of the "Hazelwood Policy Manual" consisting of one (1) volume [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 May [April] 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 May [April] 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 May [April] 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 1 - Oakwood Policy Manual

Vol A1 - DST-0-3 - Clarifies procedure for calling the physician on emergency restraints.

Section 2 - Hazelwood Policy Manual

Vol 1, Sec A, 4.3 - Number 6 has been added on research projects.

Section 4 - Eastern State Hospital Policy Manual

Vol D, #19 - Page 11 - Procurement and Distribution of Clothing, Shoes, etc. - changed so that the pickup of clothing in Admissions is twice per day instead of once. #3 has been changed in this same section to make Nursing instead of Clothing Clerk responsible for checking in Clothing Room to obtain clothes for patient.

Page 15, regarding Quality Assurance Program, has been changed: #4 now states they will submit a monthly report instead of quarterly.

Section 5 - Central State Hospital Policy Manual

Vol E1, Section B No. 3 - Delete the old B No. 3 and add the new "Hospital Policies & Procedures". This policy will serve as a frame of reference for communication.

No. 8 - Patient Abuse & Form - revised policy & form - to update with new hospital director's signature.

No. 16 - News Media & Employees - revised policy - to update with new hospital director's signature.

Sec D No. 1 - Medical Staff Bylaws - revised bylaws - add pages 12, 13, & 14.

Section G No. 1 - Nursing Service - add revised policy - Procedure #4 was added.

No. 4 - Continuing Education - remove old policy and add revised policy & form - under procedure #3. A new sentence was added and #5 & 6 from the old policy have been deleted.

No. 6 - Organizational Nursing Dept. Structure - changes were made under Procedure #1 to add Infection Control Nurse and Employee Health Nurse in with the organizational structure. Assistant Director of Nursing has been deleted on page 2. Ward Clerk has been changed to read Unit Clerk, and Employee Health Nurse has been added.

No. 10 - Cardiopulmonary Resuscitation (CPR) - a new policy to be added to the Nursing Services Section, to alert all physicians & nurses that they shall be certified as competent in the "Basic Life Support" Course of CPR training.

Section P No. 1 - Food Production Services - add revised policy - changes made to cover the

nutritional services and to assure that quality nutritional care is provided to patients.

Section Q No. 1 - Electroencephalograph Services - add revised policy - no changes were made except to update with new hospital director's signature.

No. 2 - Neurological Examinations - remove old policy & add revised policy - update new hospital director's signature.

Section S No. 1 - Environmental Services Dept. - remove old policy & add revised policy - Housekeeping Services has been changed to Environmental Services Department. This policy was revised to include all the responsibilities of the Environmental Service Dept. and to maintain the highest standards to serve all buildings of the Central State Hospital campus.

Section V No. 1 - Mission & Scope of Dept. - remove old policy and add revised policy - only changes were to change the format from the old policy and put in numerical order.

No. 2 - Maintenance Work Order Procedure - remove old policy & add revised policy - no changes other than changing the format and update the date and hospital director's signature.

Section AA No. 1 - Radiology Services - remove old policy & add revised policy - format changed and new procedures were added.

Section BB No. 4 - Automobile Decals - new policy to be added as this policy was deleted from the treatment section.

Section HH No. 2.40 - Legal - Patient Refusal to take Medication or Participate in any other Treatment - remove old policy & add revised policy - changes made were in procedure No. 7 - deleted (See Chemical Restraint Policy) and in deleted Procedure No. 8.

No. 4.10 - Discharge AMA (Against Medical Advice) - remove old policy & add revised policy - procedure #5 was rewritten to state that the "physician informs the patient of the risk involved and then the patient and/or family or guardian signs the Release Against Medical Advice." Procedure #6 was rewritten as follows: "Two witnesses, one of which must be the physician who discharges the patient, must sign the AMA form." Procedure #7 was rewritten as follows: "The physician documents on the Progress Notes why the patient is leaving AMA."

No. 4.30 - Discharge Prescriptions - remove old policy and add revised policy - this policy was changed to allow physicians to write prescriptions for sufficient amount of drugs to patients who are being discharged to rural areas where they cannot be seen by a psychiatrist within a two-week period.

No. 5.10 - Code One Emergency - remove old policy and add revised policy - Updated to delete the old building numbers and place the correct units' numbers. Under Procedure #3(a) and (b)(c)&(d), #7A and B were added to specify general Code One Response to each unit and update the units of the post emergency measures.

No. 5.45 - Emergency Services - new policy written to outline to staff the reasonable care needed in determining whether an emergency exists.

No. 6.75 - Mechanical/Physical Support - new policy to specify the mechanical/physical supports and how they will be utilized to assist patients with individual functioning.

No. 7.10 - Patients' Rights - remove old policy and add revised policy - in the policy section an addition was made to add (KRS Chapter 202A.170, 202A.180, 202B.060, 902 KAR 12:020). Under procedure No. 10, 8th sentence the words "reasons for the restriction documented in the patient's chart", and No. 15 was added to this policy.

No. 7.20 - Human Rights Committee - remove old policy and add revised policy - only change was in Procedure #4 - Human Rights Committee complaint Form was changed to read "Human Rights Committee Grievance Form."

No. 8.10 - Acceptable Initials & Abbreviations - add Page 16 to this policy - this is an additional list of treatment & diagnosis and commonly written in patients' histories and Progress Notes.

No. 9.20 - Community Life - remove old policy and add revised policy - policy section was changed to read "Community Life Meetings are held on the treatment units at selected times" and under Procedures No. 1(a) through (e) have been added along with No. 2 and No. 3, to include these meetings are a vital part of the Milieu Therapy Program.

No. 10.10 - Guidelines for Management of Alcohol Withdrawal Syndrome - remove old policy & add revised policy to make major changes in the details and use of drugs to treat alcohol withdrawal.

Section HH No. 10.25 - (ECT) - remove page 1 & 2 and add revised Pages 1 & 2 - only change was to delete NOTE; Remind M.D. to incorporate this in a progress note on page 2 and also on page 2 under II A. (1) the words "or 8 hours preceding treatment" were added.

No. 10.43 - Reporting of Adverse Drug Reactions - new policy added to comply with standards of JCAHO and to define, report and review of all significant adverse drug reactions.

E-5 - Dietary Manual

Add Sections P 1, 2 and 3 in the Dietary Manual. The new policies outline in general the mission, objectives and general procedures for Dietary Services.

E-14 - X-Ray Manual

Remove the entire content of your X-Ray Manual and add the revised manual. A new cover sheet needed was added and an update of the staffing in the X-Ray Department. The changes for Radiological Services were made to meet Joint Commission on the Accreditation of Hospital Organization (JCAHO) standards.

Deletions to be made from Volume E I and E II Hospital Manuals

<u>Policy to be Deleted</u>	<u>Sect. & No.</u>	<u>Replace By</u>
<u>Automobile Decals</u>	<u>B 24</u>	<u>BB No. 4</u>
<u>PBX Section</u>	<u>DD 1</u>	
<u>Transportation</u>	<u>EE 1</u>	
<u>Transportation Via Ambulance or EMS</u>	<u>EE 2</u>	<u>(BB Nos. 1, 2, & 3)</u>
<u>Search Procedure for CSH Adms.</u>	<u>HH 1.80</u>	<u>BB No. 1</u>
<u>72-Hour Emergency Hospitalization</u>	<u>HH 1.82</u>	<u>HH No. 2.10</u>
<u>Referrals to Beautician</u>	<u>HH 1.95</u>	<u>H No. 3</u>
<u>Legal Criteria for Involuntary Hospitalization</u>	<u>HH 2.20</u>	<u>HH Nos. 2.30 & 2.32</u>
<u>Emergency/Non-emergency Services</u>	<u>HH 2.88</u>	<u>HH No. 5.45</u>
<u>Death of Patient - Form Only</u>	<u>HH 3.10</u>	
<u>Sudden Death of Patients & Form</u>	<u>HH 3.20</u>	<u>HH 3.10-(incorporated) P No. 3</u>
<u>Diet Orders</u>	<u>HH 3.30</u>	
<u>Dietary Referrals & Guidelines</u>	<u>HH 3.40</u>	<u>P No. 4</u>
<u>Discharge AMA (Form Only)</u>	<u>HH 4.10</u>	
<u>Patient Taken Out of Hospital by Visitors</u>	<u>HH 4.55</u>	<u>HH Nos. 2.10 & 4.50</u>
<u>Placement in Long-term Care Facilities</u>	<u>HH 4.60</u>	<u>Soc. Workers Dept. Manual</u>
<u>Emergency Admission to HHU</u>	<u>HH 4.90</u>	<u>HH No. 5.45</u>
<u>Cardiopulmonary Resuscitation</u>	<u>HH 5.50</u>	<u>G No. 10</u>
<u>Release of Information</u>	<u>HH 5.40</u>	<u>HH No. 5.45</u>
<u>Emergency Situation</u>		
<u>Calling Security</u>	<u>HH 6.10</u>	<u>BB No. 1</u>
<u>Padded Head Guard</u>	<u>HH 6.30</u>	<u>HH No. 6.70</u>
<u>Use of Canvas Jacket</u>	<u>HH 6.50</u>	<u>HH No. 6.70</u>
<u>Restraint (Strait Jacket)</u>		
<u>Procedure for Mechanical Restraint and Form</u>	<u>HH 6.70</u>	<u>HH No. 6.70</u>
<u>Progress Notes (Forms Only)</u>	<u>HH 8.60</u>	
<u>Therapy Progress Notes</u>	<u>HH 8.70</u>	<u>HH No. 8.60 & 9.51</u>
<u>Activity Therapy</u>	<u>HH 9.10</u>	<u>H No. 2</u>
<u>Referral Procedures</u>		
<u>Current Events</u>	<u>HH 9.25</u>	<u>HH No. 9.20</u>
<u>Occupational Therapy</u>	<u>HH 9.45</u>	<u>H No. 5</u>
<u>Patient Education Class</u>	<u>HH 9.48A</u>	<u>HH 9.48</u>
<u>Medication Education</u>	<u>HH 9.49</u>	<u>HH 9.48</u>
<u>Recreational Therapy</u>	<u>HH 9.50</u>	<u>H No. 2</u>
<u>Treatment Team Meeting</u>	<u>HH 9.65</u>	<u>No longer applies</u>
<u>Obtaining Adequate & Accurate Information About Women Patients' Birth Control Methods</u>	<u>HH 10.15</u>	<u>HH 10.30</u>
<u>ECT (Only 2 forms)</u>	<u>HH 10.25</u>	
<u>Use of Oral Contraceptives in Pt. Treatment (Form Only)</u>	<u>HH 10.30</u>	
<u>Ward Maintenance</u>	<u>HH 12.00</u>	<u>HH Nos. 9.55 & 9.55A</u>

Section 6 - Western State Hospital Policy Manual

Vol F9 - Nursing Service Employee Handbook - add new table of contents

Section I - Philosophy and Objectives - rewritten to reflect goals according to accreditation standards.

- Standards section revised to currently acceptable practices according to licensing and accrediting agencies.

- Organization Chart reflects Nurse Consultant position.

- Floor plan shows new ward numbers.

Section II - Dress code for Nursing Employees. This policy is changed to allow employees of Infirmary and Extended Care to wear regular street clothing.

Policy No. 25: License Validation of Registered Nurses and Licensed Practical Nurses. Revised Policy to more clearly state the procedure for validating licenses both on new employees and for biannual validation. Required by JCHO nursing standards.

Policy No. 26: Employee Knowledge of Fire Procedures.

Added that employees must carry ward key and fire alarm key to assure doors to wards could be unlocked during fire.

Policy No. 27: Work Plan Performance Ratings - Title changed to Performance Evaluations and policy changed to reflect current Department of Personnel policies regarding Employee Evaluations.

Policy No. 29: Hospital Keys - Added procedure requiring employees to carry ward key and fire alarm key at all times when on duty for patient safety in event of fire.

Policy No. 30: Use of Annual Leave and Sick Time Hours - Title changed to Use of Annual Leave and Sick Time in Minutes. Policy changed to show current Department of Personnel policy for use of time in minutes.

Policy No. 35: In-service Education - Procedure changed to allow Head Nurses to schedule in-service attendance for greater flexibility in scheduling.

Section III - Job Description for Nursing Service/Western State Hospital
Added job descriptions for:

Nurse Clinician
Employee Health/Infection Control Nurse
Barber
Cosmetologist
Radiographer

to have in manual all job descriptions according to Nursing Organizational Chart.

[Section A - Oakwood Policy Manual

Vol II - DST - 1-5-11C Instructions to Follow in Case of Adverse Weather Conditions

This updates and clarifies procedures for adverse weather conditions

Section B - Hazelwood Policy Manual

F9 - Attach this list of abbreviations to policy F9

E 14.3 - a new Pastoral Services Fund policy to be added to specify how gifts and money are to be used.

Also attached is a new index for Section E.

Section D - Eastern State Hospital Policy Manual

D1, Sec 1, 22, 22A and 22B - Employee Health Screening Program - This replaces previous policy in Section 1. This policy has been revised to reflect the following changes:

a) The VDRL will no longer be included in the initial screening.
b) Hepatitis B Screening is being offered as an option to employees on both initial screening and annual screening. It will, however, be mandatory for Dental and Laboratory employees.
c) The annual screening will include an update of health questionnaire, PPD or Chest X-Ray, and hepatitis profile on any employee who has not undergone testing (optional except for Lab and Dental). If the employee requests blood and urine testing at time of annual screening, a CDC, Urinalysis, and Chem-12 with Triglycerides will be done.

D1, Sec 2, Pg. 46 - Handling and Disposal of Contaminated Wastes - This is a new policy on how contaminate waste is handled.

D1, Sec 2, Pg. 47 - Universal Blood and Body Fluid Precautions - This is a new policy to be given to all employees and included in the Orientation Program.

D6 - Security - a security manual is attached with the following revisions:

1) Change "Administrator" to "Director of Administrative Services" throughout.

2) Page 2 - Hospital Security - include: "24 hr. car and foot patrol". "Officers present to assist with quality care in a therapeutic environment". "Good public relations necessary". "Must present a positive image for patients, visitors, and employees especially at the facility entrances". "The officers shall be available and visible at all times, especially on the 2nd and 3rd shifts". "The officers shall be available for immediate response to all emergency codes and ready to offer necessary assistance". "All prospective officers; applications shall be reviewed by ESH Personnel and the Director of Administrative Services prior to employment".

3) Page 3 - Protection of Patients - add: "Security shall be responsible for monitoring pedestrian traffic on/off grounds. This is especially important for the protection of patients entering or leaving grounds and to insure that they have the proper permission in order to leave". "Security shall be available to offer immediate assistance to Admissions as required". Delete: "Security shall supervise the vending room next to the PBX switchboard when in use by patients".

4) Page 6 - Use of Restraints - Add: "Physical restraint is to be used only in a situation where it provides the least restrictive method of patient care".

5) Page 7 - Parking decals - Change to "Decal removed by owner and returned to Security, not Administration". Change to "Personnel Department will notify Security of termination", not "termination form signed by the officer who removes the Decal". Add: "Students, contractors, and other nonemployees may be issued a temporary parking decal".

6) Page 8 - Entrance Gates - Change: Newtown gate to be open 6 a.m. to 9 p.m. daily from 6 a.m. to 6 p.m.

7) Page 9 - Visitors - Revise to conform to current ESH Visitor Policy. Add: "Security shall contact the appropriate department or area prior to allowing visitors or vendors access for official business".

8) Page 10A-B - Parking Regulations - Delete 2 paragraphs under parking heading. Add: "Visitor spaces in front of Wendell Building are enforced until 9 p.m. daily", and "Admission spaces are enforced 24 hrs. daily". "Hospital Director and Director of Administrative Services may authorize towing: Change: 30 minute zone to 2 hr. zone.

9) Page 11 - Taxicabs - Delete: "or glove compartment" for securing any weapon.

10) Page 12 - Pipe Gates - Change time from 9 p.m. to 6 p.m. for closing, Monday through Friday and all hours Saturdays, Sundays and holidays for gate leading to CHR, Administration.

11) Page 18 - Training - Add: Other in-services include: weather levels, Code Blue reaction/response, and dealing with psychiatric patients".

12) Page 21 - Dangerous Weapons - Delete: "A sign located at Admissions which shall alert any person that a search is possible using a metal detector".

Section E - Central State Hospital Policy Manual

E-5 Dietary Manual

Delete Sections 6, 7, 8 and 9 from the Dietary Manual as these policies are already detailed in Section X, Personnel Section of the hospital manual.

E-4 - Administrative Operational Services Manual Behind Section 20 remove the outside security schedule, and add the revised schedules.

E-1 - Policy and Procedure Manual

Section B No. 5 - "Firearms" - Under procedure (1)a the word Switchboard has been changed to Security Office. Admission Officer is the officer responsible for placing a firearm in the safe and removing the firearm.

Section B No. 22 - Public Relations/Hospital Tours - changed to revise date and the hospital director's signature.

Section B No. 23 - Hospital Management Staff Meetings Revised to change titles, to update the management staff list and delete "Laundry Manager" as this no longer exists, and add "Admissions Coordinator".

Section C No. 1 - General Safety, No. 2 - Emergency Preparedness, No. 3 - Fire Warning &

Safety, No. 4 - Safety Devices & Practices, No. 5 - Safety Education, No. 6 - Disposal of Glass Waste, Needles & Syringes, No. 7 - Infectious Waste, No. 8 - Snow or Ice Emergency Plan - are new policies for Section C of the hospital manual. These policies supersede all policies in Section C except for the Fire & Safety Manual which follows Section C No. 1. These policies have been written and/or revised to comply with the 1988 JCAHO Standards.

Section H No. 2 - Activity Therapy Referral Procedures, No. 3 - Beauty Shop, No. 4 - Therapeutic Recreation, No. 5 - Occupational Therapy - These policies were deleted from the Treatment Section and revised to be added to Section H.

Section L No. 1 - Social Services, and No. 2 - Organizational Structure of Social Work Services - These revisions were made to have a more descriptive of the Social Work Services of CSH.

Section P No. 2 - Clinical Nutrition Services, No. 3 - Diet Orders, No. 4 - Dietary Referrals & Guidelines - these policies supersede policies now in Section P. These policies outline in general the mission, objectives and general procedures for Dietary Services.

Sections BB No. 1 - Security Services, No. 2 - Transportation Services, No. 3 - Communications Services - these policies supersede all policies now in sections BB (Security) DD (PBX) and EE (Transportation). These policies outline objectives & operating procedures for Administrative Operational services which carry out the Security, Transportation and Communications. Policies have been written to comply with the 1988 JCAHO Standards.

Section FF No. 1 - Page 1 was changed to read under "AUTHORITY" - to change Department for Health Services to read Department for Mental Health/Mental Retardation Services.

Section HH No. 6.20 - Manpower Emergency - policy revised to specify exactly what to do and how to call Manpower for emergency control of behavior.

Section HH No. 9.12 - Alcohol & Drug Information Class - revised to describe the existence of educational classes and the procedure referral of patients to the classes and keeping recordings of attendance at classes. Most of the personnel are already employed in the hospital and will not be paid extra for this teaching.

Section HH No. 9.48 - Patient Education - revised to provide educational programs as determined by accrediting the licensing agencies, and by current treatment philosophy to give patients maximum experience of learning about their illness and its management in the hospital.

Section HH No. 10.56 - Identification of Patients with Infectious disease - revised policy to update and change the Hospital Director's signature.

E-3 - Activities Therapy Department
Section VI No. D - Supplies Available for Loan from the Activity Therapy Department and Section

VI No. E - Unit Recreational & Diversional Supplies are revised to maintain greater control and accountability of supplies.

E-4 - Administrative Operational Services Manual Section 5 No. 2 - Is added to alert Security to the procedures to be followed when patients are incontinent while in the vehicles.

Section F - Western State Hospital Policy Manual

Vol 26 - Sec II Pharmacy Services Handbook Revised and Approved Signatures for Handbook Manual was reviewed and revised and updated. Remove old sheet and replace with new one.

Philosophy and Purpose

Philosophy and Purpose was rewritten to more closely follow the language of the guidelines set up by the JCAH.

Remove old Philosophy and replace with rewritten copy.

Organization - revised signature and page.

Governing Board Chart

Revised - New position of Director of Clinical Services has been added. This person is on the same level as the Director of Administrative Services and Chief of Medical Staff. The Department of Pharmacy is directly under the director of Clinical Services instead of the Chief of Medical Staff as in the old chart. Remove old chart and replace with new chart.

Pharmaceutical Services Organization Chart

Revised - (1) Pharmacy is now under Director of Clinical services. (2) Pharmacists have changed positions.

Remove old chart and replace with new one.

Job Description - Chief Pharmacist

Rewritten (1) To include responsibility to the director of clinical services (2) To be worded more in accordance with the JCAH guideline. Remove old job description and replace with new one.

Western State Hospital Pharmacy Service Handbook

Job Description - Cheryl Steiner

Name of pharmacist changed in department - Cheryl Steiner replaces Ralph Hudgin. Replace old job description with new one.

Job Description - Charles Weimer

Title of position changed on Mr. Weimer - he is a staff pharmacist and no longer a supervisor. Replace old job description with new one.

Table of Contents

Revised - to include whatever new or deleted policies and procedures are being listed here. Remove old Table of Contents and replace with new one.

Section I - Pharmaceutical Service Organizational Policies

Policy No. 3 - Emergency and On-call Policy

Revised list of pharmacists on call: Cheryl Steiner replaces Ralph Hudgin. Remove old policy and insert new one.

