

LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY

VOLUME 15, NUMBER 10  
SATURDAY, APRIL 1, 1989



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

MEETING NOTICE: The next meeting of the Administrative Regulation  
Review Subcommittee is tentatively scheduled on April 10, 1989. See  
tentative agenda on pages 2139-2140 of this Administrative Register.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE  
TENTATIVE AGENDA  
April 10, 1989  
(Rm. 107, Capitol Annex @ 1 p.m.)

SECRETARY OF STATE

Corporations

30 KAR 1:010. Certificates of existence or authorization; status of good standing; "long form" certificates of existence or authorization.

DEPARTMENT OF PERSONNEL

Classified

- 101 KAR 2:010. Definitions.
- 101 KAR 2:020. Classification plan.
- 101 KAR 2:030 & E. Compensation plan.
- 101 KAR 2:040. Applications and examinations.
- 101 KAR 2:050. Registers.
- 101 KAR 2:060. Certification and selection of eligibles.
- 101 KAR 2:070. Types of appointments and detail to special duty.
- 101 KAR 2:100. Leave regulations.
- 101 KAR 2:115. Employee evaluations. (Repeals 101 KAR 2:080 and 101 KAR 2:110)

Unclassified

- 101 KAR 3:010. Leave regulations for unclassified service.
- 101 KAR 3:030. Appeals for employees in the unclassified service.
- 101 KAR 3:050. Unclassified service; promotion, transfer and disciplinary actions.

FINANCE AND ADMINISTRATION CABINET

Kentucky Private Activity Bond Allocation Committee

- 200 KAR 15:010. Formula for allocation of private activity bonds.

GENERAL GOVERNMENT CABINET

Board of Hairdressers & Cosmetologists

- 201 KAR 12:030. License required.

COMMERCE CABINET

Department of Agriculture

Hay Grading

- 302 KAR 37:010. Standard hay grading program.

TOURISM CABINET

Department of Parks

Parks and Campgrounds

- 304 KAR 1:040. Campgrounds.

ECONOMIC DEVELOPMENT CABINET

Development Finance Authority

Kentucky Development

- 307 KAR 1:011 & E. Repeal of 307 KAR 1:010.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Department for Surface Mining Reclamation and Enforcement

Permits

- 405 KAR 8:010. General provisions for permits. (Not Amended After Hearing)
- 405 KAR 8:020. Coal exploration. (Not Amended After Hearing)
- 405 KAR 8:030. Surface coal mining permits. (Not Amended After Hearing)
- 405 KAR 8:040. Underground coal mining permits. (Not Amended After Hearing)

Areas Unsuitable for Mining

- 405 KAR 24:040. Areas unsuitable for mining. (Not Amended After Hearing)

CORRECTIONS CABINET

Office of the Secretary

- 501 KAR 6:020 & E. Corrections policies and procedures.
- 501 KAR 6:030. Kentucky State Reformatory.
- 501 KAR 6:040. Kentucky State Penitentiary.
- 501 KAR 6:060. Northpoint Training Center.
- 501 KAR 6:070. Kentucky Correctional Institute for Women.
- 501 KAR 6:120 & E. Blackburn Correctional Complex.
- 501 KAR 6:130. Western Kentucky Farm Center.

TRANSPORTATION CABINET

Department of Vehicle Regulation

Division of Motor Carriers

601 KAR 1:015. Special overweight/overdimensional permits issued at highway district offices and the Transportation Cabinet in Frankfort.

601 KAR 1:016. Special annual overweight/overdimensional permits issued for specialized equipment.

601 KAR 1:025. Transporting hazardous materials; permit.

Department of Highways

Traffic

- 603 KAR 5:070. Truck dimension limits.
- 603 KAR 5:075. Overweight and overdimensional permits.

## EMERGENCY REGULATIONS NOW IN EFFECT

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

STATEMENT OF EMERGENCY  
101 KAR 2:030E

This emergency administrative regulation permits permanent full-time employees who complete 260 classroom hours after receiving status to receive one (1) lump sum educational achievement award per fiscal year. The regulation also permits any state employee who earns an approved diploma, high school equivalency certificate or G.E.D. to receive an educational achievement award in a lump sum. In order to make this benefit, as amended, available immediately and to encourage as many employees as possible to increase their level of education, it is necessary to promulgate this emergency administrative regulation. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed simultaneously with the Regulations Compiler on February 15, 1989.

WALLACE G. WILKINSON, Governor  
THOMAS C. GREENWELL, Commissioner

## DEPARTMENT OF PERSONNEL

## 101 KAR 2:030E. Compensation plan.

RELATES TO: KRS 18A.030, 18A.110, 18A.165  
STATUTORY AUTHORITY: KRS Chapter 13A, 18A.110  
EFFECTIVE: February 22, 1989

NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations consistent with the provisions of KRS Chapter 18A, which govern the pay plan for all employees in the classified service. This regulation is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. Preparation, Approval, and Maintenance of the Plan. (1) After consultation with appointing authorities and the Secretary of the Finance and Administration Cabinet, and after conducting wage and salary surveys of relevant labor markets, the commissioner shall prepare a compensation plan for all classes of positions based on the concepts of internal job equity and external market competitiveness. The plan shall provide pay grades or specific salary rates as appropriate for the various job classifications. Each job classification shall be assigned an appropriate pay grade or rate with consideration given to internal job evaluation data and external market conditions. All rates of pay for job classifications shall be consistent with the functions outlined in the classification plan. Amendments to the pay plan shall be made in the same manner.

(2) The plan shall take into account such factors as:

- (a) The relative levels of duties and responsibilities of various job classifications;
- (b) Rates paid for comparable positions elsewhere taking into consideration the effect of seniority on such rates; and
- (c) The state's financial resources.

(3) Each employee shall be paid in accordance with the pay grade or salary rate set forth in the pay plan for the job classification in which he is employed.

(4) The plan shall be reviewed annually.

Section 2. Appointments. Initial appointments shall be made at the minimum rate of the pay grade established for the job classification unless the commissioner authorizes appointment of a highly qualified applicant at a rate above the minimum, not to exceed the midpoint of the pay grade. Such exceptions shall be based on the outstanding and unusual nature of the applicant's education and/or experience over and above the minimum requirements set for the job classification. Such additional qualifications must be in the same or related area of the job duties of the position to which the appointment is to be made. Employees possessing qualifications similar to the applicant being appointed that are employed in the same job classification, by the same agency, in the same county shall have their salaries adjusted by the appointing authority to the same rate granted in the in-range appointment if that rate is higher than their current salaries.

Section 3. Reentrance to State Service. (1) Appointing authorities, with the approval of the commissioner, may place reemployed, reinstated, and former employee probationarily appointed at a salary:

- (a) Which is the same as that paid at the time of separation from state service if such salary is within the current pay grade;
- (b) Higher than that paid at the time of separation from state service due to salary schedule or pay grade adjustments;
- (c) In accordance with the standards used for making new appointments; or
- (d) Lower than that paid at the time of separation from the classified service if such salary is within the current pay grade.

(2) Former employees who were separated from state service by layoff and who are reinstated or reemployed in the same or a similar job classification within five (5) years from the date of layoff may receive the salary they were receiving at the time of layoff, even if such salary is above the maximum of the pay grade.

(3) Former employees reemployed, reinstated or probationarily appointed to a salary:

(a) Below the midpoint of the pay grade shall be considered for a probationary increment at the time of completion of the probationary period;

(b) Which equals or exceeds the midpoint of the pay grade may be considered for a probationary increment at the time of completion of the probationary period. If such employee is not considered for an increment upon completion of the probationary period, he shall be considered for an increment at the beginning of the month following completion of twelve (12) months service from the date of reemployment, reinstatement or appointment.

Section 4. Salary Adjustments. (1) Promotion. An employee who is promoted shall receive a

pay, or from military service in accordance with KRS 61.373, shall receive the same or similar pay (same salary plus grade changes) and all other increases he would have received.

(7) Service computation. In computing service for the purpose of determining annual increment eligibility, in those cases where an employee is changed from part time to full time, part-time service shall be counted in determining increment eligibility for a full-time employee; in those cases where an employee is changed from full time to part time, full-time service shall be counted in determining increment eligibility for a part-time employee.

Section 6. Educational Achievement Award. [The participation of an appointing authority in the program for educational achievement awards is contingent upon adequate funding, to be determined by the appointing authority through the budgetary process, for all eligibles within the agency.] Upon request of the appointing authority and subject to the approval of the commissioner: [,]

(1) A permanent, full-time employee may receive one (1) lump sum educational achievement award per fiscal year[.]:

(1) for satisfactorily completing outside of work hours 260 classroom hours (or the equivalent as determined by the commissioner) of job related instruction in approved courses. Approved courses, must have been completed after a merit employee initially gained permanent full-time status in state government. Employees shall not receive credit for hours [courses] taken while on educational leave or for hours [courses] which previously counted toward an educational achievement award. The lump sum educational achievement award shall be ten (10) percent of the employee's annual base salary. The lump sum payment shall be granted only if the 260 classroom hours (or equivalent) have been completed within the past five (5) years prior to the effective date of the increase; or

(2) An employee may receive one (1) lump sum educational achievement award for earning [receiving outside of work hours] an approved diploma, high school equivalency certificate, or a passing score on the G.E.D. test. The approved diploma, certificate, or passing score shall [must] have been obtained by a state employee on or after January 1, 1984 while in state service. Employees receiving an approved high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test shall receive a lump sum educational achievement award of ten (10) percent of their annual base salary. A high school level educational achievement award shall not be granted to employees who present new credentials but have previously:

(a) Received a high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test; or

(b) Completed college course work on the undergraduate or graduate level.

(3) To apply for an educational achievement award an employee shall submit [the educational achievement request form DPT-10 and] supporting documentation to the appointing authority or his designee. For 260 classroom hours or its equivalent, this documentation shall include the educational achievement request DPT Form-10 (or its equivalent). In compliance with the standards set forth in Section 6 of this regulation, the appointing authority may

recommend the application for approval and may forward the documentation to the Commissioner of the Department of Personnel for final approval. A lump sum educational achievement award shall not be added to the employee's base salary or wages.

Section 7. Employee Suggestion Award. An employee may receive a lump sum payment employee suggestion award in accordance with 101 KAR 2:120. Such lump sum payment shall not be added to the employee's base salary or wages.

Section 8. Salary Schedule Adjustment. When the commissioner authorizes an adjustment of all grades in the pay schedule, employees who are below the new minimum rates shall have their salaries adjusted at least to the minimum rates of their grades. The commissioner may authorize a salary increase for those employees who are at or above the minimum rate based upon the availability of funds. The percentage of such increase shall be determined by the commissioner and shall be uniform for all eligible employees.

Section 9. Class Reevaluation and Grade Adjustment. (1) Class reevaluation is the assignment of a different pay grade to a class based upon a change in relation to other classes or to labor market conditions.