Policy No. 7 - Quality Assurance Program

This policy was completely revised to encompass the QA guidelines set forth by both JCAH and

WSH. There is also a form included which is WSH's Quality Assurance Work Report. This form is filled out quarterly by each department and sent to the QA Coordinator. Remove old policy and replace with new one.

Policy No. 11 - Orientation of Pharmacy Personnel

This is a completely new policy dealing with the orientation of pharmacy personnel. The checklist is also new. This simply states in policy form the functions of the pharmacy department which are taught to all new employees. Insert new policy and checklist.

Policy No. 12 - Infection Control

The Infection Control policy is a new policy in our manual. It identifies the procedures for the cleanest most aseptic way possible to practice pharmacy. Behind this policy is a copy of WSH's Employee Health Program. Insert new policy.

Policy No. 13 - Confidentiality of Patient Records and Information

This is a new policy stating what is expected of all pharmacy employees with respect to the confidentiality of patient records and information. Insert new policy.

Section II

Policy #4 - Pharmacy Transfer Cart Delivery Procedure

This policy has been revised. Procedure #5 is different because those wards listed are now exchanged twice a week instead of once a week. This allows for less cluttered drug drawers and easier administration of medications. Remove old policy and replace with new one.

Policy #5 - Unit Dose Packaging

This entire policy has been revised: (1) To more accurately describe the procedure of our unit dose packaging; (2) To explain packaging of 1/2 tabs; (3) To show our inventory control of in-house packaged unit dose. Remove old policy and replace with new one.

Policy No. 11 - Discharging the Patient

Procedure #1 and #2. This policy has been revised: (1) To bring our policy in line with KRS regulations (2) To more accurately show our procedure. Procedures #3 - #9 Remain the same. Remove old policy and replace with new one.

Policy No. 12 - Filling New Drug Orders

Procedure #5 has been revised to state "by the pharmacist or supervised pharmacy employee...." according to KRS regulations. Remove old policy and replace with new one.

Policy No. 14 - Filling a Patients' Drug Drawer

This policy has been revised to include the new Procedure #8 which deals with checking the date of and discarding opened injectable vials. Remove old policy and replace with new one.

Policy No. 15 - Checking the Patient's Drug Drawer

Procedure #5 was revised to state that both the filler's and checker's initial are recorded on the QA checklist for routine ward filling. Remove old policy and replace with new one.

Policy No. 17 - Consultation for Drug Usage and Information

The only revision in this policy is in Procedure

#3. The committee once known as Infection and Epidemiology Committee is now referred to as Infection Control Committee. Remove old policy and replace with new one.

Policy No. 18 - Antidote Box (List following policy)

The Antidote Box list has been revised to include only and all those items currently recommended by the Poison Control Committee. Remove old list and replace with new one. Policy #18 remains the same.

Policy No. 19 - The Mini Drug Room (List following policy)

New list of drugs in the Mini Drug Room. This list was revised as per the P&T Committee recommendation and some drug names were deleted/added because of generic substitution. Remove old list and replace with new one. Leave Policy #19 as is.

Policy No. 24 - Development of a Facility Formulary

This complete policy has been revised to reflect the newly developed in-house formulary for WSH. Remove old policy and replace with new one.

Policy No. 25 - Formulary Drugs

This policy, reflects the use of our new formulary. Remove old policy and replace with new one.

Policy No. 26 - Emergency Drugs

This policy was revised to include Procedure Nos. 3 and 4 Request forms for nonformulary drugs and the monitoring of use of nonformulary drugs. Remove old policy and replace with new one.

Policy No. 29A - Reporting of Errors in Medications and Treatments

This policy is a copy of nursing's policy on reporting medication and treatment errors which will now be included in our manual to show how an error is reported. Insert copy of policy.

Policy No. 30 - Authorized Personnel Permitted to Receive Medication

Procedure #1 has been revised to qualify the type of nursing personnel which may bring physicians' orders to the pharmacy. Remove old policy and replace with new one.

Policy No. 31 - Specifications of Persons Administering Medications

This is a completely new policy included in our manual to show responsibility of administration of medications. Also included in the current list of licensed nurses. Remove old policy and replace with new one.

Policy No. 35 - Use of Drug Samples

This is a new policy explaining the use of sample drugs in our institution. Insert new policy.

Sec III - IV Admixture

Policy No. 6 - Preparation of IV Admixture Labels. This policy has been revised. Procedure #1 now includes the words "or his/her designee". Pharmacy personnel other than a pharmacist may also prepare IV labels. Remove old policy and replace with new one. Add checklist following policy.

Policy No. 7 - Assembly and Preparation of IV Admixture

Procedure #3 in this policy has been revised to include the swabbing of the laminar desk with isopropyl alcohol. Also, delete the old Procedure Flow Sheet and insert the revised one. Remove old policy and replace with new one. Remove old Flow Sheet and insert new one.

Policy No. 8 - Checking and Labeling the Admixture Bottle

The Procedure #5 in this policy has been revised to include the statement referring to QA Checklist. Remove old policy and replace with new one.

Policy No. 13 - Hours for the Preparation of IV Admixture

The posted hours in Procedure #1 have been revised to say "7:00 AM to 6:00 PM". Remove old policy and replace with new one.

Policy No. 16 - Manufacture of Parenteral Medications

This is a new policy stating that we do not manufacture parenteral medications at WSH. Add new policy to manual.

Section IV - Routine Inspections made by Pharmacy Personnel

Policy No. 1 - Ward Inspection

1. Rational

Procedure #4 has been revised to delete the statement "and sharps being kept in a locked cabinet". Also, take out the old inspection sheet and insert the revised one. This was revised to more specifically show what we check the wards for and to show follow-up.

2. Remove old policy and replace with new one.

Policy No. 3 - Emergency Box Control

This policy has been revised to include Procedure #7 which states that we include inspection of the emergency box in our monthly ward inspections. Also, insert the list of drugs dated August, 1987. Remove old policy and replace with new one. Insert list of drugs following policy.

Policy No. 5 - Control of Schedule II Drugs on the Ward

Insert copies of our Schedule II Drug Requisition Form and Record of Narcotics after Policy No. 5.

Policy No. 6 - Identification, Storage and Disposition of Outdated Drugs

The policy name and the policy statement have been revised to more closely reflect the language of the JCAH guidelines. The procedures are the same. Remove old policy and insert new one.

Section V - Policies for Physicians' Drug Orders

Policy No. 1 - List of Authorized Prescribers.

These are the current lists for authorized prescribers and physicians' license numbers. Please remove the old ones and insert the ones dated January, 1988.

Policy No. 2 - Physicians' Orders for Schedule II Drugs

Procedure #3 on the old policy has been deleted. That statement does not apply in our institution. The rest of the policy is

unchanged. Remove old policy and replace with new one.

Policy No. 5 - Accepted Abbreviations and Symbols on Medication Orders
Please remove old list of abbreviations and insert new one. This was revised by the Medical Staff.

Policy No. 6 - Automatic Stop Orders

1. Rationale

Please remove the old Automatic Stop Order Policy and insert the one revised September, 1987. The Pharmacy and Therapeutic Committee revised this by deleting the #4 statement because pharmacy does not do this - nursing notifies the physician when an order needs renewing.

Section VI Policies for Security and Storage of Drugs in the Pharmacy Policy No. 2 - Storage of Pharmaceuticals

1. Rationale

The Procedure #3 is new. It denotes the condition of our drug preparation area. This was included to fulfill a JCAH Standard.

2. Remove old policy and replace with new one.

Policy No. 4 - Storage and Disposal of Patients' Own Medications

This entire policy statement and procedure has been revised to better reflect the guidelines set up by JCAH for the handling of patients' own medication. Remove old policy and replace with new one.

Policy No. 5 - policies for Security and Storage of Drugs in the Pharmacy Procedure #1b was revised to state "contact Wayne Taylor" instead of Jim Faulkner. Mr. Taylor is now Hospital Administrator. Remove old policy and replace with new one.

Section VII - Records and Inventories of Drug Use Policies

Policy No. 1 - Records and Inventories of Control Drugs

Procedure #6 on the revised copy is new. We now record receipts on the new log kept in the safe room called the Saferoom Inventory Sign Out Sheet. Also, place behind this policy the copies of the sign out sheets. Remove old policy and replace with new one. Add sign out sheet following policy.

Policy No. 5 - Pharmacy Inventory Control

Delete the list of Drugs Available in WSH. This is no longer used because we now have an in-house formulary. Delete list of drugs following Policy #5.

Section VIII - Policies for Pharmaceutical Reference Material

Policy No. 3 - Poison Control Center Number

Place the current Poison Center pamphlet behind this policy. Remove old one.

Section X - Policies for Drug Reimbursement Program

Policy No. 1 - Comprehensive Care Center Drug Replacement Program

Procedure #1 has been revised to state "Drug Distribution Program Policies and Procedures...". Also, replace the old Drug List with the list dated 4/10/87. Remove old policy

and replace with new one. Replace old list with new following policy.

Section XI - Policies for Sterile Supplies and Equipment

Policy No. 2 - Packaging of supplies and Equipment

Procedure #5 and #6 have been added to show our policy on sterilizing reusable items and destroying outdated supplies. Behind this policy replace the old central supply list with the new ones.

Polices No. 4, 5, 6, and 7 are to replace old Policies No. 5, 9, 10 and 11 respectively. These policies were renumbered in order to maintain numerical sequence within the manual. There were no other revisions. Remove old policies and insert new ones.

Policy No. 6 - This is a General Hospital Policy on Patient's Visitors; add policy to manual.

VOL F 32 - Employee Health Program

Policy #8 - Infection Control in hospital personnel is added in here.]

DENNIS D. BOYD, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 10, 1988

FILED WITH LRC: May 13, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 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 May 18, 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 5:260. Unemployment insurance procedures.

RELATES TO: KRS 341.005 through 341.990

PURSUANT TO: KRS 13A.100, 194.050(1), 341.115

NECESSITY AND FUNCTION: Title III of the Social Security Act authorizes the states to implement an unemployment insurance program. The Cabinet for Human Resources is authorized by KRS 194.050 to adopt such rules and regulations as are necessary to implement programs mandated by federal law or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement the procedures required to administer the unemployment insurance program in accordance with applicable state and federal laws and regulations.

Section 1. In order to facilitate the administration of the unemployment insurance program as authorized by Title III of the Social Security Act and KRS Chapter 341, the following operating manuals are adopted by reference:

(1) Unemployment Insurance Local Office Manual as issued February, 1984 and last revised April 15, 1987. This manual includes procedures: for requiring proper identification of persons filing claims for benefits; for taking and processing initial, additional, reactivated and continued claims for benefits; for assigning claimants to the appropriate group for the eligibility review program; for conducting the eligibility review program; for stopping and releasing payment of benefits; for entering claim history and benefit payment information into the data base; for taking and processing interstate claims, combined wage claims, claims by former federal employees and ex-servicemembers, and claims for extended benefits and federal supplemental compensation benefits; for conducting investigations and issuing determinations regarding a claimant's separation, ability to work, availability for work, active search for work, benefit entitlement, and deductions from benefits; for processing employers' protests to claims; for taking requests for reconsideration of monetary eligibility; for establishing benefit overpayments and initiating recovery or recoupment by processing partial payment agreements or issuing liens; for initiating

action on lost or returned checks; for detecting and initiating recovery of fraudulent overpayments; for filing appeals to eligibility determinations; for reporting workload time spent; for compiling claims and nonmonetary determination statistics; and for ranking of local offices based on performance criteria.

(2) Unemployment Insurance Benefit Branch Procedures Manual issued May, 1982 and last revised July 15, 1988 [March 7, 1986]. This manual includes procedures for administering the payment of unemployment insurance benefits; for maintaining accounts for all benefit income and expenditures; for detecting, establishing and initiating recovery of benefit overpayments; for assigning benefit charges to employer accounts; for conducting a quality review of nonmonetary determinations affecting the payment of benefits; for processing unemployment claims for former federal employees, ex-servicemembers, combined wage claimants, interstate claims, claims for Disaster Unemployment Assistance, claims under the Trade Readjustment Act and claims under the Work Incentive Program; for reconsidering monetary rate determinations; for processing payment for lost or returned benefit checks; and for investigating potential fraud and recommendation of recovery action or criminal prosecution.

(3) Unemployment Insurance Tax Collection and Accounting Branch Manual issued November, 1982 and last revised July 15, 1988 [July 1, 1986]. This manual includes procedures: for setting up, transferring and cancelling employer contribution and reimbursement accounts; for collecting quarterly taxes from contributory employers and for billing reimbursing employers for benefits paid; for auditing quarterly wages and tax reports by making adjustments, assessing additional payment and penalties and crediting tax overpayments; for adjusting wages if required when a reconsideration of monetary benefit eligibility is filed; and for collecting delinquent taxes by filing tax liens, recommending suits and temporary restraining orders, garnishing wages, filing claims in bankruptcy or against monies due to delinquent employers from state agencies.

(4) Unemployment Insurance Administrative Support Branch Manual issued December, 1983 and last revised November 9, 1984. This manual includes procedures: for maintaining files of benefit claims, employer records, appeals, and unemployment insurance commission orders; for maintaining mail security operations for all checks received by the division; for gathering statistics and conducting statistical studies; for verifying workload items for the budget process; for publishing statistical reports for the division and for general publication; for maintaining and distributing federal and state-released procedures; for maintaining all procedures manuals; for conducting the unemployment insurance quality appraisal; for training division personnel; for retaining and disposing of records; for providing data processing liaison services; for preparing state and federal budgets; for operating the Cost Model Management System; for maintaining the Cost Information System; for controlling forms control; and for monitoring purchases, expenditures and repairs.

(5) Unemployment Insurance Field Audit Manual reissued September 15, 1987 and last revised July 15, 1988. This manual includes procedures

for handling matters which cannot be handled directly or expediently by the central office tax branch, such as procedures: for locating employers; for conducting investigations of employers, and their payrolls and employment records; for determining an employer's status under the law; for assessing contributions and collecting delinquent contributions; for serving legal papers; for conducting property investigations; for auditing employer records; and for furnishing technical assistance to employers.

(6) Unemployment Insurance Director's Office Manual issued November 18, 1983, and last revised December 12, 1984. This manual includes procedures for operating the Fraud Investigations and Internal Security Unit such as procedures for: administering the unit; detecting fraud; prosecuting fraud cases; closing out fraud cases; preventing fraud; maintaining internal security; and conducting other investigations.

(7) Kentucky Unemployment Insurance Commission Administrative Branch Manual issued September 1, 1985. This manual includes procedures for the daily operations of the branch. Such procedures include staff duties and responsibilities, the review of cases, the conduct of hearings, the preparation of decisions and the proper handling of records and reports.

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

Section 2. All documents incorporated by reference herein are on file for public inspection in the Office of the Commissioner for Employment Services, 275 East Main Street, Frankfort, Kentucky 40621 and in local unemployment insurance offices located throughout the state.

Section 3. Summary of Amendment. Unemployment Insurance Field Audit Manual. (1) Chapter 3000. Interpretations of the Law, strike pages (3640-3665) - (3670-3710) dated 9-15-87, [entire chapters 1000, 2000, 3000, 4000, 5000 and 6000] and insert in lieu thereof pages (3640-3665) - (3670-3710) dated 7-15-88, which provides a comprehensive overview of the levy and distraint provisions set forth in KRS 341.800 through KRS 341.835. Strike pages (3520-3525) - (3525-3605) dated 9-15-87, and contents (2) dated 9-15-87, and insert in lieu thereof pages (3520-3525) - (3540-3605) dated 7-15-88, and contents (2) dated 7-15-88, which provides instructions for the proper determination of the chargeable employer when dealing with successor employers. [chapters 1000, 2000, 3000, 4000, 5000 and 6000 reissued 9-15-87, which provide better continuity of related subjects and sequence, reflects the 1986 law amendments and which incorporate a recent legal opinion allowing a successor employer to use wages paid by the predecessors in determining excess wages.]

(2) Chapter 5000. Auditor Information and Procedures, strike contents (3) dated 9-15-87, pages (5650-5680) - (5710-5721) dated 9-15-87, and pages (5750-5811) - (5811-5820) dated 9-15-87, and insert in lieu thereof contents (3) dated 7-15-88, pages (5650-5680) - (5710-5721) dated 7-15-88, and pages (5750-5811) -

(5811-5820) dated 7-15-88, which provides procedures for implementation of the levy and distraint process.

(3) Appendix, insert Appendix dated 7-15-88, which provides more indepth procedures for implementation of the levy and distraint process including samples of required forms.

Section 4. Summary of Amendment. Unemployment Insurance Benefit Branch Procedures Manual. Chapter 2000. State and Federal Claims Section, strike entire Chapter 2000 dated 10-15-85, and insert in lieu thereof Chapter 2000 dated 7-15-88, which provides clarification and updates procedures for handling UCFE Claims, UCX claims and combined wage claims, provides in-house procedures for reporting waived overpayments established due to referee and commission reversals of benefit payments and distribution procedures for quality control reports.

Section 5. Summary of Amendment. Unemployment Insurance Tax Collections and Accounting Branch Manual. Chapter 5000. Delinquency Control Section strike pages (5855-5864) - (5918-5924) dated 7-1-86, and insert in lieu thereof pages (5855-5864) - (5918-5924) dated 7-15-88, which expands guidelines under which a delinquent employer account may be declared uncollectible to include where a business conducted by a corporation closes and the delinquency is less than \$100, inability to locate an employer's current address for a proprietorship or partnership and when a proprietorship or partnership files bankruptcy and the division has filed a claim with the court, any indebtedness not paid out of the bankruptcy proceedings which was incurred three (3) years prior to the filing action.

JAMES P. DANIELS, Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 9, 1988

FILED WITH LRC: May 13, 1988 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1988 at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 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 P. Daniels

(1) Type and number of entities affected: Approximately 73,000 Kentucky employers.

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

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing

costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

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

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes

PROPOSED REGULATIONS RECEIVED THROUGH MAY 15, 1988

GENERAL GOVERNMENT CABINET
Board of Auctioneers

201 KAR 3:080. Absolute auction.

RELATES TO: KRS 330.110

PURSUANT TO: KRS 330.110(2), (3), (8), (10), (11)

NECESSITY AND FUNCTION: To prohibit misrepresentation and fraudulent advertising designed to bait the public and then not sell at true absolute auction.

Section 1. No auction shall be advertised as "absolute" nor shall any advertising contain the words "absolute auction" or the word "absolute" or words with similar meaning nor shall any licensee offer or sell any "goods" as defined in KRS 330.020(4) at "absolute auction" unless:

(1) There are no liens or encumbrances on the goods (excepting current tax obligations, easements or restrictions of record) in favor of any person, firm or corporation other than the seller, or unless each and every such holder of each and every such lien and encumbrance, by execution of the auction listing contract, or otherwise furnishing to the auctioneer written evidence of a binding commitment therefor, shall have agreed to the unqualified acceptance of the highest bid for the property, without regard to the amount of the highest bid or the identity of the high bidder; or, alternatively, that a financially responsible person, firm or corporation, by execution of the auction listing contract or by otherwise furnishing to the auctioneer written evidence of a binding commitment therefor, shall have absolutely guaranteed the forthwith and complete discharge and satisfaction of any and all such liens and encumbrances immediately after the sale, without regard to the amount of the highest bid received, or the identity of the high bidder.

(2) There is the bona fide intent at the time of the advertising and at the time of the auction sale, to transfer ownership of the goods, regardless of the amount of the highest and last bid, to the high bidder, such intent existing without reliance on any agreement that any particular bid or bid level must be made or be reached, below which level the goods would not be transferred to the high bidder.

(3) The auction listing contract contains a binding requirement that the sale be conducted without reserve, by specific inclusion of an acknowledgment by the seller that the seller, or anyone acting upon behalf of the seller, may not and shall not bid at the auction, or otherwise participate in the bidding process.

Section 2. Compliance with this regulation shall not prohibit:

(1) A secured party or other lienholder not the seller from bidding at the auction sale, providing that such bidding does not constitute, nor is it tantamount to the direct or indirect establishment or agreement to the establishment of a reserve price on the goods by the seller or by the auctioneer, or by anyone aiding or assisting, or acting upon behalf of, the seller or the auctioneer.

(2) Any individual party to the dissolution of any marriage, partnership or corporation from bidding as an individual entity apart from the

selling entity, on goods being sold at auction pursuant to such dissolution.

(3) The inclusion of nonmisleading advertising of certain goods to be sold at "absolute auction" and the nonmisleading advertising of certain goods to be sold at auction with reserve, within the same advertisement, or for sale at the same date and place, providing said advertisement shall make clearly apparent, through equal or appropriate emphasis, which goods are being sold by each method.

Section 3. Violation of any section or sections of this regulation shall constitute a violation of one (1) or more of subsections (2), (3), (8), (10) and (11) of KRS 330.110.

Section 4. 201 KAR 3:070, Absolute auction, is hereby repealed.

ALECK GRIBBINS, Chairman

HERBERT VanARSDALE II, Secretary-Counselor

APPROVED BY AGENCY: April 19, 1988

FILED WITH LRC: April 26, 1988 at noon

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 23, 1988, at 11 a.m., at the offices of the Kentucky Board of Auctioneers, 400 Sherburn Lane, Suite 343, Louisville, Kentucky 40207. However, this hearing will be cancelled unless interested persons notify, in writing, this office five days prior to the above hearing date of their intention to attend. The person to contact would be: Barbara Schoen, Executive Secretary, Kentucky Board of Auctioneers, 400 Sherburn Lane, Suite 343, Louisville, Kentucky 40207.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara Schoen

(1) Type and number of entities affected: N/A

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: N/A

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: N/A

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(a) Necessity of proposed regulation if in conflict:

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

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

TIERING: Was tiering applied? No. All absolute auctions are treated in the same manner and therefore no tiering will apply to this regulation.

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance

REGULATORY IMPACT ANALYSIS

806 KAR 20:020. Cancellation and nonrenewal of automobile liability insurance policies.

RELATES TO: KRS 304.12-020, 304.20-040

PURSUANT TO: KRS Chapter 13A, 304.2-110

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This regulation establishes procedures for giving notice of cancellation and nonrenewal of automobile liability insurance policies.

Section 1. Definitions; Scope. The definitions of KRS 304.20-040 apply to this regulation. This regulation has the same scope as KRS 304.20-040.

Section 2. Notice of Cancellation and Nonrenewal of Automobile Liability Insurance Policies. (1) Notice of cancellation and nonrenewal of automobile liability insurance policies shall be given pursuant to KRS 304.20-040. The reason for cancellation or nonrenewal of the policy shall appear in or accompany the notice. The reason for cancellation or nonrenewal of the policy shall be a written statement reasonably calculated to inform the insured of the reason for the cancellation or nonrenewal.

(2) A reason for cancellation or nonrenewal which does not appear in the notice of cancellation or nonrenewal shall not be a basis for cancellation or nonrenewal.

(3) The fact that the reason for cancellation or nonrenewal has been obtained through an investigative consumer report subject to the Fair Credit Reporting Act, 15 U.S.C. §1681 et seq., does not relieve the insurer from the requirement of notifying the insured of the reason for the cancellation or nonrenewal. However, any insured wishing to learn the substance of an investigative consumer report must be directed to contact the consumer reporting agency which prepares the investigative consumer report and follow the procedures contained in the Fair Credit Reporting Act.

Section 3. Effective Date. This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

LEROY MORGAN, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 9, 1988

FILED WITH LRC: May 12, 1988 at 1 p.m.

PUBLIC HEARING: Persons with an interest in the subject matter of the proposed regulation may appear and make comments at a public hearing scheduled for June 21, 1988 at 9:30 a.m., in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Leroy Morgan, Commissioner, Kentucky Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602. Written comments will be given consideration equal to testimony at the public hearing if such written comments are received by the close of business on June 21, 1988.

Agency Contact Person: Patrick Watts

Need for the Proposed Regulation: The proposed regulation is necessary to clarify the procedures used to cancel or nonrenew automobile liability insurance policies. These are policies covering private passenger automobile risks as defined in KRS 304.20-040. The regulation provides that the reason given in notice of cancellation or nonrenewal of a policy must be a written statement reasonably calculated to inform the insured of the reason for the cancellation or nonrenewal. Some insurers are giving reasons which are so vague they do not provide any information to the insured. Examples of these statements include "underwriting reasons," "personal habits," and "nonmotor vehicle offenses."

The proposed regulation further provides that a reason for cancellation or nonrenewal which does not appear in the notice of cancellation or nonrenewal shall not be a basis for cancellation or nonrenewal. Some insurers are giving a single reason for cancellation or nonrenewal of a policy and, when challenged by the department, attempt to provide additional reasons for the cancellation or nonrenewal. The notice requirement of KRS 304.20-040(9) is meaningless if insurers are allowed to base a cancellation or nonrenewal on reasons other than those that are given in the notice.

The regulation also provides that the mere fact that the reason for a cancellation or nonrenewal was obtained through an investigative consumer report subject to the Fair Credit Reporting Act, 15 U.S.C. §1681 et seq., does not relieve the insurer from the requirement of notifying the insured of the reason of the cancellation or nonrenewal. Of course, any insured wishing to learn the substance of an investigative consumer report must be told to contact the consumer reporting agency which prepared the report and follow the procedures contained in the Fair Credit Reporting Act. Some insurers have argued that the Fair Credit Reporting Act preempts the notice requirements of KRS 304.20-040. However, there is no conflict between the Fair Credit Reporting Act and KRS 304.20-040. 15 U.S.C. §1681t provides that the Fair Reporting Act does not preempt state laws unless those laws are inconsistent with the Fair Credit Reporting Act. No insurer has been able to identify inconsistencies between the Fair Credit Reporting Act and KRS 304.20.040, and, therefore, the Fair Credit Reporting Act does not preempt any provision of KRS 304.20-040.

(1) Type and number of entities Affected: The proposed regulation will affect all persons who have automobile liability insurance policies terminated. The number of these persons is unknown. The regulation will affect approximately 600 automobile insurers authorized to do business in Kentucky.

(a) Direct and indirect costs or savings to those affected: The proposed regulation will not impose additional costs. The proposed regulation merely requires insurers to provide full disclosure of facts already known to the insurer.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: The proposed regulation does not require any new

reports and paperwork, but merely specifies the manner in which current reporting and paperwork requirements must be carried out.

(2) Effects on the promulgating administrative body: The proposed regulation will assist the department in carrying out its responsibilities under KRS 304.20-040 to determine whether there is sufficient reason to terminate an automobile liability insurance policy.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The department has been handling this problem on a case-by-case basis. However, insurers continue to provide vague reasons for cancellations and nonrenewals, to rely on reasons other than those given in the notice of cancellation or nonrenewal, and to attempt evasion of KRS 304.20-040 through alleged federal preemption.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The alleged preemption by the Fair Credit Reporting Act is described above. Other than that question, there are no statutes, rules, regulations, or governmental policies conflicting, overlapping or duplicating the proposed 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:

TIERING: Was tiering applied? Tiering has not been applied except in that KRS 304.20-040 applies only to private passenger automobile liability insurance policies and the regulation is limited to those kinds of policies. However, since all private passenger automobile liability insurance policies are subject to the notice requirements of KRS 304.20-040, there is no basis for tiering among private passenger automobile liability insurance policies.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the May 9, 1988 Meeting

The May meeting of the Administrative Regulation Review Subcommittee was held on Monday, May 9, 1988 at 2 p.m. in Room 107. Representative Mark D. O'Brien, Chairman, called the meeting to order, and the secretary called the roll. The minutes of the April 14, 1988 meeting were approved without objection.

Present May 9, 1988 were:

Members: Representative Mark D. O'Brien, Chairman; Senators Harold Haering, and Pat McCuiston; Representatives Jim Bruce, Ronny Layman and Joe Meyer.

Guests: Clark Beauchamp, Donald Dugger, Gil Mischel, Warren Nash, Finance and Administration Cabinet; Gene Harmon, Natural Resources & Environmental Protection Cabinet, Division of Water; Carroll Roberts, Carol Dean Walters, Board of Hairdressers and Cosmetologists; Pete Pfeiffer, John Wilson, Department of Fish and Wildlife Resources; Dr. Don L. Notter, J. Michael Noyes, Department of Agriculture; Michael Bradley, Corrections Cabinet; Barbara Adkins, Joan T. Baaker, Gary Bale, Sherman Bowman, Jim Byford, Susan Leib, Akeel Zaheer, Department of Education; Kenneth J. Costelle, Steve Goodrum, Guy B. Schoolfield, Labor Cabinet; Edward A. Farris, Catherine Staib, Department of Alcoholic Beverage Control; Barbara Coleman, Anne Hager, N. Clifton Howard, Anita Moore, Larry Taylor, Cabinet for Human Resources.

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Donna Pierce, Carla Arnold.

The Administrative Regulation Review Subcommittee met on May 9, 1988, and submits this report:

The Subcommittee determined that the following regulations, as amended, complied with KRS Chapter 13A:

Finance and Administration Cabinet: Department for Facilities Management: Property

200 KAR 6:040 (Floodplain Management.) Under the current definitions, this administrative regulation actually referred to private rather than governmental construction this regulation was amended to correct this.

Commerce Cabinet: Department of Agriculture: Livestock Sanitation

302 KAR 20:065 (Sale and exhibition of livestock in Kentucky.) This administrative regulation was amended to require that exhibition swine must have been tested for pseudorabies thirty (30) days prior to exhibition.

Corrections Cabinet: Office of the Secretary

501 KAR 6:130 (Western Kentucky Farm Center.) This administrative regulation was amended to show that the unit of work to which payment applied was daily, rather than hourly.

Public Protection and Regulation Cabinet: Department of Housing, Buildings and Construction: Kentucky Building Code

815 KAR 7:020 (Building code.) This administrative regulation was amended to conform the Building Officials & Code Administrators (BOCA), already adopted by incorporation by

reference, to applicable current state law. It will prevent removal of jurisdiction from local to state government.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

General Government Cabinet: Board of Hairdressers and Cosmetologists

201 KAR 12:175 (Fines in lieu of suspension.)

201 KAR 12:180 (Hearing procedures.)

Tourism Cabinet: Department of Fish and Wildlife Resources: Fish

301 KAR 1:140 (Special commercial fishing permit.)

301 KAR 1:210 (Free fishing days.)

Commerce Cabinet: Department of Agriculture: Livestock Sanitation

302 KAR 20:055 (Brucellosis vaccination, testing and branding requirements.) Senator Haering asked a number of questions relating to the brucellosis control program. Agency personnel responded that the state should be in conformity with federal regulations in 1990; that if it was not, exportation of female cattle to other states would be prohibited unless such animals were spayed; that this administrative regulation represented an attempt by all parties involved in a recent lawsuit to resolve their differences; and, this administrative regulation will enable the state to correct the brucellosis problem.

302 KAR 20:070 (Stockyards.)

302 KAR 20:210 (Pseudorabies surveillance.)

Corrections Cabinet; Office of the Secretary

501 KAR 6:020 (Corrections policies and procedures.)

501 KAR 6:030 (Kentucky State Reformatory.)

501 KAR 6:040 (Kentucky State Penitentiary.)

501 KAR 6:060 (Northpoint Training Center.)

501 KAR 6:110 (Roederer Farm Center.)

501 KAR 6:120 (Blackburn Correctional Complex.)

501 KAR 6:140 (Bell County Forestry Camp.)

Education and Humanities Cabinet: Department of Education: Office of Superintendent

701 KAR 5:070 (Criteria for Commonwealth Institute for Teachers.)

Office of Instruction: Instructional Services

704 KAR 3:340 (Commonwealth Diploma Program.)

Teacher Certification

704 KAR 20:005 (Kentucky standards for preparation-certification of professional school personnel program approval.)

704 KAR 20:305 (Written examination prerequisites for teacher certification.) There is some question as to whether requiring the student to request that his scores be sent to the appropriate teacher preparation institution conforms with KRS 161.030 which spells out those persons to receive scores and the purpose for which scores may be used. The statute requires that scores "be available only to the candidate and the education officials who are responsible for determining whether established certification standards have been met." Gary Bale, of the Education Cabinet, stated that the college officials are education officials who

are required to state whether the candidate has met all requirements for certification. The amended regulation was approved.

704 KAR 20:470 (Principal intern program.)

704 KAR 20:480 (Repeal of 704 KAR 20:185, 20:200, and 20:208.)

Office of Vocational Education: Administration

705 KAR 1:010 (Two year program plan.)

Office of Vocational Rehabilitation: Administration

706 KAR 1:020 (Independent living rehabilitation services state plan.)

Labor Cabinet: Occupational Safety and Health

803 KAR 2:020 (Adoption of 29 CFR Part 1910.)

803 KAR 2:027 (Adoption of 29 CFR Parts 1915, 1917, 1918 and 1919, maritime employment.)

803 KAR 2:030 (Adoption of 29 CFR Part 1926.)

803 KAR 2:032 (Adoption of 29 CFR Part 1928.)

Public Protection and Regulation Cabinet:
Department of Alcoholic Beverage Control:
Conduct of Business; Employees

804 KAR 5:060 (Entertainment requirements.)

Representative Meyer objected to this regulation. He stated that the requirement that a licensee not knowingly allow lewd, immoral or obscene activities was too broad. The subcommittee had no objections to this regulation.

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 5:290 (Employer contribution rates.)

Department for Social Insurance: Public Assistance

904 KAR 2:201 (Repeal of 904 KAR 2:200.)

The Subcommittee deferred the following regulations at the agencies' request:

General Government Cabinet: Kentucky Athletic Commission

201 KAR 27:080 (Miscellaneous provisions.)

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.)

Teacher Education

704 KAR 15:080 (Paraprofessional employees and volunteer personnel.)

The Subcommittee had no objections to emergency regulations which had been filed.

Other Business:

Chairman O'Brien stated that questions had been raised concerning policies and procedures utilized by the state in state controlled vocational education schools without such policies having been promulgated in administrative regulations as required in KRS Chapter 13A. He requested staff to notify agency personnel of the questions raised and to request that such personnel appear before the subcommittee.

The Subcommittee adjourned at 2:45 p.m. until June 1, 1988.

ADMINISTRATIVE REGISTER - L1

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....L2

KRS Index.....L12

Subject Index to Volume 14.....L21

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	302 KAR 34:050E	121	7-2-87
Replaced	832	12-11-87	Expired		10-31-87
101 KAR 2:050E	1048	10-15-87	302 KAR 36:010E	1187	12-4-87
Replaced	834	12-11-87	Replaced	1542	2-8-88
201 KAR 25:011E	544	8-24-87	401 KAR 34:120E	707	10-15-87
Replaced	597	12-11-87	Replaced	1198	1-4-88
201 KAR 25:012E	545	8-24-87	401 KAR 34:144E	710	10-15-87
Replaced	598	12-11-87	Replaced	868	1-4-88
201 KAR 25:021E	2149	4-19-88	401 KAR 34:159E	712	10-15-87
201 KAR 26:240E	2005	4-14-88	Replaced	870	1-4-88
201 KAR 27:017E			401 KAR 34:162E	713	10-15-87
Replaced		8-5-87	Replaced	873	1-4-88
201 KAR 27:018E	545	8-27-87	401 KAR 34:165E	716	10-15-87
Replaced	669	12-11-87	Replaced	876	1-4-88
201 KAR 27:019E	546	8-27-87	401 KAR 35:120E	718	10-15-87
Replaced	669	12-11-87	Replaced	1201	1-4-88
301 KAR 1:190E	546	8-27-87	401 KAR 47:010E	408	8-14-87
Replaced	670	11-6-87	Expired		10-29-87
301 KAR 2:044E	407	8-7-87	401 KAR 47:020E	408	8-14-87
Replaced	463	10-2-87	Expired		10-29-87
301 KAR 2:220E	686	9-16-87	401 KAR 47:040E	411	8-14-87
Replaced	598	11-6-87	Replaced	821	11-6-87
301 KAR 2:230E	691	9-25-87	401 KAR 49:030E	416	8-14-87
Replaced	841	12-11-87	Replaced	827	11-6-87
301 KAR 3:021E	692	9-25-87	401 KAR 49:050E	419	8-14-87
Replaced	842	12-11-87	Replaced	829	11-6-87
301 KAR 4:050E	693	9-16-87	405 KAR 7:070E	4	6-15-87
Replaced	604	11-6-87	Replaced	432	9-10-87
302 KAR 20:040E	693	10-8-87	500 KAR 6:010E	122	7-1-87
Replaced	844	12-11-87	Replaced	328	10-2-87
302 KAR 20:055E	698	10-8-87	500 KAR 6:020E	124	7-1-87
Replaced	850	12-11-87	Replaced	330	10-2-87
Resubmitted	1887	2-26-88	500 KAR 6:030E	126	7-1-87
Replaced	1936	5-9-88	Replaced	332	10-2-87
302 KAR 20:065E	700	10-8-87	500 KAR 6:040E	127	7-1-87
Replaced	854	12-11-87	Replaced	333	10-2-87
Resubmitted	1889	2-29-88	500 KAR 6:050E	128	7-1-87
Replaced	2184	5-9-88	Replaced	334	10-2-87
302 KAR 20:070E	702	10-8-87	500 KAR 6:060E	129	7-1-87
Replaced	858	12-11-87	Replaced	336	10-2-87
Resubmitted	1891	2-26-88	500 KAR 6:070E	130	7-1-87
Replaced	1942	5-9-88	Replaced	337	10-2-87
302 KAR 20:210E	706	10-8-87	500 KAR 6:080E	131	7-1-87
Replaced	1023	12-11-87	Replaced	338	10-2-87
Resubmitted	1895	2-26-88	500 KAR 6:090E	132	7-1-87
Replaced	1947	5-9-88	Replaced	339	10-2-87

ADMINISTRATIVE REGISTER - L3

Emergency Regulation	14 Ky.R. Page No.	Effective Date	Emergency Regulation	14 Ky.R. Page No.	Effective Date
500 KAR 6:100E	133	7-1-87	807 KAR 5:008E	1056	10-30-87
Replaced	340	10-2-87	Replaced	1109	1-4-88
500 KAR 6:110E	134	7-1-87	810 KAR 1:018E	1736	2-8-88
Replaced	342	10-2-87	Replaced	1864	4-14-88
500 KAR 6:120E	136	7-1-87	811 KAR 2:096E	420	7-24-87
Replaced	344	10-2-87	Replaced	535	10-2-87
500 KAR 6:130E	137	7-1-87	815 KAR 7:070E	551	8-27-87
Replaced	346	10-2-87	Replaced	632	11-6-87
500 KAR 6:140E	138	7-1-87	902 KAR 3:060E	2158	4-18-88
Replaced	346	10-2-87	902 KAR 3:210E	2159	4-18-88
500 KAR 6:150E	138	7-1-87	902 KAR 4:050E	800	10-2-87
Replaced	347	10-2-87	Replaced	993	12-11-87
500 KAR 6:160E	139	7-1-87	902 KAR 8:020E	801	9-25-87
Replaced	348	10-2-87	Replaced	1151	12-11-87
500 KAR 6:170E	140	7-1-87	902 KAR 10:021E	2160	4-15-88
Replaced	349	10-2-87	902 KAR 10:030E	2161	4-15-88
500 KAR 6:180E	140	7-1-87	902 KAR 10:060E	2162	4-15-88
Replaced	349	10-2-87	902 KAR 10:120E		
501 KAR 6:020E	10	6-15-87	Replaced	214	8-5-87
Replaced	45	8-5-87	902 KAR 10:121E	2162	4-15-88
Resubmitted	1188	12-7-87	902 KAR 10:130E	2163	4-15-88
Replaced	1509	2-8-88	902 KAR 11:010E	2163	4-18-88
Resubmitted	1897	2-25-88	902 KAR 20:135E	2009	3-30-88
Replaced	1850	4-14-88	902 KAR 45:110E	2163	4-15-88
501 KAR 6:030E	12	5-19-87	902 KAR 45:120E	2164	4-15-88
Replaced		7-2-87	902 KAR 55:010E	2165	4-18-88
Resubmitted	2005	3-16-88	902 KAR 100:012E	2166	4-18-88
Replaced	1951	5-9-88	902 KAR 105:020E	2167	4-18-88
501 KAR 6:040E	13	6-15-87	903 KAR 1:010E	2168	4-18-88
Replaced	48	8-5-87	903 KAR 5:260E		5-2-88
Resubmitted	546	8-17-87	Withdrawn		5-11-88
Replaced	478	10-2-87	903 KAR 5:270E	17	6-15-87
Resubmitted	721	10-13-87	Replaced	80	8-5-87
Replaced	907	12-11-87	903 KAR 5:290E	1902	3-10-88
501 KAR 6:060E	15	6-15-87	Replaced	1993	5-9-88
Replaced	50	8-5-87	904 KAR 2:015E	802	10-8-87
Resubmitted	548	8-17-87	Replaced	1003	12-11-87
Replaced	481	10-2-87	Resubmitted	1738	1-18-88
501 KAR 6:070E	1734	1-19-88	Replaced	1697	3-10-88
Replaced	1643	3-10-88	904 KAR 2:016E	422	8-13-87
501 KAR 6:080E	16	6-15-87	Replaced	512	10-2-87
Replaced	52	8-5-87	Resubmitted	1057	11-6-87
Resubmitted	1899	2-25-88	Replaced	1562	1-4-88
Replaced	1858	4-14-88	Resubmitted	1741	2-3-88
501 KAR 6:110E	2007	3-16-88	Replaced	1872	4-14-88
Replaced	1957	5-9-88	904 KAR 2:020E	1062	10-23-87
501 KAR 6:120E	722	9-25-87	Replaced	1165	1-4-88
Replaced	911	12-11-87	904 KAR 2:116E	804	9-16-87
501 KAR 6:130E	1190	11-16-87	Replaced	648	11-6-87
Replaced	1091	1-4-88	Resubmitted	1573	1-14-88
501 KAR 6:140E	1191	11-16-87	Replaced	1699	3-10-88
Replaced	1092	1-4-88	904 KAR 3:010E	807	10-2-87
Resubmitted	1899	2-25-88	Replaced	1006	12-11-87
Replaced	1862	4-14-88	904 KAR 3:020E	553	9-2-87
600 KAR 4:010E	1049	10-15-87	Replaced	652	11-6-87
Replaced	1203	1-4-88	904 KAR 3:030E	1193	12-2-87
600 KAR 4:020E	1053	10-15-87	Replaced	1846	3-10-88
Replaced	1208	1-4-88	904 KAR 3:045E	1194	12-2-87
603 KAR 5:210E	725	10-15-87	Replaced	1539	2-8-88
Replaced	1211	1-4-88	905 KAR 1:091E	427	8-7-87
603 KAR 5:230E	755	10-15-87	Replaced	521	10-2-87
Replaced	1241	1-4-88	Resubmitted	2169	4-18-88
605 KAR 1:160E	550	9-15-87	905 KAR 1:180E	1064	11-10-87
Replaced	678	11-6-87	905 KAR 1:200E	141	7-6-87
701 KAR 5:070E	1901	3-8-88	Replaced	389	9-10-87
Replaced	1963	5-9-88	905 KAR 1:210E	146	7-6-87
702 KAR 3:190E	550	9-8-87	Replaced	525	9-10-87
Replaced	615	11-6-87	905 KAR 1:220E	810	10-15-87
702 KAR 7:065E	800	10-14-87	Expired		12-4-87
Replaced	989	12-11-87	905 KAR 2:010E	2173	4-18-88
705 KAR 2:120E	2149	5-9-88	907 KAR 1:004E	811	10-6-87
803 KAR 25:011E	2150	4-19-88	Replaced	1011	12-11-87
			Resubmitted	2009	4-7-88