(2) Change in pay grade. Whenever it becomes necessary to assign a class a different pay grade due to changes defined in Section 9(1) of this regulation, the commissioner may make a new or different pay grade applicable to a class of positions. Persons currently employed in positions of that class at the effective date of the change in pay grade shall have their salary placed at least at the minimum salary of the higher grade, and may be eligible for a salary adjustment under Section 4(7) of this regulation. In no event shall an employee's salary be placed at a rate less than he received prior to the change in the pay grade. Employees in a class assigned to a lower pay grade through class reevaluation shall retain their current salary.

(3) Recruitment difficulties. Whenever the commissioner determines that it is not possible to recruit qualified employees at the established entrance salary in a specific area or for a specific class, he may, at the request of the appointing authority, authorize the recruitment for a class of position at a higher rate in the pay grade, provided that all other employees in the same class of position in the same agency in the same county are adjusted in salary to the same rate.

Section 10. Paid Overtime. Overtime for which pay is authorized shall be in accordance with 101 KAR 2:100, Section 4, and 101 KAR 3:010, Section 4, and have the approval of the Commissioner of Personnel and the Secretary of the Finance and Administration Cabinet. Overtime payments shall not be added to base salary or wages.

Section 11. Maintenance and Maintenance Allowance. In each case where an employee or the employee and his family are provided with full or part maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, such maintenance shall be treated as part payment.



|          |  |          |   |
|----------|--|----------|---|
| 16.1     | General Inmate Visiting Procedure  | 27-15-01 | Supervision Report; Violations, Unusual Incidents   |
| 16.2     | Inmate Correspondence  | 27-17-01 | Absconder Procedures  |
| 16.3     | Telephone Calls  | 27-18-01 | Probation and Parole Issuance of Detainer/Warrant   |
| 16.4     | Inmate Packages  | 27-19-01 | Preliminary Revocation Hearing  |
| 17.1     | Inmate Personal Property   | 27-20-01 | Division of Probation and Parole Controlled Intake Program  |
| 17.2     | Assessment Center Operations   | 27-20-02 | Prisoner Intake Notification  |
| 17.3     | Controlled Intake of Inmates   | 27-20-03 | Prisoner Status Change  |
| 18.4     | Classification of the Inmate   | 27-21-01 | Apprehension and Transportation of Probation and Parole Violators   |
| 18.5     | Custody/Security Guidelines [(Amended 12/15/88)]                                   | 27-22-01 | Fugitive Unit - Apprehensions   |
| 18.6     | Classification Document [(Amended 12/15/88)]                                       | 27-22-02 | Fugitive Unit - Transportation of Fugitives   |
| 18.7     | Transfers  | 27-23-01 | In-state Transfer   |
| 18.8     | Guidelines for Transfers Between Institutions [(Amended 12/15/88)]                 | 27-24-01 | Closing Supervision Report  |
| 18.9     | Out-of-State Transfers   | 27-24-02 | Reinstatement of Clients to Active Supervision  |
| 18.10    | Preparole Progress Reports   | 27-25-01 | Application for Final Discharge from Parole   |
| 18.11    | Kentucky Correctional Psychiatric Center Transfer Procedures                       | 27-26-01 | Assistance to Former Clients and Dischargees  |
| 18.12    | Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill                 | 27-27-01 | Restoration of Civil Rights   |
| 18.13    | Population Categories  | 27-28-01 | Firearms/Explosives: Application for Relief from Disability   |
| 18.15    | Protective Custody   | 27-29-01 | Parole Review Dates Modification  |
| 19.1     | Government Services Projects   | 28-01-01 | Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)                   |
| 19.2     | Community Services Projects  | 28-01-02 | Probation and Parole Investigation Reports (Administrative Responsibilities)  |
| 20.1     | Study Release  | 28-01-03 | Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)                                 |
| 20.6     | Vocational Study Release   | 28-01-04 | Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules) |
| 22.1     | Privilege Trips  | 28-01-05 | Probation and Parole Investigation Reports (Computation of Jail Custody Credit)   |
| 25.1     | Gratuities   | 28-01-06 | Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts)         |
| 25.2     | Public Official Notification of Release of an Inmate                               | 28-01-07 | Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)     |
| 25.3     | Prerelease   | 28-01-08 | Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)  |
| 25.4     | Inmate Furloughs   | 28-01-09 | Release of Information of Factual Content on Presentence/Postsentence Investigation Reports   |
| 25.6     | Community Center Program (Amended 2/15/89)   | 28-02-01 | Expedient Release Program   |
| 25.7     | Expedient Release  | 28-03-01 | Parole Plans/Halfway Houses/Extended Furlough/Sponsorship/Gradual Release   |
| 25.8     | Extended Furloughs   | 28-04-01 | Furlough Verifications  |
| 27-01-01 | Probation and Parole Procedures  | 28-05-01 | Out-of-state Investigations   |
| 27-02-01 | Duties of Probation and Parole Officers  |          |   |
| 27-03-01 | Workload Formula Supervisor/Staff Ratio  |          |   |
| 27-05-01 | Testimony, Court Demeanor and Availability of Legal Services                       |          |   |
| 27-06-01 | Availability of Supervision Services   |          |   |
| 27-06-02 | Equal Access to Services   |          |   |
| 27-07-01 | Cooperation with Law Enforcement Agencies  |          |   |
| 27-09-01 | Kentucky Community Resources Directory   |          |   |
| 27-10-01 | Advanced Supervision   |          |   |
| 27-11-01 | Intensive Supervision  |          |   |
| 27-12-01 | Supervision: Case Classification   |          |   |
| 27-12-02 | Risk/Needs Assessment  |          |   |
| 27-12-03 | Initial Interview  |          |   |
| 27-12-04 | Conditions of Regular Supervision/Request for Modification                         |          |   |
| 27-12-05 | Releasee's Report  |          |   |
| 27-12-06 | Grievance Procedures for Offenders   |          |   |
| 27-12-07 | Employment, Education/Vocational Referral  |          |   |
| 27-12-08 | Supervision Plan   |          |   |
| 27-12-09 | Casebook   |          |   |
| 27-12-10 | Guidelines for Monitoring Supervision Fee  |          |   |
| 27-12-11 | Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority |          |   |
| 27-12-12 | Other Financial Obligations (Not Ordered by Releasing Authority)                   |          |   |
| 27-12-13 | Community Service Work   |          |   |
| 27-12-14 | Client Travel Restrictions   |          |   |
| 27-13-02 | Alcohol Detection  |          |   |
| 27-14-01 | Interstate Compact Transfers   |          |   |
| 27-14-02 | Interstate Compact Out-of-state Probation and Parole Violation                     |          |   |

JOHN T. WIGGINTON, Secretary  
APPROVED BY AGENCY: February 15, 1989  
FILED WITH LRC: February 22, 1989 at 10 a.m.

STATEMENT OF EMERGENCY  
501 KAR 6:120

In order to continue to operate the Blackburn Correctional Complex in accordance with KRS Chapter 196, the Corrections Cabinet needs to

# ADMINISTRATIVE REGISTER - 2147

|              |   |  |   |
|--------------|---|--|---|
| BCC 11-06-01 | Purchasing, Storage and Farm Products   | BCC 15-02-02                                 | Room Assignment   |
| BCC 11-07-01 | Food Service Operations Manual  | BCC 15-03-01                                 | Rules and Regulations for Dormitories   |
| BCC 12-02-01 | Personal Hygiene Items  | BCC 15-04-01                                 | Restoration of Forfeited Good Time  |
| BCC 12-02-02 | Personal Hygiene for Inmates: Clothing, Linens and Shower Facilities                        | BCC 15-05-01                                 | Extra Duty Assignments  |
| BCC 12-05-01 | Barber Shop Services  | BCC 15-06-01                                 | Due Process/Disciplinary Procedures   |
| BCC 12-06-01 | BCC Housekeeping Plan   | BCC 16-01-01                                 | Inmate Furloughs  |
| BCC 13-01-01 | Sick Call and Pill Call   | BCC 16-02-01                                 | Visiting  |
| BCC 13-02-01 | Administration and Authority for Health Services  | BCC 16-03-01                                 | Inmate Packages   |
| BCC 13-03-01 | Provisions of Health Care Delivery  | BCC 16-03-02                                 | Outgoing Inmate Packages  |
| BCC 13-04-01 | Licensure and Training Standards  | BCC 16-03-03                                 | Inmate Correspondence   |
| BCC 13-05-01 | Medical Alert System  | BCC 17-03-01                                 | Processing of New Inmates From Local Jails                                      |
| BCC 13-06-01 | Health Care Practices   | BCC 18-01-01                                 | Classification: Institutional Classification and Reclassification               |
| BCC 13-07-01 | Emergency Medical Care Plan   | BCC 18-02-01                                 | Racial Balance in Living Areas  |
| BCC 13-07-02 | Emergency and Specialized Health Services   | BCC 19-01-01                                 | Inmate Work Programs  |
| BCC 13-07-03 | Immediate Medical Treatment for Person's Injured by Weapon or Chemical Agent                | BCC 19-02-01                                 | Classification of Inmates to Governmental Service Program                       |
| BCC 13-08-01 | Inmate Health Screening and Evaluation  | BCC 19-03-01                                 | Correctional Industries   |
| BCC 13-09-01 | Prohibition on Medical Experimentation  | BCC 20-01-01                                 | Academic and Vocational School  |
| BCC 13-10-01 | Dental Services   | BCC 20-02-01                                 | College Programs  |
| BCC 13-11-01 | Suicide Prevention and Intervention Program   | BCC 20-04-01                                 | Educational Program Evaluation  |
| BCC 13-12-01 | Use of Pharmaceutical products [(Amended 1/13/89)]  | BCC 20-05-01                                 | Educational Program Planning  |
| BCC 13-12-02 | Parenteral Administration of Medications and Use of Psychotropic Drugs                      | BCC 20-06-01                                 | Academic and Vocational Curriculum  |
| BCC 13-13-01 | Inmate Health Education   | BCC 21-01-01                                 | Library Services  |
| BCC 13-14-01 | Management of Serious and Infectious Diseases   | BCC 22-01-01                                 | Arts and Crafts/Production and Sale of Items                                    |
| BCC 13-15-01 | Informed Consent  | BCC 22-02-01                                 | Privileged Trips  |
| BCC 13-16-01 | Health Records  | BCC 22-03-01                                 | Recreational Employees  |
| BCC 13-17-01 | Notification of Inmate Family in the Event of Serious Illness, Injury or Surgery            | BCC 22-04-01                                 | Recreation and Inmate Activities  |
| BCC 13-19-01 | Physicians Referrals/Continuity of Care   | BCC 22-04-02                                 | Inmate Clubs and Organizations  |
| BCC 13-20-01 | Chronic and Convalescent Care   | BCC 22-04-03                                 | Conducting Inmate Organizational Meetings and Programs                          |
| BCC 13-22-01 | Psychiatric and Psychological Services, Handling of Mentally Retarded Inmates and Transfers | BCC 22-04-04                                 | Recreation Program Availability [(Amended 1/13/89)]                             |
| BCC 13-23-01 | First Aid Kits  | BCC 22-04-05                                 | Supervision of Leisure-Time Craft Club Activities and Materials                 |
| BCC 14-01-01 | Office of Public Advocacy Attorney Visits   | BCC 22-06-01                                 | Music Club  |
| BCC 14-02-01 | Law Library   | BCC 22-09-01                                 | Use of Inmates in Recreation Programs [(Amended 1/13/89)]                       |
| BCC 14-03-01 | Inmate Grievance Procedure [(Amended 1/13/89)]  | BCC 23-01-01                                 | Religious Services  |
| BCC 14-04-01 | Inmate Rights and Responsibilities  | BCC 24-01-01                                 | Duties and Responsibilities of Classification and Treatment Officers            |
| BCC 14-05-01 | Inmate Claims [(Amended 1/13/89)]   | BCC 24-02-01                                 | Duties and Responsibilities of the Unit Director and Assistant to Unit Director |
| BCC 14-06-01 | Legal and Support Services for Indigent Inmates [(Added 01/13/89)]                          | BCC 24-03-01                                 | Social Services   |
| BCC 15-01-01 | Authorized Inmate Personal Property   | BCC 25-01-01                                 | Inmate Check Out Procedure  |
| BCC 15-02-01 | Meritorious Living Unit (B-1)   | BCC 25-02-02                                 | Temporary Release/Community Center Release                                      |
|              |   | BCC 25-05-01                                 | Supplemental Parole Progress Reports  |
|              |   | BCC 26-01-01                                 | Citizen Involvement and Volunteer Service Program                               |
|              |   | JOHN T. WIGGINTON, Secretary                 |   |
|              |   | APPROVED BY AGENCY: February 15, 1989        |   |
|              |   | FILED WITH LRC: February 22, 1989 at 10 a.m. |   |

(3) The promotional probationary period shall be computed from the effective date of promotion to the corresponding date in the sixth month following promotion, except as provided in KRS 18A.111.

Section 3. Probationary Period Upon Reinstatement. An employee who is reinstated, except an employee ordered reinstated pursuant to KRS 18A.111(3), to a position in the classified service shall serve a promotional probationary period.

ARTHUR HATTERICK, JR., Secretary  
APPROVED BY AGENCY: December 9, 1988  
FILED WITH LRC: December 13, 1988 at 9 a.m.

COMPILER'S NOTE: The following regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee on March 1, 1989. The effective date, if applicable, is noted in the "EFFECTIVE:" line of the regulation.

#### FINANCE AND ADMINISTRATION CABINET (As Amended)

200 KAR 12:030. Computing compensation due a state employee after adjudicated penalization.

RELATES TO: KRS Chapter 18A  
STATUTORY AUTHORITY: KRS 18A.105  
EFFECTIVE: March 8, 1989

NECESSITY AND FUNCTION: This regulation repeals 200 KAR 12:010, relating to the calculation of compensation due a state employee following the Personnel Board's or a court's adjudication of an appealed personnel action. This regulation also establishes a modified procedure for calculating the foregoing compensation. Furthermore, this regulation repeals 200 KAR 6:035, pertaining to the leasing of real property on behalf of various state agencies. The provisions of that regulation have been codified under KRS 56.830.

Section 1. Definitions. The following terms, words or phrases shall have the meaning assigned herein, unless the context indicates otherwise:

(1) "Adjudicated penalization" shall include, but not be limited to, the demotion, dismissal, suspension, fine or any other personnel action for which, after appeal, an employee is ordered either by the Personnel Board or by a court of competent jurisdiction to be reinstated to his former position or like position without loss of pay.

[(2) "Appointing authority" means the agency head or any person whom he has authorized by law to designate to act on behalf of the agency with respect to employee appointments, position establishments, payroll documents, register requests, waiver requests, requests for certification, or other position actions.]

[2] [(3)] "Corrective dates or corrective period" are synonymous terms for the period between the date of adjudicated penalization or removal from the payroll and the date of reinstatement to a former position or a position of like status and pay as provided by KRS 18A.095.

[(4) "Employee" means a person regularly appointed to a position in the state service for

which he is compensated on a full-time or part-time basis.]

[(3) [(5)] "Gross pay" means the gross amount of pay which an employee would have earned during the corrective period.

Section 2. Time of Payment. When the Personnel Board or a court of competent jurisdiction has ordered an employee reinstated to his former position or a like position without loss of pay, the appointing authority shall within a reasonable time thereafter cause the amount of compensation to which such employee is entitled for the corrective period to be calculated as provided in this regulation.

Section 3. Calculation of Gross Pay. (1) Calculation of gross pay shall be limited to the amount of gross salary or wages which would have been earned by the employee during the corrective period. If the employee dies or becomes permanently and totally disabled for the performance of duties of the position to which he is entitled to be reinstated prior to his reinstatement, the date of death or the date of total disability shall be deemed to be the last date to which such employee shall be entitled to be paid. In the case of a permanently and totally disabled employee, the last date may be extended by the number of days of sick or annual leave days accrued and to which he is entitled as provided in Section 7 of this regulation.

(2) Gross pay for a full-time employee shall be based on the following:

(a) The grade, classification and monthly pay rate in effect at the time of the adjudicated penalization, plus:

(b) Changes in classification in employee's position or the pay rate by reason of wage surveys, administrative action or legislation;

(c) Allowable increments for which the employee could have been considered eligible by the appointing authority during the corrective period;

(d) Any other changes which would affect the amount of compensation which the employee would otherwise have received if the adjudicated penalization had not occurred.

(3) Part-time employees shall be entitled to all pay increases applicable to full-time employees as set out in paragraph (2) of this subsection, if such employee would otherwise have been eligible to receive them during the corrective period under the administrative regulations of the Department of Personnel.

(4) Gross pay for a part-time employee shall be determined by one (1) of the following methods:

(a) Averaging the number of hours worked by other employees of the agency in the same locality under the same type of appointment, performing the same kind of work that the employee would have performed during the corrective period;

(b) Averaging the hours per week the employee worked during the calendar year preceding the adjudicated penalization.

(5) An employee demoted in grade, and consequently, ordered reinstated to his former position or to a position of like status and pay pursuant to KRS 18A.095, shall be eligible to be paid the difference in salary that he would have earned at his former pay rate and the salary that he earned at the pay rate to which he was demoted for all the entire period of his

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

STATUTORY AUTHORITY: KRS 198B.040(7), 198B.050

NECESSITY AND FUNCTION: The Kentucky Board of Housing, Buildings and Construction is required by KRS 198B.040(7) to adopt and promulgate a mandatory uniform state building code, which establishes standards for construction of buildings in the state. This regulation establishes the Kentucky Building Code basic provisions relating to new construction, including general building limitations, special use and occupancy, light, ventilation and sound transmission control, means of egress, structural and foundation loads and stresses, acceptable materials and tests, fire resistive construction and fire protection systems, safety during building operations, mechanical systems, energy conservation and electrical systems. This amendment is needed to clarify the intent of the code as it relates to building size limitations of Table 501 and to recognize the jurisdiction of the Division of Water over any buildings to be constructed in flood prone areas. [allow certain standard construction practices, which do not reduce the life safety features of the building code, to continue in single family dwellings and apartments.]

Section 1. Definitions. As used in this regulation unless otherwise provided, the following definitions shall be used:

- (1) "Basement": As defined by KRS 198B.010(3).
- (2) "Building": As defined by KRS 198B.010(4).
- (3) "Construction": As defined by KRS 198B.010(12).
- (4) "Equipment": As defined by KRS 198B.010(15).
- (5) "Reconstruction: The process of reproducing by new construction the exact form and detail of a vanished building, structure or object or part thereof as it appeared at a specific period of time."
- (6) "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."
- (7) "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."
- (8) "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."
- (9) "Story": As defined by KRS 198B.010(22).
- (10) "TIA or Tentative Interim Amendment: means a publication of the National Fire Protection Association Standards Council which is a tentative amendment of the National Electrical Code referenced in Section 2 of this regulation because it has not been processed

through the entire standards-making process; and it is interim because it shall be effective only between editions of the standard. As used in this regulation, it shall be a permanent provision until otherwise amended."

Section 2. [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 3. [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 is [are] hereby adopted by reference on June 18, 1987, with the [following] additions, exceptions and deletions set forth in this regulation, including the following amendments:

(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) "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) "Building: Any structure used or intended for supporting or sheltering any use or occupancy as described in Section 101.3. For application of this code, each portion of a building completely separated from other portions by fire walls complying with Section 908.0 shall be considered as a separate building for the determination of height and area limitations of buildings contained in Table 501."]

[(c) [(b)] "Construction: The erection, fabrication, reconstruction, substantial alteration or conversion of a building, or the installation of equipment therein."]

[(d) [(c)] "Equipment: Facilities or installations including but not limited to, heating, electrical, ventilating, air-conditioning, and refrigerating facilities or installations."]

[(e) [(d)] "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."]

[(f) [(e)] "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."]

[(g) [(f)] "Restoration: The process of accurately recovering the form and details of

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."

(13) [(14)] Delete Article 29 in its entirety.

(14) [(15)] Amend Article 27 by changing, creating or deleting certain portions thereof, as follows:

(a) Create a new subsection 2700.5 to [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) Create a new subsection to 2700.5 to read as follows: "2700.5.1 Tentative Interim Amendment. Notwithstanding the provisions of Section 310-15(b) of the National Electrical Code dealing with ampacities of underground conductors, compliance with Tentative Interim Amendment #87-4, dated April 6, 1988, is incorporated by reference and shall be deemed to satisfy the intent of the Code. Copies of which are available from the Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, KY 40601."

(c) Delete Subsections 2701.3, 2704.3, and 2704.4.

(d) In Subsections 2702.1, 2702.3 and 2703.1 ~~delete~~ [change] the words "Building Official" and insert in lieu thereof the word [to] "Certified Electrical Inspector."

(15) [(16)] Delete subsections 2800.1 through 2807.1 in their entirety and insert in lieu thereof [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."

(16) Amend [(17) 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 shall [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 shall [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 m<sup>2</sup>).

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 shall [is] not be 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 shall [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 4. [3.] Elevator, Dumbwaiter and Conveyor Equipment, Installation and Maintenance. The following subsections of Article 26 of the BOCA National [Basic] Building Code, 1987 Edition are deleted or amended [changed] to read as follows:

(1) Amend [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) Amend [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) Amend [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 5. [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 6. [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 shall [will] be used solely for the sale of tobacco on a seasonal basis or for the storage of noncombustibles.