ADMINISTRATIVE REGISTER - L4

Emergency Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
907 KAR 1:010E	1065	11-6-87	201 KAR 20:090		
Replaced	1168	1-4-88	Amended	573	11-6-87
907 KAR 1:011E	817	10-2-87	201 KAR 20:095		
Replaced	1017	12-11-87	Amended	574	
Resubmitted	2016	4-7-88	Amended	1066	11-6-87
907 KAR 1:013E	2020	4-7-88	Amended	1581	
907 KAR 1:016E	431	7-17-87	Amended	1903	3-10-88
Replaced	512	10-2-87	201 KAR 20:110		
907 KAR 1:031E	150	7-1-87	Amended	575	
Replaced	301	9-10-87	Amended	1067	11-6-87
907 KAR 1:036E	152	7-1-87	Amended	1582	3-10-88
Replaced	303	9-10-87	201 KAR 20:115		
Resubmitted	2021	4-7-88	Amended	576	11-6-87
907 KAR 1:037E	158	7-1-87	201 KAR 20:161		
Replaced	310	9-10-87	Amended	578	
907 KAR 1:042E	159	7-1-87	Amended	1068	11-6-87
Replaced	310	9-10-87	Amended	2192	
907 KAR 1:045E	160	7-8-87	201 KAR 20:162		
Replaced	312	9-10-87	Amended	579	
907 KAR 1:140E	17	6-8-87	Amended	1069	11-6-87
Replaced	81	8-5-87	201 KAR 20:205		
907 KAR 1:150E	19	6-8-87	Amended	581	11-6-87
Replaced	83	8-5-87	201 KAR 20:210		
907 KAR 1:250E	20	6-8-87	Amended	582	11-6-87
Replaced	85	8-5-87	201 KAR 20:215		
			Amended	583	11-6-87
			Amended	2193	
Regulation	14 Ky.R. Page No.	Effective Date	201 KAR 20:220		
			Amended	584	11-6-87
101 KAR 1:325			201 KAR 20:225		
Amended	831	12-11-87	Amended	585	
101 KAR 2:040			Amended	1071	11-6-87
Amended	832	12-11-87	Amended	1583	3-10-88
101 KAR 2:050			201 KAR 20:230		
Amended	834	12-11-87	Amended	587	11-6-87
103 KAR 18:140	1879		201 KAR 20:240		
Withdrawn		3-24-88	Amended	588	11-6-87
103 KAR 18:141	2126		201 KAR 20:270		
103 KAR 25:130	1880		Amended	589	11-6-87
Withdrawn		3-24-88	201 KAR 20:290		
103 KAR 25:131	2127		Amended	590	11-6-87
200 KAR 6:040			201 KAR 20:310		
Amended	1931		Amended	591	11-6-87
Amended	2181	5-9-88	201 KAR 20:320		
201 KAR 1:062			Amended	593	11-6-87
Amended	161	7-2-87	201 KAR 20:330		
201 KAR 3:080	2244		Amended	594	11-6-87
201 KAR 8:006			201 KAR 20:360		
Amended	821	10-2-87	Amended	595	11-6-87
201 KAR 8:390			201 KAR 20:370		
Amended	1196	12-11-87	Amended	596	11-6-87
201 KAR 9:101			201 KAR 20:380	667	11-6-87
Amended	1577	3-10-88	201 KAR 23:040		
Amended	2191		Amended	167	8-5-87
201 KAR 9:121			201 KAR 23:060		
Amended	836	12-11-87	Amended	168	8-5-87
201 KAR 9:161			201 KAR 23:070		
Amended	1578	3-10-88	Amended	168	8-5-87
201 KAR 11:220	1021	12-11-87	201 KAR 25:011		
Amended	1579	3-10-88	Amended	597	12-11-87
201 KAR 12:170	666	11-6-87	201 KAR 25:012		
201 KAR 12:175	1994	5-9-88	Amended	598	12-11-87
201 KAR 12:180	1994	5-9-88	201 KAR 25:021		
201 KAR 18:050			Amended	2036	
Amended	571	11-6-87	201 KAR 26:171	526	10-2-87
201 KAR 18:170	1170	1-4-88	201 KAR 26:200		
201 KAR 19:095			Amended	231	9-10-87
Amended	837	12-11-87	201 KAR 26:210	313	9-10-87
201 KAR 20:057			201 KAR 26:220	314	9-10-87
Amended	30	9-10-87	201 KAR 26:230	528	10-2-87
201 KAR 20:070			201 KAR 26:240	2128	
Amended	571	11-6-87	201 KAR 27:018	669	
			Amended	1197	12-11-87

ADMINISTRATIVE REGISTER - L5

Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
201 KAR 27:019	669	12-11-87	302 KAR 20:065		
201 KAR 27:080	1995		Amended	854	12-11-87
201 KAR 28:010			Amended	1939	
Amended	1847	4-14-88	Amended	2184	5-9-88
201 KAR 28:050			302 KAR 20:070		
Amended	31	8-5-87	Amended	858	12-11-87
201 KAR 28:060			Amended	1942	5-9-88
Amended	32	8-5-87	302 KAR 20:210	1023	12-11-87
201 KAR 28:080			Amended	1947	5-9-88
Amended	232	9-10-87	302 KAR 34:050	315	
201 KAR 28:090			Amended	1746	2-8-88
Amended	233	9-10-87	302 KAR 36:010	1542	2-8-88
201 KAR 28:110			302 KAR 45:010		
Amended	33	8-5-87	Amended	431	8-5-87
201 KAR 28:120			401 KAR 4:060	316	
Amended	1849	4-14-88	Amended	556	10-2-87
301 KAR 1:055			401 KAR 5:010		
Repealed	1170	1-4-88	Amended	1289	2-8-88
301 KAR 1:075			401 KAR 6:040		
Amended	1080	1-4-88	Amended	1292	2-8-88
301 KAR 1:085			401 KAR 30:010		
Amended	1288	2-8-88	Amended	1297	
301 KAR 1:120			Amended	1756	3-10-88
Amended	1081	1-4-88	401 KAR 30:020		
301 KAR 1:140			Amended	1309	
Amended	1935	5-9-88	Amended	1767	3-10-88
301 KAR 1:145			401 KAR 30:070		
Amended	1082	1-4-88	Amended	1311	
301 KAR 1:190	670	11-6-87	Amended	1768	3-10-88
Repealed	1542	2-8-88	401 KAR 30:080		
301 KAR 1:191	1542	2-8-88	Amended	1313	3-10-88
301 KAR 1:200	1170	1-4-88	401 KAR 31:010		
301 KAR 1:210	1996	5-9-88	Amended	1316	
301 KAR 2:044			Amended	1769	3-10-88
Amended	463	10-2-87	401 KAR 31:030		
301 KAR 2:045			Amended	1325	3-10-88
Amended	2036		401 KAR 31:040		
301 KAR 2:047			Amended	1327	
Amended	2038		Amended	1779	3-10-88
301 KAR 2:050			401 KAR 31:060		
Amended	33	8-5-87	Amended	1340	3-10-88
301 KAR 2:110			401 KAR 31:120		
Amended	35	8-5-87	Amended	1343	3-10-88
301 KAR 2:111			401 KAR 31:160		
Amended	2042		Amended	1347	3-10-88
301 KAR 2:140			401 KAR 31:170		
Amended	839	12-11-87	Amended	1350	3-10-88
301 KAR 2:170			401 KAR 32:010		
Amended	2045		Amended	1360	3-10-88
301 KAR 2:220			401 KAR 32:030		
Amended	598	11-6-87	Amended	1362	
301 KAR 2:230			Amended	1790	3-10-88
Amended	841	12-11-87	401 KAR 32:040		
Amended	2050		Amended	1363	3-10-88
301 KAR 2:240	87	8-5-87	401 KAR 32:050		
301 KAR 3:021			Amended	1365	
Amended	842	12-11-87	Amended	1791	3-10-88
Amended	2051		401 KAR 32:100		
301 KAR 3:030			Amended	1369	3-10-88
Amended	36	8-5-87	401 KAR 33:010		
Amended	2053		Amended	1376	
301 KAR 4:050			Amended	1794	3-10-88
Amended	604	11-6-87	401 KAR 33:020		
302 KAR 16:040			Amended	1377	3-10-88
Amended	234	9-10-87	401 KAR 34:010		
302 KAR 20:040			Amended	1380	3-10-88
Amended	844	12-11-87	401 KAR 34:020		
302 KAR 20:055			Amended	1381	
Amended	850	12-11-87	Amended	1795	3-10-88
Amended	1936	5-9-88	401 KAR 34:050		
302 KAR 20:058	2129		Amended	1386	
			Amended	1798	3-10-88

ADMINISTRATIVE REGISTER - L6

Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
401 KAR 34:070			401 KAR 38:090		
Amended	1389		Amended	1496	3-10-88
Amended	1800	3-10-88	401 KAR 38:100		
401 KAR 34:080			Amended	1501	3-10-88
Amended	1395	3-10-88	401 KAR 38:160		
401 KAR 34:090			Amended	1503	
Amended	1397		Amended	1845	3-10-88
Amended	1806	3-10-88	401 KAR 39:010		
401 KAR 34:100			Amended	1504	3-10-88
Amended	1406	3-10-88	401 KAR 39:080		
401 KAR 34:120			Amended	1506	3-10-88
Amended	864		401 KAR 39:090	1559	3-10-88
Amended	1198	1-4-88	401 KAR 39:100	1560	3-10-88
401 KAR 34:144			401 KAR 42:010		
Amended	868	1-4-88	Amended	1507	3-10-88
401 KAR 34:159			401 KAR 47:010	529	
Amended	870	1-4-88	Withdrawn		10-29-87
401 KAR 34:162			401 KAR 47:020		
Amended	873	1-4-88	Amended	464	
401 KAR 34:165			Withdrawn		10-29-87
Amended	876	1-4-88	401 KAR 47:040		
401 KAR 34:190			Amended	468	
Amended	1415		Amended	821	11-6-87
Amended	1813	3-10-88	401 KAR 49:030		
401 KAR 34:200			Amended	475	
Amended	1424	3-10-88	Amended	827	11-6-87
401 KAR 35:010			401 KAR 49:050	530	
Amended	1428	3-10-88	Amended	829	11-6-87
401 KAR 35:020			401 KAR 50:010		
Amended	1430	3-10-88	Amended	1585	
401 KAR 35:050			Amended	1906	
Amended	1433		Amended	2028	4-14-88
Amended	1821	3-10-88	401 KAR 50:015		
401 KAR 35:070			Amended	1589	4-14-88
Amended	1437		401 KAR 50:035		
Amended	1823	3-10-88	Amended	1593	4-14-88
401 KAR 35:080			401 KAR 51:010		
Amended	1444		Amended	1598	4-14-88
Amended	1829	3-10-88	401 KAR 51:017		
401 KAR 35:090			Amended	883	12-11-87
Amended	1446	3-10-88	Amended	1601	4-14-88
401 KAR 35:100			401 KAR 51:052		
Amended	1454	3-10-88	Amended	892	12-11-87
401 KAR 35:120			Amended	1612	
Amended	879		Amended	1909	4-14-88
Amended	1201	1-4-88	401 KAR 53:005		
401 KAR 35:190			Amended	1619	4-14-88
Amended	1462		401 KAR 53:010		
Amended	1831	3-10-88	Amended	1621	4-14-88
401 KAR 35:200			401 KAR 55:005		
Amended	1470	3-10-88	Amended	1624	4-14-88
401 KAR 36:030			401 KAR 55:010		
Amended	1473	3-10-88	Amended	1625	4-14-88
401 KAR 36:040			401 KAR 57:045		
Amended	1474	3-10-88	Amended	900	12-11-87
401 KAR 36:050	1543	3-10-88	401 KAR 59:010		
401 KAR 37:010	1546		Amended	1627	4-14-88
Amended	1838	3-10-88	401 KAR 59:050		
401 KAR 37:030	1551	3-10-88	Amended	1629	4-14-88
401 KAR 37:040	1553	3-10-88	401 KAR 59:052	1706	4-14-88
401 KAR 37:050	1555	3-10-88	401 KAR 59:221		
401 KAR 37:100	1557	3-10-88	Amended	902	12-11-87
401 KAR 38:010			401 KAR 59:235		
Amended	1479	3-10-88	Repealed	1707	4-14-88
401 KAR 38:020			401 KAR 59:236	1707	4-14-88
Amended	1482	3-10-88	401 KAR 59:305		
401 KAR 38:030			Amended	903	12-11-87
Amended	1485	3-10-88	401 KAR 59:310	1025	12-11-87
401 KAR 38:040			401 KAR 61:020		
Amended	1489		Amended	1633	4-14-88
Amended	1842	3-10-88	401 KAR 61:170		
401 KAR 38:070			Amended	1636	
Amended	1493	3-10-88	Amended	1916	4-14-88

ADMINISTRATIVE REGISTER - L7

Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
401 KAR 63:041	320	*(No eff. date)	501 KAR 6:040		
*Since Statement of Consideration was not received by 15th day following hearing, proposed regulation must be refiled. (KRS 13A.280(2))			Amended	48	8-5-87
401 KAR 63:042	670	11-6-87	Amended	238	9-10-87
405 KAR 7:070			Amended	478	10-2-87
Amended	37		Amended	907	12-11-87
Amended	432	9-10-87	Amended	1085	1-4-88
405 KAR 16:060			Amended	1639	3-10-88
Amended	22		Amended	1854	4-14-88
405 KAR 18:060			Amended	1953	5-9-88
Amended	24		Amended	2056	
405 KAR 18:190			Amended	2197	
Amended	27		501 KAR 6:050		
500 KAR 4:030			Amended	480	10-2-87
Amended	162	7-2-87	Amended	908	12-11-87
500 KAR 4:040			Amended	1513	2-8-88
Amended	163	7-2-87	Amended	1855	4-14-88
500 KAR 4:050			501 KAR 6:060		
Amended	163	7-2-87	Amended	50	8-5-87
500 KAR 4:060			Amended	239	9-10-87
Amended	164	7-2-87	Amended	481	10-2-87
500 KAR 4:070			Amended	910	12-11-87
Amended	165	7-2-87	Amended	1086	1-4-88
500 KAR 6:010			Amended	1641	3-10-88
500 KAR 6:020			Amended	1857	4-14-88
500 KAR 6:030			Amended	1955	5-9-88
500 KAR 6:040			Amended	2057	
500 KAR 6:050			501 KAR 6:070		
500 KAR 6:060			Amended	1515	2-8-88
500 KAR 6:070			Amended	1643	3-10-88
500 KAR 6:080			Amended	2059	
500 KAR 6:090			Amended	2198	
500 KAR 6:100			501 KAR 6:080		
500 KAR 6:110			Amended	52	8-5-87
500 KAR 6:120			Amended	1858	4-14-88
500 KAR 6:130			501 KAR 6:110		
500 KAR 6:140			Amended	1957	5-9-88
500 KAR 6:150			501 KAR 6:120		
500 KAR 6:160			Amended	52	8-5-87
500 KAR 6:170			Amended	911	12-11-87
500 KAR 6:180			Amended	1088	1-4-88
500 KAR 6:190			Amended	1859	4-14-88
*Since Statement of Consideration was not received by 15th day following hearing, proposed regulation must be refiled. (KRS 13A.280(2))			Amended	1958	5-9-88
500 KAR 6:200	1171	1-4-88	Amended	2200	
501 KAR 6:020			501 KAR 6:130		
Amended	45	8-5-87	Amended	54	8-5-87
Amended	235	9-10-87	Amended	241	9-10-87
Amended	1509		Amended	483	10-2-87
Amended	1746	2-8-88	Amended	1091	1-4-88
Amended	1850	4-14-88	Amended	1644	3-10-88
Amended	1949	5-9-88	Amended	1861	4-14-88
501 KAR 6:030			Amended	1961	5-9-88
Amended	47	8-5-87	Amended	533	10-2-87
Amended	236	9-10-87	Amended	1092	1-4-88
Amended	605	11-6-87	Amended	1862	4-14-88
Amended	905	12-11-87	Amended	1962	5-9-88
Amended	1083	1-4-88	501 KAR 8:010	88	9-10-87
Amended	1511	2-8-88	502 KAR 20:020		
Amended	1638	3-10-88	Amended	607	11-6-87
Amended	1852	4-14-88	503 KAR 1:100		
Amended	1951	5-9-88	Amended	242	9-10-87
Amended	2054		503 KAR 5:090		
Amended	2195		Amended	608	
			Withdrawn		11-16-87
			600 KAR 1:050		
			Amended	611	12-11-87
			600 KAR 1:070		
			Amended	55	8-5-87
			600 KAR 2:010		
			Amended	243	9-10-87
			600 KAR 2:020		
			Amended	244	9-10-87
			600 KAR 2:030		
			Amended	245	9-10-87

ADMINISTRATIVE REGISTER - L8

Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
600 KAR 4:010	1027		603 KAR 1:030		
Amended	1203	1-4-88	Amended	492	10-2-87
600 KAR 4:020	1032		603 KAR 2:015		
Amended	1208	1-4-88	Amended	171	9-10-87
601 KAR 1:005			Amended	1645	3-10-88
Amended	1094	1-4-88	603 KAR 5:025		
601 KAR 1:020			Amended	271	9-10-87
Amended	484		603 KAR 5:061		
Amended	830	11-6-87	Amended	55	8-5-87
601 KAR 1:025			603 KAR 5:066		
Amended	1097		Amended	272	9-10-87
Amended	1576	3-10-88	Amended	2061	
601 KAR 1:115			603 KAR 5:070		
Amended	246		Amended	2202	
Amended	560		603 KAR 5:075		
Withdrawn		4-12-88	Amended	274	9-10-87
601 KAR 2:010			603 KAR 5:100		
Amended	248	9-10-87	Amended	492	10-2-87
601 KAR 9:010			603 KAR 5:110		
Amended	249	9-10-87	Amended	57	8-5-87
601 KAR 9:012			603 KAR 5:120		
Amended	250	9-10-87	Amended	1648	
601 KAR 9:013			Amended	1917	4-14-88
Amended	251	9-10-87	603 KAR 5:210		
601 KAR 9:015			Amended	914	
Amended	252	9-10-87	Amended	1211	1-4-88
601 KAR 9:040			Amended	2204	
Amended	252	9-10-87	603 KAR 5:230		
601 KAR 9:047			Amended	174	8-5-87
Amended	254	9-10-87	Amended	945	
601 KAR 9:050			Amended	1241	1-4-88
Repealed	1709	3-10-88	Amended	2206	
601 KAR 9:060			603 KAR 8:010		
Amended	255	9-10-87	Amended	275	9-10-87
601 KAR 9:074			605 KAR 1:160	678	11-6-87
Amended	256	*(No eff. date)	605 KAR 1:170	1712	3-10-88
Amended	1098	1-4-88	701 KAR 5:020		
*Since Statement of Consideration was not received by 15th day following hearing, proposed regulation must be refiled. (KRS 13A.280(2))			Amended	2213	
601 KAR 9:080			701 KAR 5:070		
Amended	260	9-10-87	Amended	1963	5-9-88
601 KAR 9:085			702 KAR 1:115		
Amended	261	9-10-87	Amended	2214	
601 KAR 9:125	91	8-5-87	702 KAR 3:190		
Amended	614	11-6-87	Amended	615	11-6-87
601 KAR 9:130	1709	3-10-88	702 KAR 7:065		
601 KAR 9:135	1710	3-10-88	Amended	989	12-11-87
601 KAR 12:020			702 KAR 7:090		
Amended	485	10-2-87	Amended	1651	
601 KAR 12:030			704 KAR 3:030		
Amended	486	10-2-87	Amended	1102	1-4-88
601 KAR 12:040			704 KAR 3:290		
Amended	486	10-2-87	Amended	2215	
601 KAR 13:010			704 KAR 3:292		
Amended	487	10-2-87	Amended	2216	
601 KAR 13:020			704 KAR 3:340		
Amended	489	10-2-87	Amended	1965	5-9-88
601 KAR 13:030			704 KAR 10:022		
Amended	491	10-2-87	Amended	277	9-10-87
602 KAR 15:010			Amended	1103	
Amended	262	9-10-87	Withdrawn		5-6-88
602 KAR 15:020			704 KAR 15:030		
Amended	263	9-10-87	Amended	1104	1-4-88
602 KAR 50:010			704 KAR 15:080		
Amended	265	9-10-87	Amended	1652	
602 KAR 50:030			704 KAR 20:005		
Amended	267	9-10-87	Amended	616	11-6-87
602 KAR 50:050			Amended	1966	5-9-88
Amended	268	9-10-87	704 KAR 20:185		
602 KAR 50:120			Repealed	1999	5-9-88
Amended	269	9-10-87	704 KAR 20:200		
			Repealed	1999	5-9-88
			704 KAR 20:208		
			Repealed	1999	5-9-88