BOCA Guide for Suppression Requirements  
for Specific Occupations

|                                   |              |
|-----------------------------------|--------------|
| Installation of Sprinkler Systems | NFPA 13-87   |
| Standard for Installation for     |              |
| Private Fire Service Mains and    |              |
| their Appurtenances               | NFPA 24-1984 |
| Aircraft Hangars                  | NFPA 409     |
| Pyroxylin Plastics                | NFPA 40C     |
| Flammable Liquids                 | NFPA 36      |
| Laboratories                      | NFPA 45      |
| Fireworks                         | NFPA 44A     |
| Gaseous Oxidizing Materials       | NFPA 43C     |
| L.P. Gas Storage                  | NFPA 58      |
| Local Protective Signaling        |              |
| Systems                           | NFPA 72A-87  |
| High Piled Storage in Excess of   |              |
| 12 ft. in height                  | NFPA 231     |
| Rubber Tire Storage               | NFPA 231D    |
| Baled Cotton Storage              | NFPA 231E    |
| Rolled Paper Storage              | NFPA 231F    |
| Rangehoods                        | NFPA 96      |
| Computer Rooms                    | NFPA 75      |
| Archives and Record Centers       | NFPA 232AM   |
| L.P. Gas Storage and Handling     | NFPA 59A     |
| Explosion Prevention Systems      | NFPA 69      |
| Fur Storage                       | NFPA 81      |
| Cooling Towers                    | NFPA 214     |
| Marinas and Boatyards             | NFPA 303     |
| Library Stacks                    | NFPA 910     |

(8) Amend Article 30 as follows:

In subsection 3005.2, delete [change] the words, "Section 2805.4 through 2805.4.3" and insert in lieu thereof [to read] "Article 28, 815 KAR 20:090."

(9) Delete Article 28 in its entirety and insert in lieu thereof [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 8. [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 shall [is] not be 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 9. [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 10. [9.] Amend Article 9 of the 1987 Edition of the BOCA National Building Code by creating certain portions thereof to read as follows:

(1) Create a new subsection 905.4 to [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 to [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 to [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 11. [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 12. [11.] Amend subsection 625.1 of the 1987 Edition of the BOCA National Building Code 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. See [Their regulation is] 902 KAR 10:120, [and is titled] Kentucky Public Swimming and Bathing Facilities Regulation."

Section 13. [12.] Amend Appendix A, page 492 of the 1987 BOCA National Building Code under Council of American Building Officials (CABO) by adding a reference to CABO-1987 Supplement.

Section 14. [13.] Amend the 1987 Edition of the BOCA National Building Code, 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

Section 4. Coverage for Qualified Medicare Beneficiaries. Effective January 1, 1989, qualified Medicare beneficiaries as defined in 907 KAR 1:011 shall be entitled to the following coverage, regardless of whether the medical service is covered under the medical assistance program as a regularly covered service; payment of Part A and Part B Medicare premiums, deductibles and coinsurance. For providers not regularly participating in the Medicaid program, the appropriate agreement must be made with the

Department for Medicaid Services to provide for limited participation in the Medicaid program; if the appropriate agreement is not made, the services will not be considered to be covered under this section.

ROY BUTLER, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: December 21, 1988

FILED WITH LRC: December 29, 1988 at 11 a.m.

APPROVED BY AGENCY: March 7, 1989  
FILED WITH LRC: March 8, 1989 at 11 a.m.

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

**906 KAR 1:050. Nursing pools. [Supplemental medical staffing agencies.]**

RELATES TO: KRS Chapter 216.860, 216.865  
STATUTORY AUTHORITY: KRS 194.030(12)(b), 216.865

NECESSITY AND FUNCTION: KRS 216.865 states that the Secretary of the Cabinet for Human Resources shall adopt regulations relating to licensure fees, standards of care and service, and procedures for enforcement of penalties. The Office of Inspector General has been designated the promulgating agency in accordance with KRS 194.030(12)(b).

[Section 1. Scope of Operations and Services. Supplemental medical staffing agencies (SMSA), are nursing pools, nursing registries, or any other organizations that provide or procure temporary employment for medical personnel with licensed health care facilities. Exempted from this regulation are health facility based or in-house pools which provide services, exclusively within the confines of the facility or business, or any person who provides exclusively his or her own services on a temporary basis to health care facilities, or a licensed home health agency which provides temporary supplemental medical staffing to health care facilities.]

Section 1. [2.] Definitions. [(1) "Division" means the Division for Licensing and Regulation within the Cabinet.]

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

[(1) "Nursing pool" [(3) "Supplemental medical staffing personnel" includes[, but is not limited to,] nurses, nursing assistants, nurses' aides, [and] orderlies, and any other nursing related professions whose employment is in compliance with applicable federal and state statutes and regulations.]

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

[(3) [(5)] "Licensed practical nurse" means a nurse who is licensed to engage in licensed nursing practice pursuant to KRS 314.051.]

[(4) [(6)] "License" means an authorization issued by the cabinet for the purpose of operating a nursing pool [an SMSA].]

[(5) [(7)] "Health care facility" means a health care facility as defined in KRS Chapter 216B.]

Section 2. [3.] Licensure. (1) No nursing pool [supplemental medical staffing agency as defined in Section 1 of this regulation] shall be operated, maintained, or advertised without obtaining a license from the cabinet.

(2) All applications for licensure shall be received from and mailed to the Division of Licensing and Regulation; Human Resources Building, 275 East Main Street, Frankfort, KY 40621.

(3) All initial applications for licensure

shall be accompanied by a fee of \$130 and no renewal licenses shall be issued until the applicant for renewal licensure remits to the division the fee of sixty-five (65) dollars.

(a) All licenses shall be renewed annually upon expiration.

(b) All licenses shall expire one (1) year from their effective date.

(c) The cabinet may revoke or refuse to renew a license, if the cabinet determines that the nursing pool SMSA is substantially out of compliance with the applicable statutes and regulations of the Commonwealth. The nursing pool [SMSA] may appeal an adverse decision in accordance with KRS 216.553, 216.567, 216.570, and 905 KAR 1:060.

(4) In order to determine compliance with the provisions of this regulation, the division shall conduct periodic (at least annual), inspections of the nursing pool [SMSA] on an unannounced basis. Representatives of the division shall have access to the nursing pool [SMSA] during the hours that the nursing pool [SMSA] operates.

Section 3. [4.] Administration. (1) Licensee.

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

(b) The licensee shall establish in writing lines of authority and designate an administrator who shall be principally responsible for the daily operation of the nursing pool [SMSA].

(2) Policies. The nursing pool [SMSA] shall establish and follow written administrative policies covering all aspects of operation, including:

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

(b) Policies and procedures for the guidance and control of personnel performance;

(c) A description of the duties, responsibilities, policies and procedures of the nursing pool [SMSA], the personnel who provide the service, and of the health care facilities which utilize the supplemental medical personnel from the agency.

(3) Personnel.

(a) There shall be a written job description for each person employed or on a registry which shall be reviewed and revised as necessary.

(b) A questionnaire utilized to evaluate personnel performance on an annual basis shall be developed with input sought from all health facilities to which medical personnel are sent. The results of the evaluation shall be available to health facilities utilizing the nursing pool [SMSA], upon request.

(c) All new employees shall participate in a job orientation program which defines the duties and responsibilities of the employee to the nursing pool [SMSA], the nursing pool [SMSA] to the employee, and the health care facilities which utilize the nursing pool [SMSA].

(d) The nursing pool [SMSA] shall document that each temporary employee provided to a health care facility currently meets the minimum licensing, training and continuing education standards for the position in which he or she shall be working, and that the employee's



SNFs/GICFs are subject to annual resident review in accordance with Section 1919 of the Social Security Act. The following represents the substance of the criteria for annual resident review and continued stay derived from Section 1919 of the Social Security Act.

(1) A person who is determined not to be mentally ill or mentally retarded is not subject to further PASARR activity except for annual resident review to verify continuation of his mental health status.

(2) A person who is determined to be mentally ill or mentally retarded but who requires the level of care provided by an SNF/GICF may remain in the facility but a determination must be made as to whether active treatment for mental illness or mental retardation is required.

(3) A person who is mentally ill or mentally retarded but who is determined not to require the level of care provided by an SNF/GICF may remain in the facility if he has continuously resided in an SNF/GICF for thirty (30) months before the date of the determination so long as he requires active treatment for mental illness or mental retardation.

(4) An individual who is mentally ill or mentally retarded and who is determined not to require the level of care provided by an SNF/GICF may not remain in the facility if he has not continuously resided in an SNF/GICF for thirty (30) months prior to the date of the determination.

Section 7. Additional PASARR Admissions and Continued Stay Criteria. The following additional criteria for compliance with the PASARR admission and continued stay requirements shall be applied.

(1) A mentally ill or mentally retarded person who is of advanced years and competent to make an independent decision may be admitted to or remain in the facility if he meets the SNF/GICF level of care, is not a danger to himself or others, and chooses that level of care.

(2) A mentally ill or mentally retarded person may be admitted to an SNF/GICF for 120 days after release from an acute care hospital for convalescent care, if the individual needs the SNF/GICF level of care and is not a danger to himself or others, without being subjected to further PASARR evaluation.

(3) A mentally ill or mentally retarded individual may be admitted to or reside in an SNF/GICF if he requires continuous nursing care or medical supervision and treatment and is terminally ill, and is not a danger to himself or others.

(4) A mentally ill or mentally retarded individual who is not a danger to himself or others may be admitted to or remain in an SNF/GICF based on severity of illness if he is: comatose; ventilator dependent; functions at the brain stem level; or has a diagnosis of Chronic Obstructive Pulmonary Disease, Severe Parkinson's Disease, Huntington's Disease, Amyo Lateralropic Schlerosis, or Congestive Heart

Failure, and any other diagnosis so determined by the United States Department of Health and Human Services, Health Care Financing Administration.

Section 8. Responsibility of the Cabinet for Human Resources under PASARR for Inappropriately Placed Persons. The Cabinet for Human Resources shall be responsible for the safe and orderly discharge of residents determined through the PASARR process to be inappropriately placed. Additionally, the Cabinet for Human Resources shall be responsible for providing for, or arranging for, the provision of active treatment of those residents if such a need has been determined.

Section 9. [8.] Appeals. Individuals who are not qualified for admission to or continued stay in a Medicaid participating SNF/GICF as a result of a PASARR determination by the DMHMS may appeal using the following process.

(1) If a person is determined not suitable for admission to or continued stay in an SNF/GICF as a result of the PASARR process, the individual will receive a notice from the DMHMS (or peer review organization acting on behalf of the DMHMS) which advises the individual of the negative decision, the reason for the negative decision, the procedure and time frame for requesting an appeal, and of the right to legal or other appropriate representation. An individual in an SNF/GICF must be allowed at least ten (10) days to transfer from the facility, and shall not be required to move during the appeal process if the decision is appealed within the ten (10) day period. The individual may appeal the decision at any time within thirty (30) days of the decision. The individual, his attending physician, and the facility, as appropriate, will be notified of the date, time, and place of the hearing. The hearing shall be conducted by the DMHMS and the appeal decision rendered within thirty (30) days of the notice of appeal. If the determination is adverse to the individual, the negative decision will contain further appeal rights, the time frame and procedure for requesting a hearing, and the right to legal or other appropriate representation.

(2) Upon a negative hearing decision by the DMHMS, the individual may within twenty (20) days of the notice of the decision request a further appeal of the decision. The appeal hearing will be conducted by the Division for Administrative Review, Department for Social Insurance as the agency of the Department for Medicaid Services. The hearing and further appeal rights will be in accordance with 904 KAR 2:055, Hearings and appeals.

ROY BUTLER, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: March 6, 1988

FILED WITH LRC: March 8, 1989 at 9 a.m.

## REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas

(1) Type and number of entities affected: Board of Speech-Language Pathology and Audiology and those licensees on inactive status who wish to return to active status.

(a) Direct and indirect costs or savings to those affected: Those inactive licensees who hold both licenses will be charged \$10 fee instead of \$5 fee which is in accord with KRS 334A.160.

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: 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: No additional paperwork.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: None appropriate.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Those inactive licensees holding both licenses are being treated equally as to those active licensees who hold both licenses.

## GENERAL GOVERNMENT CABINET

Board of Speech-Language Pathology & Audiology  
(Proposed Amendment)

201 KAR 17:090. Continuing education requirements.

RELATES TO: KRS 334A.170

STATUTORY AUTHORITY: KRS 334A.080

NECESSITY AND FUNCTION: This regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Continuing Education Unit Defined; Accrual of Continuing Education Units Mandatory; Computation of Accrual. A continuing education unit (CEU) shall be the basic unit of measurement used to credit individuals with continuing education activities for licensure. One CEU is defined as ten (10) contact hours of participating in continuing educational experiences. Beginning in 1987 for each licensee, a minimum of one and five-tenths (1.5) CEU's must be accrued during the licensure period for licensure renewal for the following

year. The licensure period shall be January 1 through December 31 of each calendar year. All units must be in or related to the field of speech-language pathology or audiology and in the specific area for which licensure is sought. Individuals who hold a license in both speech-language pathology and audiology will be required to complete a minimum of two and five-tenths (2.5) CEU's during the licensure period for licensure renewal for the following year. It is expected that such individuals will obtain CEU credit in both areas of licensure.

Section 2. Methods of Acquiring Continuing Education Units. The following educational activities are examples of, but not limited to, [generally recognized as] methods of acquiring continuing education units provided they are directly related to the professional growth and development of speech-language pathologists and/or audiologists:

(1) Short courses, miniseminars, self-study programs and teleconferences sponsored or approved by [of] the American Speech-Language-Hearing Association [national and/or regional conventions].

(2) Educational sessions of the Kentucky Speech-Language-Hearing Association state convention and/or regional conferences.

(3) The following types of educational activities may be submitted to the board for approval provided they are directly related to the fields of speech-language pathology and/or audiology:

(a) Educational sessions provided within the licensee's work setting;

(b) College credit courses approved by and/or acceptable to the board taken for credit or through official audit;

(c) Scientific and educational lectures, workshops or seminars;

(d) Scientific and educational lectures, workshops, or seminars presented by the licensee: A maximum of two-tenths (.2) CEU may be credited for scientific and educational lectures, workshops, or seminars presented by the licensee. The two-tenths (.2) CEU maximum credit for presentations by the licensee will be applicable to only one (1) licensee (speech-language pathology or audiology) for those individuals who hold dual licensure.

Section 3. Procedures for Accreditation of Sponsors and Approval of Continuing Education Activities. (1) An institution, organization, agency, or individual desiring to be designated as an accredited sponsor of continuing education activities shall apply on a form provided by the board. If approved by the board, such institution, organization, agency, or individual shall be designated as an accredited sponsor of continuing education activities, and the activities of such an approved sponsor which are relevant to speech-language pathology and audiology shall be deemed automatically approved for continuing education credit for a period of one (1) year from the date of approval by the board.

(2) An institution, organization, agency, or individual shall be qualified for approval as a sponsor of continuing education activities if the board determines that:

(a) The sponsor is approved by the American Speech-Language-Hearing Association; or

(b) The sponsor presents organized programs of

(b) Reporting and paperwork requirements: No new requirement.

(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: No new requirements.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable since all methods are included.

(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? No. All licensees are being treated equally.

#### GENERAL GOVERNMENT CABINET

Board of Speech-Language Pathology & Audiology  
(Proposed Amendment)

201 KAR 17:091. Continuing education requirements for licensees on inactive status; waiver.

RELATES TO: KRS 334A.030

STATUTORY AUTHORITY: KRS 334A.080

NECESSITY AND FUNCTION: This regulation delineates the continuing education requirements for licensees on inactive status, as well as the circumstances under which waivers or extensions for such requirements may be granted.

Section 1. The board may, in individual cases involving medical disability or illness, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same or make the required reports. A written request for waiver or extension of time shall be submitted by the licensee and shall be accompanied by a verifying document signed by a licensed physician. Waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same may be granted by the board for a period of time not to exceed one (1) calendar year. In the event that the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee must reapply. [Continuing educational requirements shall be waived for licensees on inactive status.]

Section 2. Continuing educational requirements may be waived for licensees on inactive status during the time period they remain inactive. However if at any time the inactive licensee applies to the board to return to active status, the licensee must submit proof that he or she has completed one and five-tenths (1.5) units of continuing education within the twelve (12) month period immediately preceding the date on

which the application is submitted.

DAVID NICHOLAS, Director

APPROVED BY AGENCY: March 9, 1989

FILED WITH LRC: March 15, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, April 25, 1989, at 10 a.m. at the offices of the Division of Occupations located in the Berry Hill Annex in Frankfort, Kentucky. Individuals interested in attending this hearing shall notify David Nicholas in writing by April 20, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: David Nicholas, Executive Director, Board of Speech-Language Pathology and Audiology, Berry Hill Annex, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas

(1) Type and number of entities affected: Board of Speech-Language Pathology and Audiology and those licensees on inactive status who wish to return to active status.

(a) Direct and indirect costs or savings to those affected: Those wishing to return to active status will have to pay for continuing education courses. None for the board.

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: Applicants will submit proof of compliance with continuing education requirements.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives appropriate.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. No disproportionate impact on this group of

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 (Amended 3/14/89)  
 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  
 KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting  
 KSR 17-00-04 Assessment/Classification Center Operations, Rules and Regulations  
 KSR 17-00-05 Dormitory 10 Operations  
 KSR 17-00-06 Identification Department Admission and Discharge Procedures  
 KSR 17-00-07 Inmate Personal Property  
 KSR 18-00-04 Returns from Other Institutions  
 KSR 18-00-05 Transfer of Residents to Kentucky Correctional Psychiatric Center, and Referral Procedure for Residents Adjudicated Guilty but Mentally Ill  
 KSR 18-00-06 Classification and Special Notice Form  
 KSR 19-00-01 Inmate Work Incentives  
 KSR 19-00-02 On-the-job Training Program  
 KSR 19-00-03 Safety Inspections of Inmate Work Assignment Locations  
 KSR 20-00-01 Vocational School Referral and Release Process  
 KSR 20-00-03 Academic School Programs  
 KSR 20-00-04 Criteria for Participation in Jefferson Community College Program  
 KSR 20-00-08 Integration of Vocational and Academic Education Programs  
 KSR 21-00-01 Legal Aide Office and Law Library Services and Supervision  
 KSR 21-00-02 Inmate Library Services  
 KSR 21-00-03 Library Services for Unit D  
 KSR 22-00-03 Inmate Organizations  
 KSR 22-00-07 Inmate News Magazine  
 KSR 23-00-02 Chaplain's Responsibility and Inmate Access to Religious Representatives  
 KSR 23-00-03 Religious Programming  
 KSR 25-00-01 Discharge of Residents to Hospital or Nursing Home  
 KSR 25-00-02 Violations of Law or Code of Conduct by Inmates on Parole Furlough  
 KSR 25-00-03 Preparole Progress Report

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: March 14, 1989

FILED WITH LRC: March 14, 1989 at 1 p.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for April 23, 1989 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Barbara Jones,

Office of General Counsel, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

# REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara Jones

(1) Type and number of entities affected: 561 employees of the Kentucky State Reformatory, 1421 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

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on March 14 [February 15], 1989 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

**CORRECTIONS CABINET**  
(Proposed Amendment)

**501 KAR 6:130. Western Kentucky Farm Center.**

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590 and 439.640 authorizes the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. This regulation is in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on March 14 [February 15], 1989 and hereinafter should be referred to as Western Kentucky Farm Center Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

WKFC 01-09-01 Duty Officers, External and Internal Inspections, and Staff Tours

WKFC 02-01-01 Inmate Funds

WKFC 02-00-03 Invoice/Voucher Processing

WKFC 02-00-06 Purchasing Procedures

WKFC 02-01-01 Inmate Funds

WKFC 02-02-01 Agency Funds and Accounting Procedures

WKFC 02-08-01 Property Receipt and Inventory Procedures

WKFC 04-01-01 Travel Reimbursement for Official Business in Attendance at Professional Meetings

WKFC 04-02-01 Employee Training and Development (Amended 3/14/89)

WKFC 04-04-01 Educational Assistance Program

WKFC 05-01-01 Research, Consultants, and Student Interns

WKFC 06-00-01 Offender Records and Information Access

WKFC 06-00-02 Court Orders, Orders of Appearance, Warrants, Detainers, Etc.

WKFC 09-00-01 Drug Abuse Testing

WKFC 10-02-01 Special Management Inmate(s)

WKFC 11-00-02 Food Service Inmate Work Responsibilities, Evaluations, and Health Requirements

WKFC 11-00-03 Food Service Inspections, Sanitation, Purchasing, Storage, and Corrections Cabinet Farm Products

WKFC 11-02-01 Food Service General Guidelines

WKFC 11-02-02 Food Service Security

WKFC 11-03-01 Food Service Meals, Menus, Nutrition and Special Diets

WKFC 12-01-01 Inmate Clothing [(Amended 2/15/89)]

WKFC 13-00-01 Special Health Programs

WKFC 13-01-01 Use of Pharmaceutical Products

WKFC 13-02-01 Health Care Services

WKFC 14-00-01 Inmate Rights and Responsibilities

WKFC 14-04-01 Legal Services Program

WKFC 14-06-01 Inmate Grievance Procedure

WKFC 15-01-01 Hair and Grooming Standards

WKFC 15-03-01 Meritorious Good Time

WKFC 15-05-01 Restoration of Forfeited Good Time

WKFC 16-01-01 Visiting Policy and Procedures (Amended 3/14/89)

WKFC 16-02-01 Inmate Correspondence

WKFC 16-03-01 Inmate Access to Telephones

WKFC 16-04-01 Inmate Packages

WKFC 17-01-01 Inmate Personal Property

WKFC 17-02-01 Inmate Reception and Orientation

WKFC 18-01-01 Structure, Guidelines, and Functions of the Classification Committee

WKFC 18-13-01 Meritorious Housing

WKFC 19-03-01 Inmate Wage Program (Amended 3/14/89)

WKFC 19-04-01 Work/Program Assignments (Amended 3/14/89)

WKFC 20-04-01 Academic Education Program(s)

WKFC 20-03-01 Vocational Education Program(s) [(Amended 2/15/89)]

WKFC 22-00-01 Inmate Recreation and Leisure Time Activities

WKFC 22-00-02 Inmate Clubs & Organizations

WKFC 23-00-01 Religious Services

WKFC 25-01-01 Gratuities

WKFC 25-02-01 Inmate Release Process

WKFC 25-03-01 Prerelease Programs

WKFC 26-01-01 Volunteer Services Program

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: March 14, 1989

FILED WITH LRC: March 14, 1989 at 1 p.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for April 23, 1989 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: 87 employees of the Western Kentucky Farm Center, 330 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

2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
  - (b) Reporting and paperwork requirements:
  - (3) Assessment of anticipated effect on state and local revenues: N/A
  - (4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
  - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
  - (a) Necessity of proposed regulation if in conflict:
    - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
  - (6) Any additional information or comments:
- TIERING: Was tiering applied? No. Must be consistent.