ADMINISTRATIVE REGISTER - L9

Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
704 KAR 20:215			807 KAR 5:008		
Amended	1105	1-4-88	Amended	1109	1-4-88
704 KAR 20:280			808 KAR 3:050		
Amended	617	11-6-87	Amended	71	8-5-87
704 KAR 20:305			810 KAR 1:011		
Amended	1967	5-9-88	Amended	620	11-6-87
704 KAR 20:330			810 KAR 1:013		
Amended	1654	3-10-88	Amended	493	10-2-87
704 KAR 20:450	350	9-10-87	Amended	625	11-6-87
704 KAR 20:460	1174	1-4-88	Amended	990	
704 KAR 20:470	1996	5-9-88	Withdrawn		12-11-87
704 KAR 20:480	1999	5-9-88	Amended	2224	
705 KAR 1:010			810 KAR 1:018		
Amended	1970	5-9-88	Amended	1864	4-14-88
705 KAR 2:120	351		811 KAR 1:090		
Amended	561	10-2-87	Amended	1531	2-8-88
Amended	2217		811 KAR 1:105		
705 KAR 4:210			Amended	628	11-6-87
Amended	1107	1-4-88	811 KAR 1:125		
705 KAR 5:060			Amended	1656	3-10-88
Amended	278	9-10-87	811 KAR 1:215		
705 KAR 5:100	352	9-10-87	Amended	630	11-6-87
705 KAR 5:110	353	9-10-87	811 KAR 1:225		
705 KAR 5:130	1175	1-4-88	Amended	1663	3-10-88
706 KAR 1:010			811 KAR 2:035		
Amended	279	9-10-87	Amended	1666	3-10-88
Amended	618	11-6-87	811 KAR 2:040		
706 KAR 1:020			Amended	1670	3-10-88
Amended	619	12-11-87	811 KAR 2:045		
Amended	1971	5-9-88	Amended	1673	3-10-88
707 KAR 1:003			811 KAR 2:050		
Amended	279	9-10-87	Amended	1674	3-10-88
709 KAR 1:050			811 KAR 2:060		
Amended	2218		Amended	1533	2-8-88
709 KAR 1:070			Amended	1676	3-10-88
Amended	1108	1-4-88	811 KAR 2:070		
Amended	1655	3-10-88	Amended	1683	3-10-88
720 KAR 1:010			811 KAR 2:080		
Amended	1516	2-8-88	Amended	1686	3-10-88
803 KAR 2:020			811 KAR 2:085		
Amended	59	8-5-87	Amended	1687	3-10-88
Amended	1518	2-8-88	811 KAR 2:096	535	10-2-87
Amended	1972	5-9-88	Amended	1689	3-10-88
803 KAR 2:027			811 KAR 2:110	1713	3-10-88
Amended	1523	2-8-88	815 KAR 7:010		
Amended	1977	5-9-88	Amended	281	9-10-87
803 KAR 2:030			815 KAR 7:013		
Amended	65	8-5-87	Amended	1111	1-4-88
Amended	1524	2-8-88	815 KAR 7:020		
Amended	1979	5-9-88	Amended	289	9-10-87
803 KAR 2:032			Amended	1112	1-4-88
Amended	1530	2-8-88	Amended	1986	
Amended	1985	5-9-88	Amended	2186	5-9-88
803 KAR 25:011	2130		815 KAR 7:070		
804 KAR 4:245	534	10-2-87	Amended	632	11-6-87
804 KAR 5:060			815 KAR 10:020		
Amended	1986	5-9-88	Amended	496	11-6-87
806 KAR 5:050			815 KAR 15:010		
Amended	212	8-5-87	Amended	634	
806 KAR 6:090	1035		Withdrawn		1-11-88
Amended	1285	1-4-88	815 KAR 20:010		
806 KAR 9:200			Amended	1116	1-4-88
Amended	212	8-5-87	815 KAR 20:020		
806 KAR 9:210			Amended	1123	1-4-88
Amended	213	8-5-87	815 KAR 20:060		
806 KAR 12:090			Amended	1123	1-4-88
Amended	2219		815 KAR 20:073		
806 KAR 20:010			Amended	1126	1-4-88
Amended	2222		815 KAR 20:075		
806 KAR 20:020	2245		Amended	1127	1-4-88
806 KAR 39:070			815 KAR 20:076	1176	1-4-88
Amended	2063		815 KAR 20:077	1178	1-4-88

ADMINISTRATIVE REGISTER - L10

Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
815 KAR 20:090			902 KAR 3:250	385	
Amended	1129	1-4-88	Amended	569	10-2-87
815 KAR 20:100			902 KAR 3:255	387	10-2-87
Amended	1133	1-4-88	902 KAR 3:260	388	10-2-87
815 KAR 20:120			902 KAR 4:030		
Amended	636	11-6-87	Amended	2069	
Amended	1135	1-4-88	902 KAR 4:050		
815 KAR 20:130			Amended	993	12-11-87
Amended	1142	1-4-88	902 KAR 4:060		
815 KAR 20:191			Amended	2071	
Amended	1146	1-4-88	902 KAR 8:020		
815 KAR 45:015			Amended	994	12-11-87
Amended	2227		Amended	1151	
815 KAR 45:030			902 KAR 10:021	2138	
Amended	2229		902 KAR 10:030		
815 KAR 45:035			Amended	2072	
Amended	2230		902 KAR 10:060		
902 KAR 3:005			Amended	2073	
Repealed	354	10-2-87	902 KAR 10:120		
902 KAR 3:007			Amended	214	8-5-87
Repealed	357	10-2-87	902 KAR 10:121	2139	
902 KAR 3:010			902 KAR 10:130	2140	
Repealed	561	10-2-87	902 KAR 11:010		
902 KAR 3:015			Amended	2073	
Repealed	363	10-2-87	902 KAR 12:080		
902 KAR 3:020			Amended	72	8-5-87
Repealed	361	10-2-87	Amended	294	9-10-87
902 KAR 3:025			Amended	507	10-2-87
Repealed	357	10-2-87	Amended	643	11-6-87
902 KAR 3:030			Amended	996	12-11-87
Repealed	359	10-2-87	Amended	1153	1-4-88
902 KAR 3:035			Amended	1692	3-10-88
Repealed	360	10-2-87	Amended	1867	4-14-88
902 KAR 3:040			Amended	1991	5-9-88
Repealed	363	10-2-87	Amended	2074	
902 KAR 3:045			Amended	2233	
Repealed	363	10-2-87	902 KAR 13:030		
902 KAR 3:050			Amended	2080	
Repealed	365	10-2-87	902 KAR 13:110		
902 KAR 3:055	354	10-2-87	Amended	229	8-5-87
902 KAR 3:060	355		902 KAR 16:010		
Amended	561	10-2-87	Amended	1000	12-11-87
Amended	2066		902 KAR 17:010		
902 KAR 3:065	357	10-2-87	Amended	1001	
902 KAR 3:070	359	10-2-87	Amended	1286	1-4-88
902 KAR 3:075	360	10-2-87	902 KAR 17:020		
902 KAR 3:080	361	10-2-87	Amended	1002	1-4-88
902 KAR 3:085	363	10-2-87	902 KAR 20:008		
902 KAR 3:090	363	10-2-87	Amended	1870	
902 KAR 3:095	365	10-2-87	Amended	2031	4-14-88
902 KAR 3:100	366		902 KAR 20:132		
Amended	563	10-2-87	Amended	79	8-5-87
902 KAR 3:105	367		Amended	2080	
Amended	564	10-2-87	902 KAR 20:135		
902 KAR 3:110	368		Amended	2081	
Amended	564	10-2-87	902 KAR 20:230	92	
902 KAR 3:115	369		Amended	439	9-10-87
Amended	565	10-2-87	902 KAR 20:240	105	
902 KAR 3:120	371	10-2-87	Amended	452	9-10-87
902 KAR 3:200			902 KAR 20:250	1714	
Repealed	372	10-2-87	Amended	1920	4-14-88
902 KAR 3:205	372	10-2-87	902 KAR 20:260	1718	
902 KAR 3:210	373		Amended	1923	
Amended	566	10-2-87	Amended	2033	4-14-88
Amended	2068		902 KAR 20:270	1721	
902 KAR 3:215	375	10-2-87	Amended	1926	4-14-88
902 KAR 3:220	376	10-2-87	902 KAR 25:011	2140	
902 KAR 3:225	377	10-2-87	902 KAR 45:110		
902 KAR 3:230	379	10-2-87	Amended	2082	
902 KAR 3:235	380	10-2-87	902 KAR 45:120		
902 KAR 3:240	381	10-2-87	Amended	2083	
902 KAR 3:245	382		902 KAR 55:010		
Amended	567	10-2-87	Amended	2084	

ADMINISTRATIVE REGISTER - L11

Regulation	14 Ky.R. Page No.	Effective Date	Regulation	14 Ky.R. Page No.	Effective Date
902 KAR 100:012			905 KAR 2:010		
Amended	2085		Amended	655	
902 KAR 105:020			Amended	1072	
Amended	2087		Amended	1748	2-8-88
903 KAR 1:010			Amended	2098	
Amended	2088		905 KAR 7:230	2141	
903 KAR 5:250			907 KAR 1:004		
Amended	166	7-2-87	Amended	1011	12-11-87
903 KAR 5:260			Amended	2106	
Amended	299	9-10-87	907 KAR 1:010		
Amended	2089		Amended	1168	1-4-88
Withdrawn			907 KAR 1:011		
Amended	2241	5-11-88	Amended	1017	12-11-87
903 KAR 5:270			Amended	2112	
Amended	80	8-5-87	907 KAR 1:013		
903 KAR 5:290			Amended	2116	
Amended	1993	5-9-88	907 KAR 1:016		
903 KAR 5:300			Amended	525	10-2-87
Amended	1696	3-10-88	907 KAR 1:026		
903 KAR 6:060	388	10-2-87	Amended	663	11-6-87
904 KAR 2:006			907 KAR 1:027		
Amended	1156	1-4-88	Amended	665	11-6-87
904 KAR 2:015			907 KAR 1:031		
Amended	1003	12-11-87	Amended	301	9-10-87
Amended	1697	3-10-88	907 KAR 1:036		
904 KAR 2:016			Amended	303	9-10-87
Amended	512	10-2-87	Amended	2119	
Amended	1160		907 KAR 1:037		
Reprint	1562	1-4-88	Amended	310	9-10-87
Amended	1872	4-14-88	907 KAR 1:042		
904 KAR 2:020			Amended	310	9-10-87
Amended	1165	1-4-88	907 KAR 1:045		
Amended	2091		Amended	312	9-10-87
904 KAR 2:116			907 KAR 1:140		
Amended	648	11-6-87	Amended	81	8-5-87
Amended	1699		907 KAR 1:150		
Amended	1904	3-10-88	Amended	83	8-5-87
904 KAR 2:140			907 KAR 1:250		
Amended	517	10-2-87	Amended	85	8-5-87
Amended	1702	3-10-88			
904 KAR 2:150					
Amended	518	10-2-87			
904 KAR 2:170					
Amended	519	10-2-87			
Amended	1704	3-10-88			
904 KAR 2:200					
Repealed	2000	5-9-88			
904 KAR 2:201	2000	5-9-88			
904 KAR 3:010					
Amended	1006	12-11-87			
904 KAR 3:020					
Amended	652	11-6-87			
904 KAR 3:030					
Amended	1538				
Amended	1846	3-10-88			
904 KAR 3:045					
Amended	1539	2-8-88			
904 KAR 3:090					
Amended	520	10-2-87			
Amended	1704	3-10-88			
905 KAR 1:010					
Amended	1009	12-11-87			
905 KAR 1:091					
Amended	521	10-2-87			
Amended	2094				
905 KAR 1:180					
Amended	1167	1-4-88			
Amended	1878	4-14-88			
905 KAR 1:200	389	9-10-87			
905 KAR 1:210	394	9-10-87			
905 KAR 1:220	1037				
Withdrawn		12-4-87			

KRS INDEX

KRS Section	Regulation	KRS Section	Regulation
13A.130	401 KAR 30:070	150.015	301 KAR 2:044
13A.190	401 KAR 30:070		301 KAR 2:220
15.330	503 KAR 1:100		301 KAR 4:050
15.440	503 KAR 5:090	150.025	301 KAR 1:085
15A.210	500 KAR 6:010		301 KAR 1:120
	500 KAR 6:020		301 KAR 1:140
	500 KAR 6:030		301 KAR 1:145
	500 KAR 6:040		301 KAR 1:191
	500 KAR 6:050		301 KAR 1:200
	500 KAR 6:060		301 KAR 1:210
	500 KAR 6:070		301 KAR 2:044
	500 KAR 6:080		301 KAR 2:045
	500 KAR 6:090		301 KAR 2:047
	500 KAR 6:100		301 KAR 2:050
	500 KAR 6:110		301 KAR 2:110
	500 KAR 6:120		301 KAR 2:111
	500 KAR 6:130		301 KAR 2:140
	500 KAR 6:140		301 KAR 2:170
	500 KAR 6:150		301 KAR 2:220
	500 KAR 6:160		301 KAR 2:230
	500 KAR 6:170		301 KAR 2:240
	500 KAR 6:180		301 KAR 3:021
	500 KAR 6:200		301 KAR 3:030
17.210	815 KAR 45:015		301 KAR 4:050
Chapter 18A	600 KAR 1:050	150.110	301 KAR 1:085
18A.005	101 KAR 2:050		301 KAR 1:140
18A.030	101 KAR 2:040		301 KAR 1:191
18A.0751	101 KAR 1:325	150.120	301 KAR 1:140
18A.110	101 KAR 2:040		301 KAR 1:145
	101 KAR 2:050	150.170	301 KAR 1:075
18A.111	101 KAR 1:325		301 KAR 1:085
18A.120	101 KAR 2:040		301 KAR 1:120
	101 KAR 2:050		301 KAR 1:140
Chapter 45	200 KAR 6:040		301 KAR 1:145
45.360	603 KAR 1:030		301 KAR 1:191
45A.245	603 KAR 2:015		301 KAR 1:210
Chapter 56	200 KAR 6:040		301 KAR 2:044
61.874	201 KAR 20:115		301 KAR 2:045
	601 KAR 12:040		301 KAR 2:047
Chapter 95A	815 KAR 45:035		301 KAR 2:050
95A.040	815 KAR 45:030		301 KAR 2:111
Chapter 96A	600 KAR 4:010		301 KAR 2:140
	600 KAR 4:020		301 KAR 2:170
109.011-109.280	401 KAR 47:010		301 KAR 2:220
	401 KAR 49:030		301 KAR 2:230
	401 KAR 49:050		301 KAR 2:240
136.392	815 KAR 45:015		301 KAR 3:030
Chapter 138	601 KAR 9:040	150.175	301 KAR 1:075
138.655-138.725	601 KAR 9:074		301 KAR 1:085
139.590	103 KAR 25:131		301 KAR 1:120
139.980	103 KAR 25:131		301 KAR 1:140
139.990	103 KAR 25:131		301 KAR 1:145
141.330	103 KAR 18:141		301 KAR 2:047
141.990	103 KAR 18:141		301 KAR 2:111
150.010	301 KAR 1:075		301 KAR 2:140
	301 KAR 1:085		301 KAR 2:170
	301 KAR 1:120		301 KAR 2:220
	301 KAR 1:145		301 KAR 2:230
	301 KAR 1:200		301 KAR 3:021
	301 KAR 1:210	150.180	301 KAR 1:085
	301 KAR 2:044		301 KAR 1:120
	301 KAR 2:045		301 KAR 2:045
	301 KAR 2:047		301 KAR 2:047
	301 KAR 2:050		301 KAR 2:170
	301 KAR 2:111		301 KAR 2:240
	301 KAR 2:140	150.183	301 KAR 2:240
	301 KAR 2:170	150.190	301 KAR 1:085
	301 KAR 2:220		301 KAR 1:120
	301 KAR 2:240		301 KAR 1:140
	301 KAR 3:030		301 KAR 1:191
	301 KAR 4:050	150.225	301 KAR 3:021

ADMINISTRATIVE REGISTER - L13

KRS Section	Regulation	KRS Section	Regulation
150.235	301 KAR 1:075	150.399	301 KAR 2:045
	301 KAR 1:120		301 KAR 2:047
	301 KAR 2:220		301 KAR 2:110
150.237	301 KAR 2:230	150.400	301 KAR 2:240
	301 KAR 3:021		301 KAR 2:045
150.240	301 KAR 2:220		301 KAR 2:047
	301 KAR 3:021		301 KAR 2:110
150.250	301 KAR 2:050		301 KAR 2:170
150.280	301 KAR 3:021	150.410	301 KAR 2:240
150.290	301 KAR 3:021		301 KAR 2:045
150.300	301 KAR 2:044		301 KAR 2:047
	301 KAR 2:045		301 KAR 2:110
	301 KAR 2:047	150.415	301 KAR 2:240
	301 KAR 2:240		301 KAR 2:045
	301 KAR 4:050		301 KAR 2:047
150.305	301 KAR 2:044		301 KAR 2:170
	301 KAR 2:045	150.416	301 KAR 2:240
	301 KAR 2:111		301 KAR 2:045
	301 KAR 2:140		301 KAR 2:047
	301 KAR 2:170		301 KAR 2:170
	301 KAR 2:220	150.417	301 KAR 2:240
	301 KAR 2:230		301 KAR 2:045
	301 KAR 2:240		301 KAR 2:047
150.320	301 KAR 2:044	150.440	301 KAR 2:240
	301 KAR 2:140		301 KAR 1:075
150.330	301 KAR 2:044	150.445	301 KAR 1:075
	301 KAR 2:045		301 KAR 1:145
	301 KAR 2:047	150.450	301 KAR 1:140
	301 KAR 2:111		301 KAR 1:145
	301 KAR 2:140	150.470	301 KAR 1:075
	301 KAR 2:170		301 KAR 1:200
	301 KAR 2:220	150.485	301 KAR 1:120
	301 KAR 2:230	150.510	301 KAR 1:085
	301 KAR 2:240	150.520	301 KAR 1:085
	301 KAR 3:030	150.525	301 KAR 1:085
150.340	301 KAR 2:044		301 KAR 3:021
	301 KAR 2:045	150.600	301 KAR 2:220
	301 KAR 2:047		301 KAR 4:050
	301 KAR 2:111	150.603	301 KAR 2:044
	301 KAR 2:170		301 KAR 2:220
	301 KAR 2:220	150.630	301 KAR 2:220
	301 KAR 2:240	150.640	301 KAR 2:050
150.360	301 KAR 1:075	150.660	301 KAR 3:021
	301 KAR 2:044	150.990	301 KAR 1:085
	301 KAR 2:045		301 KAR 1:120
	301 KAR 2:047		301 KAR 1:145
	301 KAR 2:050		301 KAR 1:200
	301 KAR 2:110		301 KAR 2:111
	301 KAR 2:111		301 KAR 2:170
	301 KAR 2:140		301 KAR 2:230
	301 KAR 2:170		301 KAR 3:030
	301 KAR 2:220	Chapter 151	200 KAR 6:040
	301 KAR 2:230	151.100	401 KAR 4:060
	301 KAR 2:240	151.110	401 KAR 4:060
	301 KAR 3:030	151.180	401 KAR 4:060
150.365	301 KAR 2:045	151.210	401 KAR 4:060
	301 KAR 2:110	151.250	401 KAR 4:060
	301 KAR 2:140	151.260	401 KAR 4:060
	301 KAR 2:240	151.280	401 KAR 4:060
150.370	301 KAR 2:045	151.310	401 KAR 4:060
	301 KAR 2:047	156.010	704 KAR 3:290
	301 KAR 2:110		704 KAR 3:292
	301 KAR 2:111		705 KAR 1:010
	301 KAR 2:170		706 KAR 1:010
	301 KAR 2:240		706 KAR 1:020
	301 KAR 4:050		707 KAR 1:003
150.390	301 KAR 2:045	156.031	704 KAR 3:290
	301 KAR 2:110		705 KAR 5:060
	301 KAR 2:111		706 KAR 1:010
	301 KAR 2:140		
	301 KAR 2:170		
	301 KAR 2:240		