**PUBLIC PROTECTION & REGULATION CABINET**  
**State Racing Commission**  
**(Proposed Amendment)**

**810 KAR 1:011. Pari-mutuel wagering.**

RELATES TO: KRS 230.210 to 230.360

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this regulation is to outline the requirements for the operation of pari-mutuel wagering.

Section 1. Pari-mutuel System of Wagering Required. [Each association licensed to conduct racing in this state may permit wagering only on races conducted by such association on the grounds of such association; no association may accept wagers on races conducted elsewhere by another association.] All [such] permitted wagering shall be under the pari-mutuel system, employing an electric totalizator approved by the commission. All systems of wagering other than pari-mutuel, such as bookmaking and auction-pool selling, are prohibited and any person participating or attempting to participate in prohibited wagering shall be [ejected or] excluded from association grounds.

Section 2. Totalizator Required. Each association shall install and operate during its race meeting an electric totalizator approved by the commission. Such totalizator shall be tested daily under the supervision of the commission to insure its proper working order.

Section 3. Records to be Maintained. The pari-mutuel manager shall maintain complete records of all wagering so the commission may upon review ascertain for any race: The opening line and subsequent odds fluctuations, the amount, and at which window, wagers were placed on any betting interest, and such other information as the commission may from time to time require. A copy of such wagering records shall be retained by each association and safeguarded for a period not less than two (2) years and may not be destroyed without permission of the commission.

Section 4. Calculation and Distribution of Pools. The only pari-mutuel wagering pools permitted in this state shall be for win, place,

show, daily double, exacta, quinella, and other such wagering approved by the commission as allowed by statute, each with separate and independent calculation and distribution. From each pool there shall be deducted by each association the commission as provided by KRS 138.515, with the remainder being the net pool for distribution as payoffs to ticket holders. Each association shall present the specific procedures to be used for each type of wagering in their application for dates. Any further changes or additions must be submitted in writing to the commission for approval. [as follows:]

[(1) Win pool. The amount wagered on the horse or betting interest which finished first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the horse or betting interest finishing first, such quotient being the profit per dollar wagered to win; payoff includes return of amount wagered and profit thereon.]

[(a) In the event of a dead heat for first involving horses of two (2) different betting interests, the win pool is distributed as if a place pool; if involving horses of three (3) different betting interests, the win pool is distributed as if a show pool.]

[(b) In the event no win ticket is sold on the horse which finishes first, the net win pool is distributed to holders of win tickets on the horse finishing second.]

[(2) Place pool. The amounts wagered to place on the first two (2) horses to finish are deducted from the net pool to determine the profit; the profit is divided into two (2) equal amounts; one-half (1/2) of the profit is divided by the amount wagered to place on the first finisher, such quotient being the profit per dollar wagered to place on the first finisher; and one-half (1/2) of the profit is divided by the amount wagered to place on the second finisher, such quotient being the profit per dollar wagered to place of such second finisher; payoffs include return of amount wagered and profit thereon as to each of the first two (2) finishers.]

[(a) In the event of a dead heat for first: between horses representing the same betting interest, the place pool is distributed as if a win pool; if between horses representing two (2) different betting interests, the place pool is distributed as if one (1) betting interest finished first and the other finished second; if between horses representing three (3) different betting interests, the place pool is distributed as if a show pool.]

[(b) In the event of a dead heat for second: between horses representing the same betting interest, the place pool is distributed as if no dead heat occurred; if between horses representing two (2) or more different betting interests, the profit is divided in half, with one-half (1/2) allocated for wagers to place on the horse which finished first, and other half divided equally so as to allocate one-fourth (1/4) of the profit on the net place pool for wagers to place on each of two (2) horses finishing in a dead heat for second, or one-sixth (1/6) of the profit for wagers to place on each of three (3) horses finishing in a dead heat for second.]

[(c) In the event the first and second finishers comprise a single betting interest,

daily double is excused by the stewards or is prevented from racing because of failure of the starting-gate to open properly, then daily double wagers combining such horse shall be deducted from the daily double pool and refunded upon presentation and surrender of daily double tickets thereon.]

[(f) If, prior to closing of the daily double wagering, a scheduled starter in the second half of the daily double which is not coupled in the betting with another horse is excused by the stewards, then daily double wagers combining such horse shall be deducted from the daily double pool and refunded upon presentation and surrender of daily double tickets thereon.]

[(g) If after the first race of the daily double has been run, and a horse not coupled with another as a betting interest in the second race of the daily double is excused by the stewards or prevented from racing because of failure of the starting-gate door to open properly, then daily double wagers combining the winner of the first daily double race with such horses prevented from racing in the second daily double race shall be allocated consolation payoffs:]

[1. Consolation daily double payoffs shall be determined by dividing the net daily double pool by the amount wagered combining the winner of the first daily double race with every horse or betting interest scheduled to start in the second daily double race, such quotient being the consolation payoff per dollar wagered combining the winner of the first daily double race with such horse prevented from racing in the second daily double race;]

[2. Such consolation payoffs shall be deducted from the net daily double pool before calculation and allocation of wagers on the winning daily double combination.]

[(h) If for any reason the first daily double race is cancelled or declared "no race" by the stewards, then the entire daily double pool shall be refunded upon presentation and surrender of daily double tickets thereon. If for any reason the second daily double race is cancelled or declared "no race" by the stewards after the first daily double race is declared official, then the net daily double pool shall be distributed to wagering combinations which include the horse or betting interest which finished first in the first daily double race.]

[(i) If no daily double ticket is sold requiring distribution, then the entire daily double pool shall be refunded upon presentation and surrender of daily double tickets thereon.]

[(5) Quinella pool. The amount wagered on the winning combination, such being the first two (2) finishers irrespective of which horse finishes first and which horse finishes second, is deducted from the net pool to determine the profit; the profit is divided by the amount wagered on the winning combination, such quotient being the profit per dollar wagered on the winning quinella combination; payoff includes the amount wagered and profit thereon.]

[(a) In the event of a dead heat for first: between horses involving two (2) different betting interests, the net quinella pool is distributed as if no dead heat occurred; if between horses involving three (3) different betting interests, the net quinella pool is distributed as if a show pool and is allocated to wagers combining any of the three (3) horses finishing in a dead heat for first.]

[(b) In the event of a dead heat for second: between horses involving two (2) different betting interests, the net quinella pool is distributed as if a place pool and is allocated to wagers combining the first finisher with either horse finishing in a dead heat for second; if between horses involving three (3) different betting interests, the net quinella pool is distributed as if a show pool, and allocated to wagers combining the first horse with each of the three (3) horses finishing in a dead heat for second;]

[(c) In the event horses representing a single betting interest finish first and second, the net quinella pool shall be allocated to wagers combining such single betting interest with the horse or betting interest which finishes third.]

[(d) In the event no quinella ticket is sold combining:]

[1. The first finisher with one (1) of the horses finishing in a dead heat for second, then the net quinella pool is allocated to wagers combining the first finisher with the other horse finishing in a dead heat for second;]

[2. The first finisher with either of the horses finishing in a dead heat for second, then the net quinella pool is allocated to wagers combining the two (2) horses which finished in the dead heat for second;]

[3. The first finisher with either of the horses finishing in a dead heat for second, or combining with two (2) horses which finished in a dead heat for second, then the net quinella pool is distributed as if a show pool is allocated to wagers combining any of the first three (3) finishers with any other horses.]

[4. The first two (2) finishers, then the net quinella pool shall be distributed as if a place pool and is allocated to wagers combining the first finisher with any other horses, and wagers combining the second finisher with any other horse.]

[5. Horses or betting interest as would require distribution, then the entire quinella pool shall be refunded upon presentation and surrender of quinella tickets thereon.]

[(6) Exacta pool. The exacta pool is a contract by the purchaser of a ticket combining two (2) horses in a single race, selecting the two (2) horses that will subsequently finish first and second in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.]

[(a) The exacta is not a "parlay" and has no connection with or relation to the win, place and show betting and will be calculated as an entirely separate pool.]

[(b) If no ticket is sold on the winning combination of an exacta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and/or holders of tickets selecting the second place horse to finish second.]

[(c) If no ticket is sold that would require distribution of an exacta pool to winner as above defined, the association shall make a complete and full refund of exacta pool.]

[(d) In case of a dead heat between two (2) horses for first place, the net exacta pool shall be calculated and distributed as a place pool to holders of tickets of the winning combinations. In case of a dead heat between two (2) horses for second place, the exacta pool shall be figured as a place pool, the holders of



on that race; if horses representing four (4) or fewer betting interests qualify to start in a race, then the association may prohibit both place and show wagering on that race.

(3) If, by reason of a horse being excused by the stewards after wagering has commenced or a horse is prevented from racing because of failure of a starting-gate door to open properly, the number of actual starters representing different betting interests is:

(a) Reduced to five (5), then the association may cancel show wagering on that race and the entire show pool shall be refunded upon presentation and surrender of show tickets thereon;

(b) Reduced to four (4) or fewer, then the association may cancel both place and show wagering on that race and the entire place pool and show pool shall be refunded upon presentation and surrender of such place and show tickets thereon.

Section 11. Pari-mutuel Ticket Sales. (1) No pari-mutuel tickets shall be sold except by a licensed [the] association [conducting the races on which such wagers are made,] and the same shall be sold only at regular ["seller"] windows properly designated by signs showing the type and denomination of tickets to be sold at such windows. No pari-mutuel ticket may be sold after the totalizator has been locked and no association shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalizator has been locked.

(2) Any claim by a person that he has been issued a ticket other than that which he requested, must be made before such person leaves the [seller] window and before the totalizator is locked.

(3) After purchasing a ticket and after leaving a ticket window, a person shall not be entitled to enter for issuance an incorrect ticket, or claim refund or payment for tickets discarded, or lost, or destroyed, or mutilated beyond identification.

(4) Payment on valid pari-mutuel tickets shall be made only upon presentation and surrender thereof to the association where such wager was made within two (2) years following the running of the race on which such wager was made. Failure to present any such ticket within two (2) years shall constitute a waiver of the right to receive payment thereon.

(5) Payment of valid pari-mutuel tickets shall be made on the basis of the order of finish as purposely posted on the infield results board and declared "official" by the stewards; any subsequent change in such order of finish or award of purse money as may result from a subsequent ruling by the steward or commission, shall in no way affect the pari-mutuel payoff.

(6) The association shall be responsible for the correctness of all payoff prices posted as "official" on the infield results board. If an error is made in posting the payoff figures on the public board, and ascertained before any tickets are cashed thereon, then such posting error may be corrected accompanied by a public address announcement, and only the correct amounts shall be used in the payoff, irrespective of the initial error on the public board.

(7) Prior to posting payoffs, the pari-mutuel manager shall require each of the computer

printout sheets (calculating sheets) of such race to be proven by the computer (calculator) and the winners verified. Such proof shall show the amounts for commission, breakage, and payoffs, which added together shall equal the total pool. All pay slips are to be checked with computer printout sheets (calculating sheets) as to winners and prices before being issued to cashiers, and all board prices are to be rechecked with the computer printout sheet (calculator) before released to the public.

(8) Whenever the recapitulation of the sales registered by each ticket issuing machine subsequently proves that the actual amount in the pool, or pools, is less than the amount used in calculating the payoff, such deficiency shall be deposited in the pool or pools by the association. Should the recapitulation of sales prove that the actual amount in the pool or pools, is greater than the amount used in calculating the payoff due to a mechanical error of the totalizator such error resulting in underpayment to the public, then the aggregate of such underpayments shall be paid into the corresponding pool of the next race or races, in such amounts as may be determined by the state steward and the pari-mutuel manager. If any such error should occur in computing the daily double pool, the underpayment shall be added to the daily double pool of the following day. Overpayments and underpayments subsequently discovered upon recapitulation after the close of a meeting may be adjusted, and any underpayment resulting from such final adjustment shall be paid to the Department of Revenue.

Section 12. Betting Interests Involving more than One (1) Horse. When two (2) or more horses entered for the same race are determined by the commission [stewards] to have common ties through ownership [or training] and are joined by the commission [stewards] as a "mutuel entry," such mutuel entry shall become a single betting interest and a wager on one (1) horse in a mutuel entry shall be a wager on all horses in the same mutuel entry. When the number of horses competing in a race exceeds the numbering capacity of the totalizator, the racing secretary shall assign the highest pari-mutuel numbers to horses so that the highest numbered horse within the numbering capacity of the totalizator, together with horses of higher numbers, shall be grouped in the "mutuel field" as a single betting interest, and a wager on one (1) horse in the mutuel field shall be a wager on all horses in the same mutuel field.

Section 13. Emergency Situation. In the event any emergency arises in connection with the operation of the pari-mutuel department not provided for by these rules, then the pari-mutuel manager shall make an immediate decision and shall by the quickest means possible notify the state steward and render a full report to the commission.

LYLE G. ROBEY, Chairman

APPROVED BY AGENCY: March 9, 1989

FILED WITH LRC: March 10, 1989 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 24, 1989 at 10 a.m. at the offices of the Kentucky State Racing Commission at the Kentucky Horse Park, 4063 Iron Works Pike, Building B,



specified minimums. Since the number of proposals vary between fiscal years, it is not possible to accurately estimate the number of proposals over the expenditure minimums.

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

1. First year: The cost per proposal requiring a Certificate will increase by the amount of the fee.

2. Continuing costs or savings: If the proposed capital expenditure of the project is not increased, there will be no additional fee.

3. Additional factors increasing or decreasing costs (note any effects upon competition): This regulation has no additional factors.

(b) Reporting and paperwork requirements: Certificates of Need will be required only for those proposals exceeding the expenditure requirements or by some other legal requirement.

(2) Effects on the promulgating administrative body: The commission will receive additional agency funds for each application. There will be no direct/indirect costs or savings unique to this regulation. The only savings will occur if fewer applications are processed.

(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: An increase in the expenditure minimums may have the potential for reducing the number of applications to be reviewed.

(4) Assessment of alternative methods; reasons why alternatives were rejected: KRS 216B.130 requires the commission to annually adjust the expenditure minimums provided in KRS Chapter 216B.

(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: There is no additional information or comment.

TIERING: Was tiering applied? No. Certificate of Need is required for all proposals which exceed the expenditure minimums.

**CABINET FOR HUMAN RESOURCES  
Department for Social Insurance  
Division of Management & Development  
(Proposed Amendment)**

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

RELATES TO: KRS Chapters 205, 405, 45 CFR Parts 301-307

STATUTORY AUTHORITY: KRS 405.520

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility for administering the child support program in accordance with Title IV-D of the Social Security Act, Title 45 CFR Sections 301, 302, 303, 304, 305, 306, and 307 and KRS 205.710 to 205.800. In addition, KRS 405.400 to 405.530, the Kentucky Administrative Process for Child Support Act, provides for the

establishment and enforcement of child support obligations through administrative process when paternity is not in question. The administrative process supplements existing judicial remedies for nonsupport. Administrative process may be used to establish and enforce support obligations for children receiving Aid to Families with Dependent Children (AFDC) benefits as well as for non-AFDC children. This regulation sets forth the procedures the cabinet shall employ in administratively establishing and enforcing child support obligations.

Section 1. Definitions. In addition to the terms defined in KRS 205.710, the following terms shall be defined as set forth below.

(1) "Administrative process" means a method for establishing and enforcing child support obligations pursuant to KRS 405.400 to 405.530 and the provisions of this regulation.

(2) "Appointment letter" means the cabinet's notification to the obligor that his liability for support of the child is being determined. A financial statement for the parent's completion will be included with the appointment letter.

(3) "Default" means the obligor's failure to return the financial statement or to keep an appointment to determine a support obligation under administrative process.

(4) "Notice of minimum monthly support obligation" means an administrative order issued by the cabinet pursuant to KRS 405.440 notifying the obligor of the amount of the child support obligation and of the obligor's rights to request a hearing.

(5) "Dispute hearing" means the process whereby the obligor's objections to a notice of minimum monthly support obligation are heard by an impartial hearing officer upon a timely request.

(6) "Person in possession or control" means the person who has custody of the earnings or property.

(7) "Order to withhold" means an administrative order issued by the cabinet to a person in possession or control of the obligor's earnings or property to withhold an amount equal to a stated arrearage to satisfy a delinquent child support obligation.

(8) "Order to deliver" means an administrative order issued by the cabinet to have earnings or property, belonging to the obligor, forwarded by the person in possession or control of the earnings or property to the cabinet to satisfy delinquent child support.

(9) "Delinquent support" means past due and unpaid installments on an obligation determined under a court order or a Cabinet for Human Resources administrative order (KRS 405.430) for support of a dependent child, which is owed to or on behalf of the child, or for maintenance to the spouse (or former spouse) with whom the child is living, only if a maintenance obligation has been established with respect to the spouse and the support obligation established with respect to the child is being enforced under the state's IV-D plan.

(10) "Order to release withholding" means an order to the person in possession or control of an obligor's earnings or property notifying that person that the cabinet is releasing any claim to the designated earnings or property.

(11) "Order to withhold earnings" means an administrative order issued by the cabinet to an obligor's employer to withhold an amount equal