ADMINISTRATIVE REGISTER - L14

KRS Section	Regulation	KRS Section	Regulation
156.035	704 KAR 3:290	163.450-163.470	720 KAR 1:010
	704 KAR 3:292	Chapter 174	600 KAR 4:010
	705 KAR 1:010		600 KAR 4:020
	705 KAR 2:120	174.080	600 KAR 1:050
	706 KAR 1:020	174.400-174.435	601 KAR 1:025
	707 KAR 1:003	174.990	601 KAR 1:025
	709 KAR 1:050	175.450	600 KAR 2:010
156.070	701 KAR 5:020		600 KAR 2:020
	702 KAR 7:065		600 KAR 2:030
	702 KAR 7:090		603 KAR 5:120
	704 KAR 3:290	175.470	600 KAR 2:010
	704 KAR 3:292		600 KAR 2:020
	704 KAR 3:340		600 KAR 2:030
	705 KAR 5:100	175.520	600 KAR 2:010
	709 KAR 1:050		600 KAR 2:020
156.097	701 KAR 5:070		600 KAR 2:030
156.160	704 KAR 3:340	Chapter 176	600 KAR 4:010
	704 KAR 10:022		600 KAR 4:020
	704 KAR 20:450		603 KAR 8:010
156.210	704 KAR 20:450	176.050	603 KAR 5:120
157.200-157.290	707 KAR 1:003	176.070	603 KAR 1:030
157.360	702 KAR 3:190	176.130	603 KAR 1:030
	704 KAR 3:030	176.130-176.220	603 KAR 2:015
157.580	702 KAR 3:190	176.140	603 KAR 1:030
160.180	702 KAR 1:115	Chapter 177	600 KAR 4:010
160.340	704 KAR 20:450		600 KAR 4:020
160.380	701 KAR 5:020		603 KAR 2:015
161.010	702 KAR 7:090	177.106	603 KAR 5:120
	704 KAR 15:080	177.220	603 KAR 5:025
161.020	704 KAR 20:005	177.230	603 KAR 5:025
	704 KAR 20:215		603 KAR 5:120
	704 KAR 20:280	177.240	603 KAR 5:120
	704 KAR 20:330	177.300	603 KAR 5:025
	704 KAR 20:460	177.410	603 KAR 5:120
	704 KAR 20:470	177.440	603 KAR 5:120
	704 KAR 20:480	177.9771	603 KAR 5:210
161.025	704 KAR 15:030		603 KAR 5:230
	704 KAR 20:005	Chapter 183	600 KAR 4:010
	704 KAR 20:215		600 KAR 4:020
	704 KAR 20:280	183.120	602 KAR 15:020
	704 KAR 20:330	183.200-183.213	602 KAR 15:010
	704 KAR 20:480	183.505	602 KAR 15:020
161.027	704 KAR 20:215	183.764	602 KAR 15:020
	704 KAR 20:460	183.861	602 KAR 50:030
	704 KAR 20:470	183.861-183.990	602 KAR 50:010
161.030	704 KAR 15:030	183.865	602 KAR 50:030
	704 KAR 15:080	183.867	602 KAR 50:030
	704 KAR 20:005		602 KAR 50:050
	704 KAR 20:215	183.870	602 KAR 50:030
	704 KAR 20:280	183.871	602 KAR 50:120
	704 KAR 20:305	Chapter 186	601 KAR 2:010
	704 KAR 20:330		601 KAR 9:040
	704 KAR 20:460		601 KAR 9:060
	704 KAR 20:470		601 KAR 9:125
	704 KAR 20:480		601 KAR 9:130
161.044	702 KAR 7:090		601 KAR 9:135
	704 KAR 15:080	186.021	806 KAR 39:070
161.120	704 KAR 20:450	186.070	601 KAR 9:015
161.180	702 KAR 7:090		605 KAR 1:160
163.020	705 KAR 1:010	186.115	601 KAR 9:047
	705 KAR 5:060	186.173	601 KAR 9:013
163.030	705 KAR 1:010	186.174	601 KAR 9:012
	705 KAR 2:120	186.276	601 KAR 9:010
	705 KAR 4:210	186.281	601 KAR 9:010
	705 KAR 5:060	186.440	601 KAR 12:020
	705 KAR 5:100	186.450	601 KAR 12:030
	705 KAR 5:110	186.480	601 KAR 12:020
	705 KAR 5:130	186.560	601 KAR 13:030
	709 KAR 1:070	186.570	601 KAR 13:010
163.087	705 KAR 5:100		601 KAR 13:020
163.140	706 KAR 1:010	186.572	601 KAR 13:020
	706 KAR 1:020	Chapter 186A	601 KAR 9:130
163.160	706 KAR 1:010	186A.040	806 KAR 39:070
	706 KAR 1:020	186A.090	601 KAR 9:080

ADMINISTRATIVE REGISTER - L15

KRS Section	Regulation	KRS Section	Regulation
186A.115	601 KAR 9:047	199.645	905 KAR 1:210
	601 KAR 9:085	199.650	905 KAR 1:091
189.190	603 KAR 5:025	199.660	905 KAR 1:091
189.221	601 KAR 1:020	199.670	905 KAR 1:091
189.222	601 KAR 1:020	199.892-199.896	905 KAR 2:010
	603 KAR 5:066	200.080-200.120	905 KAR 1:180
	603 KAR 5:070	Chapter 205	904 KAR 2:140
	603 KAR 5:075	205.010	904 KAR 2:006
	603 KAR 5:100	205.200	902 KAR 16:010
189.230	603 KAR 5:210		904 KAR 2:006
	603 KAR 5:230		904 KAR 2:016
189.270	603 KAR 5:100		904 KAR 2:150
	603 KAR 5:110	205.201-205.204	905 KAR 1:180
189.271	601 KAR 1:020	205.210	904 KAR 2:016
189.340	603 KAR 5:025	205.245	902 KAR 16:010
190.010-190.990	605 KAR 1:160		904 KAR 2:015
	605 KAR 1:170	205.455-205.465	905 KAR 1:180
Chapter 194	902 KAR 17:010	205.520	907 KAR 1:004
194.025	902 KAR 25:011		907 KAR 1:011
194.030	902 KAR 16:010		907 KAR 1:013
	904 KAR 2:140		907 KAR 1:016
	904 KAR 2:150		907 KAR 1:026
	904 KAR 2:201		907 KAR 1:027
	904 KAR 3:090		907 KAR 1:031
	905 KAR 1:180		907 KAR 1:036
194.050	902 KAR 4:060		907 KAR 1:037
	902 KAR 17:020		907 KAR 1:042
	902 KAR 25:011		907 KAR 1:045
	904 KAR 2:116		907 KAR 1:140
	904 KAR 3:010		907 KAR 1:150
	904 KAR 3:020		907 KAR 1:250
	904 KAR 3:030	205.550	907 KAR 1:010
	904 KAR 3:045	205.560	907 KAR 1:010
194.060	905 KAR 1:180	205.795	904 KAR 2:020
195.020	903 KAR 6:060		904 KAR 2:170
195.040	903 KAR 6:060	Chapter 208	905 KAR 1:180
Chapter 196	501 KAR 6:020	Chapter 209	905 KAR 1:180
	501 KAR 6:030	Chapter 210	902 KAR 12:080
	501 KAR 6:040	210.610-210.680	902 KAR 3:205
	501 KAR 6:050		902 KAR 3:210
	501 KAR 6:060		902 KAR 3:215
	501 KAR 6:070		902 KAR 3:220
	501 KAR 6:080		902 KAR 3:225
	501 KAR 6:110		902 KAR 3:230
	501 KAR 6:120		902 KAR 3:235
	501 KAR 6:130		902 KAR 3:240
	501 KAR 6:140		902 KAR 3:245
	501 KAR 8:010		902 KAR 3:250
Chapter 197	501 KAR 6:020		902 KAR 3:255
	501 KAR 6:030		902 KAR 3:260
	501 KAR 6:040	210.990	902 KAR 3:205
	501 KAR 6:050		902 KAR 3:210
	501 KAR 6:060		902 KAR 3:215
	501 KAR 6:070		902 KAR 3:220
	501 KAR 6:080		902 KAR 3:225
	501 KAR 6:110		902 KAR 3:230
	501 KAR 6:120		902 KAR 3:235
	501 KAR 6:130		902 KAR 3:240
	501 KAR 6:140		902 KAR 3:245
	501 KAR 8:010		902 KAR 3:250
Chapter 198B	815 KAR 7:010		902 KAR 3:255
	815 KAR 7:013		902 KAR 3:260
	815 KAR 7:020	211.180	902 KAR 4:050
	815 KAR 7:070		902 KAR 4:060
198B.040	905 KAR 1:091		902 KAR 10:120
198B.050	815 KAR 7:070		902 KAR 10:060
199.011	905 KAR 1:180	211.350	902 KAR 100:012
199.011-199.375	905 KAR 1:180	211.840-211.852	902 KAR 105:020
199.420-199.990	905 KAR 1:010	211.870	902 KAR 105:020
199.470	905 KAR 1:010	211.890	902 KAR 13:030
199.473	905 KAR 1:010	211.960-211.968	902 KAR 13:110
199.520	905 KAR 1:010		902 KAR 10:130
199.572	905 KAR 1:091	211.972	
199.640	905 KAR 1:200		
199.640-199.670			

ADMINISTRATIVE REGISTER - L16

KRS Section	Regulation	KRS Section	Regulation
211.990	902 KAR 10:120	224.033 (cont'd)	401 KAR 34:162
	902 KAR 13:030		401 KAR 34:165
	902 KAR 13:110		401 KAR 34:190
	902 KAR 100:012		401 KAR 34:200
211.993	902 KAR 105:020		401 KAR 35:010
Chapter 212	902 KAR 8:020		401 KAR 35:020
214.155	902 KAR 4:030		401 KAR 35:050
214.185	902 KAR 4:050		401 KAR 35:070
Chapter 216B	902 KAR 17:010		401 KAR 35:080
216B.010-216B.130	902 KAR 20:008		401 KAR 35:090
216B.010-216B.131	902 KAR 20:132		401 KAR 35:100
	902 KAR 20:135		401 KAR 35:120
	902 KAR 20:230		401 KAR 35:190
	902 KAR 20:240		401 KAR 35:200
	902 KAR 20:250		401 KAR 36:030
	902 KAR 20:260		401 KAR 36:040
	902 KAR 20:270		401 KAR 36:050
216B.015	902 KAR 17:020		401 KAR 37:010
216B.990	902 KAR 20:008		401 KAR 37:030
	902 KAR 20:132		401 KAR 37:040
	902 KAR 20:135		401 KAR 37:050
	902 KAR 20:230		401 KAR 37:100
	902 KAR 20:240		401 KAR 38:010
	902 KAR 20:250		401 KAR 38:020
	902 KAR 20:260		401 KAR 38:030
	902 KAR 20:270		401 KAR 38:040
217.025	902 KAR 45:110		401 KAR 38:070
217.035	902 KAR 45:110		401 KAR 38:090
217.037	902 KAR 45:110		401 KAR 38:100
217.125	902 KAR 45:110		401 KAR 38:160
217.811	902 KAR 45:110		401 KAR 39:010
Chapter 218A	902 KAR 55:010		401 KAR 39:080
219.021	902 KAR 45:120		401 KAR 39:090
219.041	902 KAR 45:110		401 KAR 39:100
219.330	902 KAR 45:120		401 KAR 42:010
219.350	902 KAR 45:110	224.036	401 KAR 30:020
221.020	902 KAR 10:021		401 KAR 38:010
222.210-222.310	902 KAR 3:055		401 KAR 38:020
	902 KAR 3:060		401 KAR 38:040
	902 KAR 3:065		401 KAR 38:070
	902 KAR 3:070		401 KAR 38:090
	902 KAR 3:075		401 KAR 38:100
	902 KAR 3:080		401 KAR 38:160
	902 KAR 3:085	224.060	401 KAR 34:010
	902 KAR 3:090		401 KAR 34:020
	902 KAR 3:095		401 KAR 34:050
	902 KAR 3:100		401 KAR 34:070
	902 KAR 3:105		401 KAR 34:190
	902 KAR 3:110		401 KAR 34:200
	902 KAR 3:115		401 KAR 37:010
	902 KAR 3:120		401 KAR 37:030
Chapter 223	401 KAR 6:040		401 KAR 37:040
223.010-223.080	902 KAR 10:030		401 KAR 37:050
223.990	902 KAR 20:030		401 KAR 37:100
Chapter 224	401 KAR 6:040	224.071	401 KAR 32:010
224.005	401 KAR 30:070		401 KAR 32:030
	401 KAR 47:010		401 KAR 32:040
	401 KAR 47:020		401 KAR 32:050
224.033	401 KAR 30:010		401 KAR 33:010
	401 KAR 30:020		401 KAR 33:020
	401 KAR 30:070		401 KAR 34:010
	401 KAR 30:080		401 KAR 34:020
	401 KAR 31:060		401 KAR 34:050
	401 KAR 32:100		401 KAR 34:070
	401 KAR 34:010		401 KAR 34:080
	401 KAR 34:020		401 KAR 34:090
	401 KAR 34:050		401 KAR 34:100
	401 KAR 34:070		401 KAR 34:120
	401 KAR 34:080		401 KAR 34:144
	401 KAR 34:090		401 KAR 34:159
	401 KAR 34:100		401 KAR 34:162
	401 KAR 34:120		401 KAR 34:165
	401 KAR 34:144		401 KAR 34:190
	401 KAR 34:159		401 KAR 34:200

ADMINISTRATIVE REGISTER - L17

KRS Section	Regulation	KRS Section	Regulation
224.071 (cont'd)	401 KAR 35:080	224.340 (cont'd)	401 KAR 55:005
	401 KAR 35:090		401 KAR 55:010
	401 KAR 35:100		401 KAR 57:045
	401 KAR 35:120		401 KAR 59:010
	401 KAR 37:010		401 KAR 59:050
	401 KAR 37:030		401 KAR 59:052
	401 KAR 37:040		401 KAR 59:221
	401 KAR 37:050		401 KAR 59:236
	401 KAR 37:100		401 KAR 59:305
	401 KAR 38:010		401 KAR 59:310
	401 KAR 38:020		401 KAR 61:020
	401 KAR 38:040		401 KAR 61:170
	401 KAR 38:070		401 KAR 63:042
	401 KAR 38:090	224.830-224.860	401 KAR 47:010
	401 KAR 38:100	224.830-224.877	401 KAR 47:020
224.087	401 KAR 38:160		401 KAR 31:010
	401 KAR 38:010		401 KAR 31:030
	401 KAR 38:020		401 KAR 31:040
	401 KAR 38:040		401 KAR 31:060
	401 KAR 38:070		401 KAR 31:120
	401 KAR 38:090		401 KAR 31:160
	401 KAR 38:100		401 KAR 31:170
224.135	401 KAR 38:160		401 KAR 32:010
224.320	401 KAR 5:010		401 KAR 32:030
	401 KAR 50:010		401 KAR 32:040
	401 KAR 50:015		401 KAR 32:050
	401 KAR 50:035		401 KAR 32:100
	401 KAR 51:010		401 KAR 34:010
	401 KAR 51:017		401 KAR 34:020
	401 KAR 51:052		401 KAR 34:050
	401 KAR 53:005		401 KAR 34:070
	401 KAR 53:010		401 KAR 34:090
	401 KAR 55:005		401 KAR 34:100
	401 KAR 55:010		401 KAR 34:120
	401 KAR 57:045		401 KAR 34:144
	401 KAR 59:010		401 KAR 34:159
	401 KAR 59:050		401 KAR 34:162
	401 KAR 59:052		401 KAR 34:165
	401 KAR 59:221		401 KAR 34:190
	401 KAR 59:236		401 KAR 34:200
	401 KAR 59:305		401 KAR 35:010
	401 KAR 59:310		401 KAR 35:020
	401 KAR 61:020		401 KAR 35:050
	401 KAR 61:170		401 KAR 35:070
224.330	401 KAR 63:042		401 KAR 35:080
	401 KAR 50:010		401 KAR 35:090
	401 KAR 50:015		401 KAR 35:100
	401 KAR 50:035		401 KAR 35:120
	401 KAR 51:010		401 KAR 35:190
	401 KAR 51:017		401 KAR 35:200
	401 KAR 51:052		401 KAR 36:030
	401 KAR 53:005		401 KAR 36:040
	401 KAR 53:010		401 KAR 36:050
	401 KAR 55:005		401 KAR 37:010
	401 KAR 55:010		401 KAR 37:030
	401 KAR 57:045		401 KAR 37:040
	401 KAR 59:010		401 KAR 37:050
	401 KAR 59:050		401 KAR 37:100
	401 KAR 59:052		401 KAR 38:010
	401 KAR 59:221		401 KAR 38:020
	401 KAR 59:236		401 KAR 38:030
	401 KAR 59:305		401 KAR 38:040
	401 KAR 59:310		401 KAR 38:070
	401 KAR 61:020		401 KAR 38:090
	401 KAR 61:170		401 KAR 38:100
224.340	401 KAR 63:042		401 KAR 38:160
	401 KAR 50:010		401 KAR 39:010
	401 KAR 50:015		401 KAR 39:080
	401 KAR 50:035		401 KAR 39:090
	401 KAR 51:010		401 KAR 39:100
	401 KAR 51:017	224.830-224.889	401 KAR 30:010
	401 KAR 51:052		401 KAR 30:020
	401 KAR 53:005		401 KAR 30:070
	401 KAR 53:010		401 KAR 30:080

ADMINISTRATIVE REGISTER - L18

KRS Section	Regulation	KRS Section	Regulation
224.835	401 KAR 33:010	224.994 (cont'd)	401 KAR 37:050
	401 KAR 33:020		401 KAR 37:100
	401 KAR 34:080		401 KAR 38:010
	401 KAR 47:040		401 KAR 38:020
	401 KAR 49:030		401 KAR 38:030
	401 KAR 49:050		401 KAR 38:040
224.842	401 KAR 34:080		401 KAR 38:070
	401 KAR 47:040		401 KAR 38:090
	401 KAR 49:030		401 KAR 38:100
	401 KAR 49:050		401 KAR 38:160
224.855	401 KAR 34:080		401 KAR 39:010
	401 KAR 47:040		401 KAR 39:080
224.860	401 KAR 34:080		401 KAR 39:090
224.862	401 KAR 42:010		401 KAR 39:100
224.866	401 KAR 34:080		401 KAR 47:010
224.868	401 KAR 47:010		401 KAR 47:020
	401 KAR 47:020	224.995	401 KAR 47:010
224.869	401 KAR 47:020		401 KAR 47:020
224.873	401 KAR 33:010	Chapter 227	815 KAR 10:020
	401 KAR 33:020	229.071	201 KAR 27:080
	401 KAR 33:010	229.081	201 KAR 27:017
224.874	401 KAR 33:020		201 KAR 27:018
	401 KAR 47:010	229.091	201 KAR 27:017
224.886	401 KAR 47:010		201 KAR 27:018
224.887	401 KAR 49:030		201 KAR 27:019
	401 KAR 49:050		201 KAR 27:019
	401 KAR 47:010	229.111	201 KAR 27:019
224.888	401 KAR 49:030	229.171	201 KAR 27:080
	401 KAR 49:050	230.210-230.360	810 KAR 1:011
	401 KAR 30:010		810 KAR 1:013
224.994	401 KAR 30:020		810 KAR 1:018
	401 KAR 30:060	230.215	810 KAR 1:018
	401 KAR 30:070	230.240	810 KAR 1:018
	401 KAR 30:080	230.260	810 KAR 1:018
	401 KAR 31:010	230.410-230.447	811 KAR 2:035
	401 KAR 31:030		811 KAR 2:040
	401 KAR 31:040		811 KAR 2:045
	401 KAR 31:120		811 KAR 2:050
	401 KAR 31:160		811 KAR 2:060
	401 KAR 31:170		811 KAR 2:070
	401 KAR 32:010		811 KAR 2:080
	401 KAR 32:030		811 KAR 2:085
	401 KAR 32:040	230.630	811 KAR 2:096
	401 KAR 32:050		811 KAR 1:090
	401 KAR 32:100		811 KAR 1:105
	401 KAR 34:010		811 KAR 1:125
	401 KAR 34:020		811 KAR 1:225
	401 KAR 34:050	230.640	811 KAR 2:110
	401 KAR 34:070		811 KAR 1:090
	401 KAR 34:090		811 KAR 1:105
	401 KAR 34:100		811 KAR 1:125
	401 KAR 34:120		811 KAR 1:225
	401 KAR 34:144		811 KAR 2:110
	401 KAR 34:159		811 KAR 1:125
	401 KAR 34:162		811 KAR 1:125
	401 KAR 34:165		811 KAR 1:105
	401 KAR 34:190		811 KAR 1:090
	401 KAR 34:200		811 KAR 1:215
	401 KAR 35:010	236.030	815 KAR 15:010
	401 KAR 35:020	244.120	804 KAR 5:060
	401 KAR 35:050	244.130	804 KAR 5:060
	401 KAR 35:070	244.440	804 KAR 4:245
	401 KAR 35:080	247.232	302 KAR 16:040
	401 KAR 35:090	247.234	302 KAR 16:040
	401 KAR 35:100	247.236	302 KAR 16:040
	401 KAR 35:120	251.440	302 KAR 36:010
	401 KAR 35:190	251.451	302 KAR 36:010
	401 KAR 35:200	251.700	302 KAR 34:050
	401 KAR 36:030	251.720	302 KAR 36:010
	401 KAR 36:040	Chapter 257	302 KAR 20:040
	401 KAR 36:050		302 KAR 20:055
	401 KAR 37:010		302 KAR 20:058
	401 KAR 37:030		302 KAR 20:065
	401 KAR 37:040		302 KAR 20:070
			302 KAR 20:210

ADMINISTRATIVE REGISTER - L19

KRS Section	Regulation	KRS Section	Regulation
257.020	302 KAR 20:055	314.041	201 KAR 20:070
257.030	302 KAR 20:055		201 KAR 20:095
257.040	302 KAR 20:055		201 KAR 20:110
257.060	302 KAR 20:055		201 KAR 20:115
257.070	302 KAR 20:055		201 KAR 20:230
257.115	302 KAR 20:055		201 KAR 20:240
Chapter 278	807 KAR 5:008		201 KAR 20:370
280.010-280.130	603 KAR 5:061		201 KAR 20:380
Chapter 281	601 KAR 1:005	314.042	201 KAR 20:240
	601 KAR 1:115	314.051	201 KAR 20:070
	601 KAR 2:010		201 KAR 20:095
	601 KAR 9:040		201 KAR 20:110
	601 KAR 9:060		201 KAR 20:115
	601 KAR 9:010		201 KAR 20:230
281.720	808 KAR 3:050		201 KAR 20:240
290.070	808 KAR 3:050		201 KAR 20:370
290.100	808 KAR 3:050		201 KAR 20:380
290.225	808 KAR 3:050	314.071	201 KAR 20:161
290.585	808 KAR 3:050		201 KAR 20:162
290.715	808 KAR 3:050		201 KAR 20:225
304.2-165	806 KAR 12:090		201 KAR 20:230
304.3-200	806 KAR 12:090		201 KAR 20:240
304.4-010	806 KAR 6:090		201 KAR 20:370
304.5-070	806 KAR 5:050	314.073	201 KAR 20:205
304.6-100	806 KAR 6:090		201 KAR 20:210
304.9-030	806 KAR 9:200		201 KAR 20:215
304.9-080	806 KAR 9:200		201 KAR 20:220
304.9-105	806 KAR 9:210		201 KAR 20:225
304.9-330	806 KAR 9:210		201 KAR 20:230
304.9-410	806 KAR 9:200		201 KAR 20:240
304.9-430	806 KAR 9:210	314.091	201 KAR 20:115
304.12-010	806 KAR 12:090		201 KAR 20:161
304.12-020	806 KAR 20:010		201 KAR 20:162
	806 KAR 20:020	314.193	201 KAR 20:057
	806 KAR 39:070	314.101	201 KAR 20:090
304.12-220	806 KAR 12:090		201 KAR 20:115
304.12-230	806 KAR 12:090	314.111	201 KAR 20:270
304.14-120	806 KAR 20:010		201 KAR 20:290
304.14-210	806 KAR 20:010		201 KAR 20:310
304.20-040	806 KAR 20:020		201 KAR 20:320
304.20-160	806 KAR 20:010		201 KAR 20:330
304.20-300-304.20-350	806 KAR 20:010		201 KAR 20:360
304.30-110	806 KAR 20:010	314.131	201 KAR 20:205
304.39-080	806 KAR 39:070		201 KAR 20:215
304.39-085	806 KAR 39:070		201 KAR 20:240
311.241-311.247	902 KAR 20:250		201 KAR 20:270
311.420	201 KAR 25:011		201 KAR 20:320
	201 KAR 25:012		201 KAR 20:330
311.450	201 KAR 25:021		201 KAR 20:360
311.650-311.658	201 KAR 9:101	314.161	201 KAR 20:162
	201 KAR 9:121		201 KAR 20:240
	201 KAR 9:161	314.991	201 KAR 20:161
311.990	201 KAR 9:101		201 KAR 20:162
	201 KAR 9:121	317A.070	201 KAR 12:180
	201 KAR 9:161	317A.140	201 KAR 12:170
	902 KAR 20:250		201 KAR 12:175
313.220	201 KAR 8:006		201 KAR 12:180
	201 KAR 8:390	317A.145	201 KAR 12:170
314.011	201 KAR 20:057		201 KAR 12:180
	201 KAR 20:115	Chapter 318	815 KAR 20:010
	201 KAR 20:161		815 KAR 20:020
	201 KAR 20:162		815 KAR 20:060
	201 KAR 20:205		815 KAR 20:073
	201 KAR 20:210		815 KAR 20:075
	201 KAR 20:215		815 KAR 20:076
	201 KAR 20:220		815 KAR 20:077
	201 KAR 20:290		815 KAR 20:090
	201 KAR 20:310		815 KAR 20:100
	201 KAR 20:320		815 KAR 20:120
	201 KAR 20:330		815 KAR 20:130
314.021	201 KAR 20:205		815 KAR 20:191
	201 KAR 20:215	319.032	201 KAR 26:240
314.031	201 KAR 20:161		
	201 KAR 20:162		
	201 KAR 20:205		

ADMINISTRATIVE REGISTER - L20

KRS Section	Regulation	KRS Section	Regulation
319.050	201 KAR 26:171	433.753	603 KAR 5:025
	201 KAR 26:200	Chapter 439	501 KAR 6:020
	201 KAR 26:230		501 KAR 6:030
319.058	201 KAR 26:171		501 KAR 6:040
	201 KAR 26:220		501 KAR 6:050
	201 KAR 26:230		501 KAR 6:060
319.064	201 KAR 26:171		501 KAR 6:070
	201 KAR 26:210		501 KAR 6:080
	201 KAR 26:230		501 KAR 6:110
Chapter 319A	201 KAR 28:010		501 KAR 6:120
319A.100	201 KAR 28:060		501 KAR 6:130
319A.110	201 KAR 28:050		501 KAR 6:140
	201 KAR 28:060	Chapters 600-645	905 KAR 1:180
	201 KAR 28:080	Chapter 605	905 KAR 7:230
319A.120	201 KAR 28:050	Chapter 610	905 KAR 7:230
319A.130	201 KAR 28:060	620.080	905 KAR 1:220
	201 KAR 28:080	620.140	905 KAR 1:220
319A.140	201 KAR 28:050	620.180	905 KAR 1:220
	201 KAR 28:080	Chapter 630	905 KAR 7:230
319A.150	201 KAR 28:080	Chapter 635	905 KAR 7:230
319A.160	201 KAR 28:090	Chapter 640	905 KAR 7:230
319A.170	201 KAR 28:110	Chapter 645	905 KAR 7:230
319A.180	201 KAR 28:120	P.L. 96-272	905 KAR 1:220
322.020	201 KAR 18:050	Ex. Order 86-366	902 KAR 17:010
322.110	201 KAR 18:050		902 KAR 17:020
322.270	201 KAR 18:170	1984 Acts c. 344	600 KAR 1:070
323.095	201 KAR 19:095	1984 Acts c. 406	600 KAR 1:070
323.120	201 KAR 19:095	1986 Acts c. 401	603 KAR 8:010
324.395	201 KAR 11:220	HB 492 (1988 GA)	902 KAR 10:121
329.030	502 KAR 20:020	HB 516 (1988 GA)	902 KAR 3:060
330.110	201 KAR 3:080		902 KAR 10:021
Chapter 333	902 KAR 11:010		902 KAR 10:121
335.010	201 KAR 23:040		902 KAR 10:130
335.010-335.160	201 KAR 23:060		902 KAR 11:010
335.080	201 KAR 23:070		903 KAR 1:010
335.090	201 KAR 23:070		905 KAR 1:091
335.100	201 KAR 23:070		905 KAR 2:010
335.150-335.160	201 KAR 23:040	HB 517 (1988 GA)	806 KAR 39:070
335B.010-335B.070	704 KAR 20:450		
Chapter 338	803 KAR 2:020		
	803 KAR 2:027		
	803 KAR 2:030		
	803 KAR 2:032		
Chapter 340	903 KAR 1:010		
341.005-341.990	903 KAR 5:260		
341.190	903 KAR 5:300		
341.262	903 KAR 5:300		
341.270	903 KAR 5:290		
341.380	903 KAR 5:270		
Chapter 342	803 KAR 25:011		
350.020	405 KAR 18:190		
350.093	405 KAR 18:190		
350.100	405 KAR 16:060		
	405 KAR 18:060		
	405 KAR 18:190		
350.151	405 KAR 18:060		
	405 KAR 18:190		
350.405	405 KAR 18:190		
350.410	405 KAR 16:060		
	405 KAR 18:190		
350.420	405 KAR 16:060		
	405 KAR 18:060		
350.421	405 KAR 16:060		
	405 KAR 18:060		
350.430	405 KAR 7:070		
350.440	405 KAR 16:060		
	405 KAR 18:060		
350.450	405 KAR 18:190		
350.465	405 KAR 16:060		
	405 KAR 18:060		
	405 KAR 18:190		
351.380	405 KAR 7:070		
Chapter 431	501 KAR 8:010		
433.750	603 KAR 5:025		

SUBJECT INDEX

ADULT EDUCATION

Adult plan; 709 KAR 1:050
Minimum standards, vocational; 709 KAR 1:070

AERONAUTICS

Airport Development
Aid; 602 KAR 15:020
Loans; 602 KAR 15:010
Airport Zoning
Commission jurisdiction; 602 KAR 50:030
Definitions; 602 KAR 50:010
Hearing procedures; 602 KAR 50:120
Map; 602 KAR 50:050

AGRICULTURE

Amusement Rides
Violation, reinspection; 302 KAR 16:040
Bond, Grain Fund Distribution
Disputed claims; 302 KAR 36:010 & E
Grain Insurance, Grain Dealers
Federal warehouses; 302 KAR 34:050 and E
Livestock sanitation; 302 KAR Chapter 20

AIR QUALITY

Ambient Air Quality
General provisions; 401 KAR 53:005
Standards; 401 KAR 53:010
Emergency Episodes
Episode criteria; 401 KAR 55:010
Significant harm criteria; 401 KAR 55:005
Existing Source Standards
Blast furnace casthouses; 401 KAR 61:170
Process operations; 401 KAR 61:020
General Administrative Procedures
Definitions, abbreviations; 401 KAR 50:010
Permits; 401 KAR 50:035
Reference documents; 401 KAR 50:015
General Standards
Asbestos abatement; 401 KAR 63:042
Hazardous Pollutants
Glass manufacturing plants; 401 KAR 57:045
New Source Standards
Metal coil coating; 401 KAR 59:221
Mineral processing; 401 KAR 59:310
New process operations; 401 KAR 59:010
Organic chemical leaks; 401 KAR 59:305
Petroleum liquids storage; 401 KAR 59:050
Rubber tire manufacturing; 401 KAR 59:236
Volatile organic liquid storage; 401 KAR 59:052
New Sources, Nonattainment Areas
Designations; 401 KAR 51:010
Review; 401 KAR 51:052
Significant deterioration; 401 KAR 51:017

AIRPORT DEVELOPMENT

(See Aeronautics)

AIRPORT ZONING

(See Aeronautics)

ALCOHOLIC BEVERAGE CONTROL

Business, Employees, Conduct of
Entertainment requirements; 804 KAR 5:060
Licensing
Definitions; 804 KAR 4:245

AMUSEMENT RIDES

(See Agriculture)

APPALOOSA RACING

(See Quarter Horse, Appaloosa, Arabian Racing)

ARABIAN RACING

(See Quarter Horse, Appaloosa, Arabian Racing)

ARCHITECTS

Professional practice standards; 201 KAR 19:095

ATHLETIC COMMISSION

Boxer defeats; 201 KAR 27:019 and E
Miscellaneous provisions; 201 KAR 27:080
Surgical gloves; 201 KAR 27:018 and E

AUCTIONEERS

Absolute auction; 201 KAR 3:080

BLIND, DEPARTMENT OF

Federal vocational rehabilitation; 720 KAR 1:010

BUILDING CODE

Administration, enforcement; 815 KAR 7:010
Building code; 815 KAR 7:020
Inspector certification; 815 KAR 7:070 and E
Plan review fees; 815 KAR 7:013

COMMERCE

Agriculture
Amusement rides; 302 KAR Chapter 16
Grain insurance, dealers; 302 KAR Chapter 34
Livestock sanitation; 302 KAR Chapter 20

CORRECTIONS

Execution Competency Hearings
Hearings, procedures, disposition; 501 KAR 8:010
Office of the Secretary
Bell County Forestry Camp; 501 KAR 6:140 and E
Blackburn Correctional Complex; 501 KAR 6:120 and E
Cabinet manuals; 501 KAR 6:080 and E
Correctional Institute for Women; 501 KAR 6:070 and E
Kentucky State Penitentiary; 501 KAR 6:040 and E
Kentucky State Reformatory; 501 KAR 6:030 and E
Luther Luckett Correctional Complex; 501 KAR 6:050
Northpoint Training Center; 501 KAR 6:060 and E
Policies, procedures; 501 KAR 6:020 and E
Roederer Farm Center; 501 KAR 6:110 and E
Western Kentucky Farm Center; 501 KAR 6:130

CRIMINAL JUSTICE TRAINING

Law Enforcement Council
Instructor certification; 503 KAR 1:100
Law Enforcement Foundation Program
Participation; 503 KAR 5:090

DENTISTRY

Advertising; 201 KAR 8:006
Anesthesia, sedation; 201 KAR 8:390

EDUCATION AND HUMANITIES CABINET

Blind; 720 KAR Chapter 1
Exceptional Children
Programs; 707 KAR Chapter 1
Instruction
Elementary, secondary; 704 KAR Chapter 10
Instructional services; 704 KAR Chapter 3
Teacher certification; 704 KAR Chapter 20
Teacher education; 704 KAR Chapter 15
Local Services
General administration; 702 KAR Chapter 1
School district finance; 702 KAR Chapter 3
Terms, attendance, operation; 702 KAR Chapter 7

EDUCATION AND HUMANITIES CABINET (cont'd)

Programs (See also Adult Education)
 Adult education; 709 KAR Chapter 1
 Superintendent's Office
 Hearing officer; 701 KAR 5:020
 Institute for teachers; 701 KAR 5:070 and E
 Vocational Education
 Administration; 705 KAR Chapter 1
 Fiscal management; 705 KAR Chapter 2
 Instructional programs; 705 KAR Chapter 4
 State-operated schools; 705 KAR Chapter 5
 Vocational Rehabilitation Services
 Administration; 706 KAR Chapter 1

EMPLOYEES, STATE

Personnel Rules
 Board; 101 KAR Chapter 1
 Classified service; 101 KAR Chapter 2

EMPLOYMENT SERVICES

Employment Agencies
 Private; 903 KAR 1:010 and E
 Employment Services
 Confidentiality; 903 KAR 6:060
 Unemployment Insurance
 Contribution rates; 903 KAR 5:290 and E
 Maximum weekly benefit rate; 903 KAR 5:270 and E
 Procedures; 903 KAR 5:260
 Required reports; 903 KAR 5:300

ENGINEERS, LAND SURVEYORS

Board member compensation; 201 KAR 18:170
 Branches; 201 KAR 18:050

EXCEPTIONAL CHILDREN (EDUCATION)

Programs
 Annual program; 707 KAR 1:003

FACILITIES MANAGEMENT

Floodplain management; 200 KAR 6:040

FINANCE, ADMINISTRATION

Facilities management; 200 KAR Chapter 6

FINANCIAL INSTITUTIONS

Credit Unions
 Conduct; 808 KAR 3:050

FIRE DEPARTMENTS, LOCAL

Aid to departments; 815 KAR 45:015
 Education incentive; 815 KAR 45:035
 Instructors' qualifications, certification; 815 KAR 45:030

FIRE PREVENTION

Definitions; 815 KAR 15:010

FISH, WILDLIFE RESOURCES

Fish
 Angling seasons, limits; 301 KAR 1:200
 Commercial fishing gear; 301 KAR 1:145
 Commercial, special permit; 301 KAR 1:140
 Free fishing days; 301 KAR 1:210
 Giggling, grabbing, etc.; 301 KAR 1:075
 Live fish sales, handling; 301 KAR 1:120
 Mussel shell harvesting; 301 KAR 1:085
 Musseling licenses; 301 KAR 1:190 and E
 Repeal; 301 KAR 1:191
 Game
 Bobcat harvest season; 301 KAR 2:240
 Deer, turkey hunting; 301 KAR 2:111
 Deer seasons; 301 KAR 2:170
 Land Between the Lakes hunting; 301 KAR 2:050
 Migratory birds; 301 KAR 2:220 and E

FISH, WILDLIFE RESOURCES (cont'd)

Migratory wildlife, taking; 301 KAR 2:044 and E
 Raccoon and opossum; 301 KAR 2:110
 Shoot to retrieve field trial; 301 KAR 2:230
 Specified areas, birds, small game; 301 KAR 2:047
 Upland game birds, furbearers, small game; 301 KAR 2:045
 Wild turkey seasons; 301 KAR 2:140
 Hunting and Fishing
 Birds, animals year-round season; 301 KAR 3:030
 License fees; 301 KAR 3:021 and E
 Wildlife
 Swan Lake WMA; 301 KAR 4:050 and E

HAIRDRESSERS, COSMETOLOGISTS

Complaints, investigations; 201 KAR 12:170
 Fines in lieu of suspension; 201 KAR 12:175
 Hearing procedures; 201 KAR 12:180

HARNESS RACING COMMISSION

Harness Racing
 Pari-mutuel rules; 811 KAR 1:125
 Review, appeal; 811 KAR 1:105
 Standardbred development fund; 811 KAR 1:215
 Stimulants and drugs; 811 KAR 1:090
 Substance abuse; 811 KAR 1:225
 Quarter horse, appaloosa, Arabian; 811 KAR Chapter 2

HEALTH SERVICES

Alcohol, Drugs and Occupational Programs
 Drug Abuse Treatment, Education Centers
 Administration; 902 KAR 3:215
 Client rights; 902 KAR 3:230
 Communication centers; 902 KAR 3:260
 Day care centers; 902 KAR 3:250
 Definitions; 902 KAR 3:205
 Educational information; 902 KAR 3:255
 Licensing procedures; 902 KAR 3:210 and E
 Personnel policies; 902 KAR 3:220
 Physical plant; 902 KAR 3:235
 Program operations; 902 KAR 3:240
 Quality assurance; 902 KAR 3:225
 Residential treatment; 902 KAR 3:245
 Nonmedical Alcohol Treatment, Education Center
 Administration; 902 KAR 3:065
 Client rights; 902 KAR 3:080
 Definitions; 902 KAR 3:055
 Detoxification; 902 KAR 3:095
 Education; 902 KAR 3:120
 Intensive treatment; 902 KAR 3:115
 Licensing procedures; 902 KAR 3:060 and E
 Outpatient treatment; 902 KAR 3:110
 Personnel policies; 902 KAR 3:070
 Program operations; 902 KAR 3:090
 Quality assurance; 902 KAR 3:075
 Residential treatment; 902 KAR 3:100
 Transitional treatment; 902 KAR 3:105
 Controlled Substances
 Manufacturer, wholesaler licensing; 902 KAR 55:010 and E
 Disability Determination's Unit
 Program; 902 KAR 16:010
 Emergency Medical Technicians
 Fees; 902 KAR 13:030
 First responder; 902 KAR 13:110
 Food and Cosmetics
 Inspection fees; 902 KAR 45:110 and E; 902 KAR 45:120 and E
 Health Economics Control Commission
 Application fee schedule; 902 KAR 20:136 and E
 Comprehensive physical rehabilitation; 902 KAR 20:230; 902 KAR 20:240

HEALTH SERVICES (cont'd)

License procedures, fees; 902 KAR 20:008
 Medical technology services; 902 KAR 20:250
 Minimums; 902 KAR 20:132
 Mobile health services; 902 KAR 20:270
 Special health clinics; 902 KAR 20:260
 Local Health Departments
 Policies, procedures; 902 KAR 8:020 and E
 Maternal and Child Health
 Family planning program; 902 KAR 4:050 and E
 Tests for inborn errors of metabolism; 902 KAR 4:030
 WIC plan; 902 KAR 4:060
 Medical Laboratories
 Licensure application, fee; 902 KAR 11:010 & E
 Mentally Ill/Mentally Retarded
 Policies, procedures; 902 KAR 12:080
 Radiation Operators Certification
 General requirements; 902 KAR 105:020 and E
 Radiology
 Fee schedule; 902 KAR 100:012 and E
 Sanitation
 Frozen food locker plants license fees; 902 KAR 10:021 and E
 Onsite sewage disposal; 902 KAR 10:060 and E
 Public swimming, bathing facilities inspection fees; 902 KAR 10:121 and E
 Sanitarians; 902 KAR 10:030 and E
 Septic tank servicing license fee; 902 KAR 10:130 and E
 Swimming, bathing facilities; 902 KAR 10:120
 Section 1122 Review
 Repeal; 902 KAR 25:011
 State Health Plan
 Plan; 902 KAR 17:010
 Process; 902 KAR 17:020

HIGHWAYS

Construction and Materials
 Bidding; 603 KAR 1:030
 Maintenance
 Prequalification, eligibility, disputes; 603 2:015
 Traffic
 Access control; 603 KAR 5:120
 Coal haul road system; 603 KAR 5:210 and E
 Coal haul road system bridges; 603 KAR 5:230 and E
 Fully controlled access; 603 KAR 5:025
 Intrastate toll bridges, ferries; 603 KAR 5:071
 Mobile homes; 603 KAR 5:110
 Overload, overdimension permits; 603 KAR 5:075
 Permits for moving buildings; 603 KAR 5:100
 Truck dimension limits; 603 KAR 5:070
 Truck weight limits; 603 KAR 5:066
 Transportation Scholarship Program
 Program; 603 KAR 8:010

HOUSING, BUILDINGS AND CONSTRUCTION

Kentucky building code; 815 KAR Chapter 7
 Fire prevention; 815 KAR Chapter 15
 Local fire departments; 815 KAR Chapter 45
 Plumbing; 815 KAR Chapter 20
 Standards of Safety
 Fire safety; 815 KAR 10:020

HUMAN RESOURCES

Employment Services
 Employment agencies; 903 KAR Chapter 1
 Employment services; 903 KAR Chapter 6
 Unemployment insurance; 903 KAR Chapter 5
 Health Services
 Alcohol, drugs, occupational programs; 902 KAR Chapter 3
 Chapter 20

HUMAN RESOURCES (cont'd)

Controlled substances; 902 KAR Chapter 55
 Disability determination's unit; 902 KAR Chapter 16
 Emergency medical technicians; 902 KAR Chapter 13
 Food and cosmetics; 902 KAR Chapter 45
 Health Economics Control Commission; 902 KAR
 Local health departments; 902 KAR Chapter 8
 Maternal, child health; 902 KAR Chapter 4
 Medical laboratories; 902 KAR Chapter 11
 Mentally ill, mentally retarded; 902 KAR Chapter 12
 Radiation operators certification; 902 KAR Chapter 105
 Radiology; 902 KAR Chapter 100
 Sanitation; 902 KAR Chapter 10
 Section 1122 Review; 902 KAR Chapter 25
 State health plan; 902 KAR Chapter 17
 Medicaid services; 907 KAR Chapter 1
 Social Insurance
 Food stamp program; 904 KAR Chapter 3
 Public assistance; 904 KAR Chapter 2
 Social Services
 Day care; 905 KAR Chapter 2
 Child welfare; 905 KAR Chapter 1
 Children's residential services; 905 KAR Chapter 7

INSTRUCTION (EDUCATION)

Elementary, Secondary Education Act
 School standards; 704 KAR 10:022
 Instructional Services
 Chapter 1, ECIA program plan; 704 KAR 3:290
 Chapter 1, ECIA migrant plan; 704 KAR 3:292
 Diploma program; 704 KAR 3:340
 Special units; 704 KAR 3:030
 Teacher Certification
 Certificate revocation; 704 KAR 20:450
 Gifted; 704 KAR 20:280
 Intellectual assessment; 704 KAR 20:330
 Principal certification; 704 KAR 20:460
 Principal intern program; 704 KAR 20:470
 Professional school personnel; 704 KAR 20:005
 Repeater; 704 KAR 20:480
 Vocational administrators; 704 KAR 20:215
 Written examinations; 704 KAR 20:305
 Teacher Education
 Experimental programs; 704 KAR 15:030
 Paraprofessional, volunteer personnel; 704 KAR 15:080

INSURANCE

Assets and Liabilities
 Casualty insurance loss reserves; 806 KAR 6:090
 Casualty Insurance Contracts
 Automobile liability, cancellation, nonrenewal; 806 KAR 20:020
 Declination, cancellation, nonrenewal; 806 KAR 20:010
 Motor Vehicle Repairs (No-Fault)
 Motor vehicle insurance proof; 806 KAR 39:070
 Trade Practices and Frauds
 Unfair claims settlement; 806 KAR 12:090

JUSTICE

Criminal Justice Training
 Law enforcement council; 503 KAR Chapter 1
 Law enforcement foundation; 503 KAR Chapter 5
 Juvenile Detention Centers
 Admission; 500 KAR 6:140 and E
 Communication; 500 KAR 6:160 and E
 Definitions; 500 KAR 6:010 and E
 Discipline, rules; 500 KAR 6:120 and E
 Food services; 500 KAR 6:070 and E

JUSTICE (cont'd)

Intake; 500 KAR 6:130 and E
 Medical, health care; 500 KAR 6:110 and E
 Organization, management; 500 KAR 6:020 and E
 Personnel; 500 KAR 6:030 and E
 Physical plant; 500 KAR 6:200
 Programs; 500 KAR 6:150 and E
 Records; 500 KAR 6:040 and E
 Release, transfer; 500 KAR 6:170 and E
 Rights; 500 KAR 6:090 and E
 Safety, emergency procedures; 500 KAR 5:050 and E
 Sanitation, hygiene; 500 KAR 6:080 and E
 Security, control; 500 KAR 6:060 and E
 Staff training, development; 500 KAR 6:100 and E
 Volunteers; 500 KAR 6:180 and E
 State Police
 Polygraph; 502 KAR Chapter 20

LABOR

Occupational safety, health; 803 KAR Chapter 2
 Workers' Compensation Board; 803 KAR Chapter 25

LAND SURVEYORS

(See Engineers, Land Surveyors)

LIVESTOCK SANITATION

Brucellosis eradication; 302 KAR 20:058
 Brucellosis vaccination, testing, branding; 302 KAR 20:055 and E
 Entry into Kentucky; 302 KAR 20:040 and E
 Pseudorabies; 302 KAR 20:210 and E
 Sell, exhibition; 302 KAR 20:065 and E
 Stockyards; 302 KAR 20:070 and E

LOCAL SERVICES (EDUCATION)

General Administration
 District board members training; 702 KAR 1:115
 School District Finance
 Maximum class size; 702 KAR 3:190 and E
 School Terms, Attendance, Operation
 Athletic program personnel; 702 KAR 7:090
 Interscholastic athletics; 702 KAR 7:065 and E

MEDICAID SERVICES

Alternative home, community based services for mentally retarded; 907 KAR 1:140 and E; 907 KAR 1:150 and E
 Dental services; 907 KAR 1:026; 907 KAR 1:027
 Home health services; 907 KAR 1:031 and E
 Hospital furnished skilled nursing, intermediate care; 907 KAR 1:037 and E; 907 KAR 1:042 and E
 Hospital inpatient services; 907 KAR 1:013 and E
 Medically needy; 907 KAR 1:004 and E
 Mental health centers; 907 KAR 1:045 and E
 Physician services payment; 907 KAR 1:010 and E
 Psychiatric hospital; 907 KAR 1:016 and E
 Reference materials; 907 KAR 1:250 and E
 Skilled nursing, intermediate care; 907 KAR 1:036 and E
 Technical eligibility; 907 KAR 1:011 and E

MEDICAL LICENSURE BOARD

Certification renewal; 201 KAR 9:121
 Paramedics, definitions; 201 KAR 9:101
 Paramedics procedures; 201 KAR 9:161

MOTOR VEHICLE COMMISSION

Component manufacturers; 605 KAR 1:160 and E
 Temporary sale, display; 605 KAR 1:170

NATURAL RESOURCES, ENVIRONMENTAL PROTECTION

Air quality; 401 KAR Chapters 50 through 63
 Surface Mining Reclamation, Enforcement
 General provisions; 405 KAR Chapter 7
 Surface mining; 405 KAR Chapter 16
 Underground mining; 405 KAR Chapter 18
 Waste Management
 Fees; 401 KAR Chapter 39
 General administrative procedures; 401 KAR Chapter 30
 Generator, standards; 401 KAR Chapter 32
 Identification, listing; 401 KAR Chapter 31
 Land disposal restrictions; 401 KAR Chapter 37
 Permitting process; 401 KAR Chapter 38
 Solid waste facilities; 401 KAR Chapter 47
 Solid waste planning; 401 KAR Chapter 49
 Specific hazardous waste management facilities; 401 KAR Chapter 36
 Storage, treatment, disposal facilities; 401 KAR Chapter 34
 Storage, treatment, disposal facilities; interim status standards; 401 KAR Chapter 35
 Transporters; 401 KAR Chapter 33
 Underground storage tanks; 401 KAR Chapter 42
 Water; 401 KAR Chapters 4, 5 and 6

NURSING

Advanced registered nurse practitioners; 201 KAR 20:057
 Applications; 201 KAR 20:370
 Complaints; 201 KAR 20:161
 Contact hours; 201 KAR 20:215
 Continuing education; 201 KAR 20:205; 201 KAR 20:210
 Disciplinary hearings; 201 KAR 20:162
 Extension programs; 201 KAR 20:290
 Fees; 201 KAR 20:240
 Inactive status; 201 KAR 20:095
 License reinstatement; 201 KAR 20:225
 License renewal; 201 KAR 20:230
 Licensure by endorsement; 201 KAR 20:110
 Licensure by examination; 201 KAR 20:070
 Limited licensure; 201 KAR 20:115
 Nursing program surveys; 201 KAR 20:270
 Program curriculum; 201 KAR 20:320; 201 KAR 20:330
 Program evaluation; 201 KAR 20:360
 Program faculty; 201 KAR 20:310
 Provider appeal; 201 KAR 20:220
 Refresher courses; 201 KAR 20:380
 Temporary work permit; 201 KAR 20:090

OCCUPATIONAL SAFETY, HEALTH

29 CFR Part 1910; 803 KAR 2:020
 29 CFR Parts 1915, 1917, 1918, 1919; 803 KAR 2:027
 29 CFR Part 1926; 803 KAR 2:030
 29 CFR Part 1928; 803 KAR 2:032

OCCUPATIONAL THERAPY

Definitions; 201 KAR 28:010
 Fees; 201 KAR 28:110
 Foreign-trained applications; 201 KAR 28:120
 Licenses; 201 KAR 28:080
 Regular licensure; 201 KAR 28:060
 Renewals; 201 KAR 28:090
 Special licensure; 201 KAR 28:050

OCCUPATIONS AND PROFESSIONS

Architects; 201 KAR Chapter 19
 Athletic commission; 201 KAR Chapter 27
 Auctioneers; 201 KAR Chapter 3
 Dentistry; 201 KAR Chapter 8
 Engineers, land surveyors; 201 KAR Chapter 18
 Hairdressers, cosmetologists; 201 KAR Chapter 12

ADMINISTRATIVE REGISTER - L25

OCCUPATIONS AND PROFESSIONS (cont'd)

Medical licensure; 201 KAR Chapter 9
Nursing; 201 KAR Chapter 20
Occupational therapy; 201 KAR Chapter 28
Podiatry; 201 KAR Chapter 25
Psychology; 201 KAR Chapter 16
Real Estate Commission; 201 KAR Chapter 11

PERSONNEL

(See also Employees, State)

Board

Probationary period; 101 KAR 1:325
Classified Service
Applications, examinations; 101 KAR 2:040 and E
Registers, 101 KAR 2:050 and E

PLUMBING

Definitions; 815 KAR 20:010
House sewers, storm water piping; 815 KAR 20:130
Installation standards; 815 KAR 20:073-20:077
Joints, connections; 815 KAR 20:100
Material quality, weight; 815 KAR 20:060
Minimum fixture requirements; 815 KAR 20:191
Parts and materials; 815 KAR 20:020
Soil, waste and vent systems; 815 KAR 20:090
Water supply, distribution; 815 KAR 20:120

PODIATRY

Approved schools; 201 KAR 25:011 and E
License annual renewal notice; 201 KAR 25:021 & E
Licensing examinations; 201 KAR 25:012 and E

PSYCHOLOGY

Definitions; 201 KAR 26:200; 201 KAR 26:210; 201
KAR 26:220
Examinations; 201 KAR 26:030
Supervision requirements; 201 KAR 26:171
Temporary licensure, certification; 201 KAR
26:240 and E

PUBLIC PROTECTION, REGULATION

Alcoholic Beverage Control
Licensing; 804 KAR Chapter 4
Financial Institutions
Credit unions; 808 KAR Chapter 3
Housing, Buildings and Construction
Building code; 815 KAR Chapter 7
Fire prevention; 815 KAR Chapter 15
Local fire departments; 815 KAR Chapter 45
Plumbing; 815 KAR Chapter 20
Standards of safety; 815 KAR Chapter 10
Insurance
Assets, liabilities; 806 KAR Chapter 6
Casualty insurance contracts; 806 KAR Chapter
20
Motor vehicle reparation; 806 KAR Chapter 39
Trade practices and frauds; 806 KAR Chapter 12
Public Service Commission
Utilities; 807 KAR Chapter 5
Racing
Quarter horse, appaloosa, Arabian; 811 KAR
Chapter 2
Thoroughbred; 810 KAR Chapter 1

PUBLIC SERVICE COMMISSION

Winter hardship reconnection; 807 KAR 5:008 & E

QUARTER HORSE, APPALOOSA, ARABIAN RACING

Associations; 811 KAR 2:035
Claiming races; 811 KAR 2:080
Entries, subscriptions, declarations; 811 KAR
2:070
Jockeys; 811 KAR 2:050
Medication; 811 KAR 2:096 and E
Owners; 811 KAR 2:040

QUARTER HORSE, APPALOOSA, ARABIAN RACING (cont)

Pari-mutuel wagering; 811 KAR 2:060
Running of the race; 811 KAR 2:085
Substance abuse; 811 KAR 2:110
Trainers; 811 KAR 2:045

RACING

(See Thoroughbred, Harness, or Quarter Horse
Racing)

REVENUE

(See also Taxation)

Income Tax

Withholding; 103 KAR Chapter 18
Sales and Use Tax
Registration, collection; 103 KAR Chapter 25

REAL ESTATE COMMISSION

Insurance errors, omissions; 201 KAR 11:220

RECLAMATION, ENFORCEMENT

General Provisions

Blasters certification; 405 KAR 7:070 and E
Surface Mining Activities
Hydrologic requirements; 405 KAR 16:060
Underground Mining Activities
Backfilling and grading; 405 KAR 18:190
Hydrologic requirements; 405 KAR 18:060

SOCIAL INSURANCE

Food Stamp Program

Application process; 904 KAR 3:030 & E
Coupon issuance; 904 KAR 3:045 & E
Definitions; 904 KAR 3:010 and E
Eligibility; 904 KAR 3:020 and E
Reference materials; 904 KAR 3:090

Public Assistance

AFDC, reference materials; 904 KAR 2:150
AFDC, standards; 904 KAR 2:016 and E
AFDC, technical requirements; 904 KAR 2:006
Aged, blind, disabled programs; 904 KAR 2:015
and E
Child support; 904 KAR 2:020 and E
Child support, reference materials; 904 KAR
2:170
HEAP; 904 KAR 2:116 and E
Repealer; 904 KAR 2:201
Supplementary policies; 904 KAR 2:140

SOCIAL SERVICES

Day Care

Standards; 905 KAR 2:010 and E

Child Welfare

Adoption application; 905 KAR 1:010
Detention shelter alternatives; 905 KAR 1:200;
905 KAR 1:210
Facility and agency standards; 905 KAR 1:091
and E
and E
Foster care placement; 905 KAR 1:220 and E
Policy and procedures manual; 905 KAR 1:180 & E
Children's Residential Services
Education of youth programs; 905 KAR 7:230

STATE POLICE

Polygraph

Examiners; 502 KAR 20:020

TAXATION

Income, Withholding

Twice-monthly filing; 103 KAR 18:141
Sales and Use; Registration, Collection
Twice-monthly filing; 103 KAR 25:131

ADMINISTRATIVE REGISTER - L26

THOROUGHBRED RACING

Entries, subscriptions, declarations; 810 KAR 1:013
Medication, testing; 810 KAR 1:018 and E
Pari-mutuel wagering; 810 KAR 1:011

TOLL FACILITIES

Assessment on turnpikes; 600 KAR 2:010
Emergency vehicles; 600 KAR 2:020
Credit cards; 600 KAR 2:030

TOURISM

Fish and Wildlife Resources
Fish; 301 KAR Chapter 1
Game; 301 KAR Chapter 2
Hunting and fishing; 301 KAR Chapter 3
Wildlife; 301 KAR Chapter 4

TRANSPORTATION

Aeronautics
Airport development; 602 KAR Chapter 15
Airport zoning; 602 KAR Chapter 50
Administration
Employee conduct, hours; 600 KAR 1:050
Motor pool procedure; 600 KAR 1:070
Highways
Construction and materials; 603 KAR Chapter 1
Maintenance; 603 KAR Chapter 2
Traffic; 603 KAR Chapter 5
Scholarship program; 603 KAR Chapter 8
Minority Affairs
Certification, DBE, MBE, WBE; 600 KAR 4:010 & E
DBE, MBE, WBE program; 600 KAR 4:020 & E
Motor Vehicle Commission; 605 KAR Chapter 1
Toll facilities; 600 KAR Chapter 2
Assessment on turnpikes; 600 KAR 2:010
Emergency vehicles; 600 KAR 2:020
Credit cards; 600 KAR 2:030
Vehicle Regulation
Administration; 601 KAR Chapter 2
Driver improvement; 601 KAR Chapter 13
Driver's license; 601 KAR Chapter 12
Motor carriers; 601 KAR Chapter 1
Motor vehicle tax; 601 KAR Chapter 9

VEHICLE REGULATION

Administration
General procedures; 601 KAR 2:010
Driver Improvement
Alcohol driver education clinic; 601 KAR 13:030
Medical review board; 601 KAR 13:010
Point system; 601 KAR 13:020
Driver's License
Driving history record; 601 KAR 12:040
Instruction permit; 601 KAR 12:030
Renewal of expired or suspended; 601 KAR 12:020
Motor Carriers
Hazardous material, transport; 601 KAR 1:025
Permits; 601 KAR 1:020
Safety regulation; 601 KAR 1:005
Taxicabs; 601 KAR 1:115
Motor Vehicle Tax
Apportioned registration; 601 KAR 9:135
Assigned, replacement vehicle registration; 601 KAR 9:080
Commercial vehicles; 601 KAR 9:060
Dealer plates; 601 KAR 9:125
Highway use license, records, taxes; 601 KAR 9:074
Inspector procedures; 601 KAR 9:085
Motor carrier registration; 601 KAR 9:010
Dealer registration; 601 KAR 9:015
Motor vehicle registration; 601 KAR 9:130
National Guard license plates; 601 KAR 9:013
Personalized license plates; 601 KAR 9:012

VEHICLE REGULATION (cont'd)

Rebuilt, reconstructed registration; 601 KAR 9:047
Reciprocity; 601 KAR 9:040

VOCATIONAL EDUCATION

Administration
2 year program plan; 705 KAR 1:010
Fiscal Management
Fund distribution; 705 KAR 2:120 and E
Institutional Programs
Postsecondary diplomas; 705 KAR 4:210
State-Operated Schools
Admission priorities; 705 KAR 5:110
Attendance policies; 705 KAR 5:130
Contract, agreement; 705 KAR 5:100
Live work projects; 705 KAR 5:060

VOCATIONAL REHABILITATION SERVICES

Independent living; 706 KAR 1:020
Three-year plan; 706 KAR 1:010

WASTE MANAGEMENT

Fees
Exposure information report; 401 KAR 39:100
Generator registration; 401 KAR 39:010
Postclosure; 401 KAR 39:090
Recycling; 401 KAR 39:080
General Administrative Procedures
Definitions; 401 KAR 30:010
General provisions; 401 KAR 30:020
Reference documents; 401 KAR 30:070
Variance standards; 401 KAR 30:080
Generator; Standards
General provisions; 401 KAR 32:010
Hazardous waste manifest appendix; 401 KAR 32:100
Pretransport requirements; 401 KAR 32:030
Recordkeeping, reporting; 401 KAR 32:040
Special conditions; 401 KAR 32:050
Identification, Listing
Basis for listing appendix; 401 KAR 31:160
Characteristics; 401 KAR 31:030
Chemical analysis test appendix; 401 KAR 31:120
General provisions; 401 KAR 31:010
Hazardous constituents; 401 KAR 31:170
Lists; 401 KAR 31:040
Rulemaking petitions; 401 KAR 31:060
Land Disposal Restrictions
General provisions; 401 KAR 37:010
Prohibitions; 401 KAR 37:030
Prohibitions on storage; 401 KAR 37:050
Treatment standards; 401 KAR 37:040
Treatment standards appendix; 401 KAR 37:100
Permitting Process
Application procedures; 401 KAR 38:070
General provisions; 401 KAR 38:010
Interim status provisions; 401 KAR 38:020
Part B application contents; 401 KAR 38:090
Part B requirements, groundwater; 401 KAR 38:100
Part B requirements, tanks; 401 KAR 38:100
Permit changes, expiration; 401 KAR 38:040
Permit conditions; 401 KAR 38:030
Solid Waste Facilities
General provisions; 401 KAR 47:010 and E
Permit process; 401 KAR 47:020 and E
Sanitary landfills; 401 KAR 47:040 and E
Solid Waste Planning
Designation; 401 KAR 49:030 and E
Fees; 401 KAR 49:050 and E
Specific Hazardous Waste Management Facilities
Energy recovery; 401 KAR 36:040
Recyclable materials; 401 KAR 36:030
Used oil; 401 KAR 36:050

WASTE MANAGEMENT (cont'd)

Storage, Treatment, Disposal Facilities

Closure, postclosure; 401 KAR 34:070
Closure financial requirements; 401 KAR 34:090
Corporate guarantee; 401 KAR 34:165 and E
Financial test, closure, postclosure; 401 KAR
34:159 and E
Financial test, liability coverage; 401 KAR
34:162 and E
General financial requirements; 401 KAR 34:080
General provisions, facilities; 401 KAR 34:010
General standards, facilities; 401 KAR 34:020
Liability requirements; 401 KAR 34:120 and E
Manifest, recordkeeping, reporting; 401 KAR
34:050
Postclosure financial requirements; 401 KAR
34:100
Surety bond guarantee; 401 KAR 34:144 and E
Surface impoundments; 401 KAR 34:200
Tanks; 401 KAR 34:190

**Storage, Treatment, Disposal Facilities; Interim
Status Standards**

Closure, postclosure; 401 KAR 35:070
Closure financial requirements; 401 KAR 35:090
General financial requirements; 401 KAR 35:080
General provisions, facilities; 401 KAR 35:010
General standards, facilities; 401 KAR 35:020
Liability requirements; 401 KAR 35:120 and E
Manifest, recordkeeping, reporting; 401 KAR
35:050
Postclosure financial requirements; 401 KAR
35:100
Surface impoundments; 401 KAR 35:200
Tanks; 401 KAR 35:190

Transporters

General provisions; 401 KAR 33:010
Manifest, recordkeeping; 401 KAR 33:020

Underground Storage Tanks

General provisions; 401 KAR 42:010

WATER

Resources

Stream construction criteria; 401 KAR 4:060

Quality

Wastewater system operators certification; 401
5:010

Sanitary Engineering

Operator certification; 401 KAR 6:040

WORKERS' COMPENSATION BOARD

Adjustment application procedures; 803 KAR 25:011
and E