# ADMINISTRATIVE REGISTER - 2179

|                   |       |       |       |         |         |         |         |         |
|-------------------|-------|-------|-------|---------|---------|---------|---------|---------|
| \$13,501-\$14,000 | \$286 | \$229 | \$430 | \$ 287  | \$ 506  | \$ 344  | \$ 542  | \$ 401  |
| \$14,001-\$14,500 | \$291 | \$238 | \$447 | \$ 297  | \$ 518  | \$ 356  | \$ 544  | \$ 416  |
| \$14,501-\$15,000 | \$297 | \$246 | \$465 | \$ 307  | \$ 530  | \$ 369  | \$ 556  | \$ 430  |
| \$15,001-\$15,500 | \$302 | \$254 | \$482 | \$ 318  | \$ 542  | \$ 381  | \$ 569  | \$ 445  |
| \$15,501-\$16,000 | \$308 | \$263 | \$500 | \$ 328  | \$ 553  | \$ 394  | \$ 581  | \$ 459  |
| \$16,001-\$16,500 | \$313 | \$271 | \$517 | \$ 339  | \$ 565  | \$ 406  | \$ 593  | \$ 474  |
| \$16,501-\$17,000 | \$319 | \$279 | \$521 | \$ 349  | \$ 577  | \$ 419  | \$ 606  | \$ 489  |
| \$17,001-\$17,500 | \$325 | \$288 | \$524 | \$ 359  | \$ 589  | \$ 431  | \$ 618  | \$ 503  |
| \$17,501-\$18,000 | \$330 | \$296 | \$528 | \$ 370  | \$ 600  | \$ 444  | \$ 630  | \$ 518  |
| \$18,001-\$18,500 | \$336 | \$304 | \$531 | \$ 380  | \$ 612  | \$ 456  | \$ 643  | \$ 532  |
| \$18,501-\$19,000 | \$341 | \$313 | \$535 | \$ 391  | \$ 624  | \$ 469  | \$ 655  | \$ 547  |
| \$19,001-\$19,500 | \$347 | \$321 | \$538 | \$ 401  | \$ 636  | \$ 481  | \$ 668  | \$ 561  |
| \$19,501-\$20,000 | \$353 | \$329 | \$542 | \$ 411  | \$ 648  | \$ 494  | \$ 680  | \$ 576  |
| \$20,001-\$20,500 | \$358 | \$338 | \$545 | \$ 422  | \$ 660  | \$ 506  | \$ 693  | \$ 591  |
| \$20,501-\$21,000 | \$364 | \$346 | \$549 | \$ 432  | \$ 671  | \$ 519  | \$ 705  | \$ 605  |
| \$21,001-\$21,500 | \$369 | \$354 | \$552 | \$ 443  | \$ 683  | \$ 531  | \$ 717  | \$ 620  |
| \$21,501-\$22,000 | \$375 | \$363 | \$556 | \$ 453  | \$ 695  | \$ 544  | \$ 730  | \$ 634  |
| \$22,001-\$22,500 | \$384 | \$371 | \$559 | \$ 464  | \$ 702  | \$ 556  | \$ 737  | \$ 649  |
| \$22,501-\$23,000 | \$393 | \$379 | \$563 | \$ 474  | \$ 709  | \$ 569  | \$ 744  | \$ 664  |
| \$23,001-\$23,500 | \$402 | \$388 | \$566 | \$ 484  | \$ 716  | \$ 581  | \$ 751  | \$ 678  |
| \$23,501-\$24,000 | \$410 | \$396 | \$570 | \$ 495  | \$ 722  | \$ 594  | \$ 759  | \$ 693  |
| \$24,001-\$24,500 | \$419 | \$404 | \$573 | \$ 505  | \$ 729  | \$ 606  | \$ 766  | \$ 707  |
| \$24,501-\$25,000 | \$428 | \$413 | \$577 | \$ 516  | \$ 736  | \$ 619  | \$ 773  | \$ 722  |
| \$25,001-\$25,500 | \$437 | \$421 | \$580 | \$ 526  | \$ 743  | \$ 631  | \$ 780  | \$ 736  |
| \$25,501-\$26,000 | \$446 | \$429 | \$584 | \$ 536  | \$ 750  | \$ 644  | \$ 787  | \$ 751  |
| \$26,001-\$26,500 | \$455 | \$438 | \$587 | \$ 547  | \$ 757  | \$ 656  | \$ 795  | \$ 766  |
| \$26,501-\$27,000 | \$464 | \$446 | \$591 | \$ 557  | \$ 764  | \$ 669  | \$ 802  | \$ 780  |
| \$27,001-\$27,500 | \$472 | \$454 | \$594 | \$ 568  | \$ 771  | \$ 681  | \$ 809  | \$ 795  |
| \$27,501-\$28,000 | \$481 | \$463 | \$598 | \$ 578  | \$ 777  | \$ 694  | \$ 816  | \$ 809  |
| \$28,001-\$28,500 | \$490 | \$471 | \$601 | \$ 589  | \$ 784  | \$ 706  | \$ 823  | \$ 824  |
| \$28,501-\$29,000 | \$499 | \$479 | \$605 | \$ 599  | \$ 791  | \$ 719  | \$ 831  | \$ 839  |
| \$29,001-\$29,500 | \$508 | \$488 | \$608 | \$ 609  | \$ 798  | \$ 731  | \$ 838  | \$ 853  |
| \$29,501-\$30,000 | \$517 | \$496 | \$612 | \$ 620  | \$ 805  | \$ 744  | \$ 845  | \$ 868  |
| \$30,001-\$30,500 | \$526 | \$504 | \$615 | \$ 630  | \$ 812  | \$ 756  | \$ 852  | \$ 882  |
| \$30,501-\$31,000 | \$535 | \$513 | \$619 | \$ 641  | \$ 819  | \$ 769  | \$ 859  | \$ 897  |
| \$31,001-\$31,500 | \$543 | \$521 | \$622 | \$ 651  | \$ 825  | \$ 781  | \$ 867  | \$ 911  |
| \$31,501-\$32,000 | \$552 | \$529 | \$626 | \$ 661  | \$ 832  | \$ 794  | \$ 874  | \$ 926  |
| \$32,001-\$32,500 | \$561 | \$538 | \$629 | \$ 672  | \$ 839  | \$ 806  | \$ 881  | \$ 941  |
| \$32,501-\$33,000 | \$570 | \$546 | \$633 | \$ 682  | \$ 846  | \$ 819  | \$ 888  | \$ 955  |
| \$33,001-\$34,000 | \$575 | \$558 | \$647 | \$ 698  | \$ 860  | \$ 838  | \$ 903  | \$ 977  |
| \$34,001-\$35,000 | \$581 | \$575 | \$661 | \$ 719  | \$ 873  | \$ 863  | \$ 917  | \$1,006 |
| \$35,001-\$36,000 | \$586 | \$592 | \$675 | \$ 740  | \$ 887  | \$ 888  | \$ 932  | \$1,035 |
| \$36,001-\$37,000 | \$591 | \$608 | \$690 | \$ 760  | \$ 901  | \$ 913  | \$ 946  | \$1,065 |
| \$37,001-\$38,000 | \$597 | \$625 | \$704 | \$ 781  | \$ 915  | \$ 938  | \$ 960  | \$1,094 |
| \$38,001-\$39,000 | \$602 | \$642 | \$718 | \$ 802  | \$ 928  | \$ 963  | \$ 975  | \$1,123 |
| \$39,001-\$40,000 | \$607 | \$658 | \$732 | \$ 823  | \$ 942  | \$ 988  | \$ 989  | \$1,152 |
| \$40,001-\$41,000 | \$613 | \$675 | \$746 | \$ 844  | \$ 956  | \$1,013 | \$1,004 | \$1,181 |
| \$41,001-\$42,000 | \$618 | \$692 | \$760 | \$ 865  | \$ 970  | \$1,038 | \$1,018 | \$1,210 |
| \$42,001-\$43,000 | \$623 | \$708 | \$774 | \$ 885  | \$ 983  | \$1,063 | \$1,032 | \$1,240 |
| \$43,001-\$44,000 | \$629 | \$725 | \$788 | \$ 906  | \$ 997  | \$1,088 | \$1,047 | \$1,269 |
| \$44,001-\$45,000 | \$634 | \$742 | \$803 | \$ 927  | \$1,020 | \$1,113 | \$1,071 | \$1,298 |
| \$45,001-\$46,000 | \$639 | \$758 | \$817 | \$ 948  | \$1,044 | \$1,138 | \$1,096 | \$1,327 |
| \$46,001-\$47,000 | \$644 | \$775 | \$831 | \$ 969  | \$1,067 | \$1,163 | \$1,121 | \$1,356 |
| \$47,001-\$48,000 | \$650 | \$792 | \$845 | \$ 990  | \$1,091 | \$1,188 | \$1,145 | \$1,385 |
| \$48,001-\$49,000 | \$655 | \$808 | \$859 | \$1,010 | \$1,114 | \$1,213 | \$1,170 | \$1,415 |
| \$49,001-\$50,000 | \$660 | \$825 | \$873 | \$1,031 | \$1,138 | \$1,238 | \$1,196 | \$1,444 |
| \$50,001-\$51,000 | \$666 | \$842 | \$987 | \$1,052 | \$1,161 | \$1,263 | \$1,219 | \$1,473 |
| \$51,001-\$52,000 | \$671 | \$858 | \$902 | \$1,073 | \$1,185 | \$1,288 | \$1,244 | \$1,502 |
| \$52,001-\$53,000 | \$676 | \$875 | \$916 | \$1,094 | \$1,208 | \$1,313 | \$1,268 | \$1,531 |
| \$53,001-\$54,000 | \$682 | \$892 | \$930 | \$1,115 | \$1,232 | \$1,338 | \$1,293 | \$1,560 |
| \$54,001-\$55,000 | \$687 | \$908 | \$944 | \$1,135 | \$1,255 | \$1,363 | \$1,318 | \$1,590 |
| \$55,001 Plus     | \$676 |       | \$944 |         | \$1,255 |         | \$1,318 |         |

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

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

(b) In accordance with KRS 405.430(2), the

cabinet may modify the minimum monthly support obligation as established by the cabinet.

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

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

sum of one (1) dollar for each payment made pursuant to the order to cover his administrative costs.

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

(5) For those cases in which the order was entered prior to July 15, 1988, the cabinet may initiate withholding of earnings procedures prior to the accumulation of one (1) month's arrearage upon the request of the obligor.

(6) [(5)] Withholding shall take effect immediately for cases in which the order is entered on or after July 15, 1988 unless the obligor shows good cause.

(a) Good cause shall be determined to exist if[.]:

[1.] The obligor is threatened with the immediate loss of his primary source of earnings; or]

[2.] Payment records indicate the obligor has voluntarily contributed support in an amount equal to at least seventy-five (75) percent of the newly established obligation.

(b) If good cause is shown, withholding shall take effect when an arrearage accrues that is equal to the amount of support payable for one (1) month.

Section 5. Additional Administrative Enforcement Remedies. When the cabinet determines that the obligor owes delinquent support, the cabinet may implement administrative enforcement remedies to collect the delinquent support amounts. Personal property shall be exempted from attachment as specified in KRS 427.060.

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

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

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

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

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

(b) The obligor may contact the cabinet for an explanation of administrative enforcement. The cabinet may accept partial payment sufficient to

release the order to withhold when deemed appropriate by the secretary.

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

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

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: February 28, 1989

FILED WITH LRC: March 6, 1989 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 21, 1989 at 9 a.m. at the Health Services Auditorium. Individuals interested in attending this hearing shall notify this agency in writing by April 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall

(1) Type and number of entities affected: Approximately 200,000 IV-D cases.

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

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: We are adding a provision that will permit obligors to request withholding prior to the accumulation of arrearages in cases with orders filed prior to July 15, 1988. Also, we are removing one of the good cause criteria for delaying withholding as directed by the federal office of Child Support Enforcement. These cases are already included in the pending IV-D cases. Therefore, there will be no financial impact nor staffing change.

(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

been unsuccessful.

(h) Cash payments intended specifically to enable applicants or recipients to pay for medical or social services are not considered as available income or as a resource in the month of receipt or for one (1) calendar month following the month of receipt. If the cash is still being held at the beginning of the second month following its receipt, it will be considered a resource.

(i) Effective with regard to determinations of eligibility made on or after June 1, 1989, any amount received which is a result of an underpayment (i.e., which is a retroactive payment) of benefits from Title II (Federal Old Age, Survivors, and Disability Insurance Benefits) or Title XVI (Supplemental Security Income) is excluded as a resource for the first six (6) months following the month in which the amount is received or for the first nine (9) months following receipt if receipt is during the period of October 1, 1987 through September 30, 1989.

Section 2. Income and Resource Exemptions. Income and resources which are exempted from consideration for purposes of computing eligibility for the comparable money payment program (Aid to Families With Dependent Children and Supplemental Security Income) shall be exempted from consideration by the cabinet, except that the AFDC earned income disregard (first thirty (30) dollars and one-third (1/3) of the remainder) may not be allowed in determining eligibility for medical assistance only.

Section 3. Income Limitations of the Medically Needy. Eligibility from the standpoint of income is determined by comparing adjusted income as defined in Section 4 of this regulation, of the applicant, applicant and spouse, or applicant, spouse and minor dependent children with the following scale of income protected for basic maintenance:

| Size of Family | Annual  | Monthly |
|----------------|---------|---------|
| 1              | \$2,500 | \$208   |
| 2              | 3,000   | 250     |
| 3              | 3,500   | 292     |
| 4              | 4,400   | 367     |
| 5              | 5,100   | 425     |
| 6              | 5,800   | 483     |

For each additional member, \$600 annually or fifty (50) dollars monthly is added to the scale. The change shown in this section of the regulation shall be effective with regard to determinations of eligibility made on or after July 1, 1988.

#### Section 4. Additional Income Considerations.

(1) In comparing income with the scale as contained in Section 3 of this regulation, gross income is adjusted as follows in all cases with exceptions as contained in Section 5 of this regulation:

(a) In cases of adults and children, the standard work related expenses of adult members and out-of-school youth are deducted from gross earnings. For those with either full-time or part-time employment the standard work expense deduction is seventy-five (75) dollars per month. All earnings of an in-school child are disregarded. Full-time and part-time employment, and school attendance, shall be as defined in

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

(b) In cases of adults and children, dependent care as a work expense is allowed not to exceed \$160 per child or incapacitated adult per month for full-time employment (as defined in subsection (1) of this section) or \$110 per child or incapacitated adult per month for part-time employment (as defined in subsection (1) of this section). A dependent care work expense deduction is allowed only when the dependent is included in the assistance unit.

(2) The following special factors are applicable for pregnant women, infants and children eligible pursuant to Section 9401 of the Omnibus Budget Reconciliation Act of 1986 (OBRA 86):

(a) Such pregnant women and children may have family income up to, but not to exceed, 100 percent of the official poverty income guidelines as promulgated by the Department of Health and Human Services, United States Government, and revised annually, and the updated official poverty guidelines to be used for a year will be the latest poverty guidelines available as of July 1 of the particular state fiscal year;

(b) Pregnant women, infants and children who would be eligible under the provisions of OBRA 86 except for income in excess of the allowable standard may not become eligible by spending down to the official poverty guidelines;

(c) Effective with regard to determinations of eligibility made on or after June 1, 1989, available [liquid assets for the family may not exceed the usual upper limits specified for the medically needy, and all other] resources shall be disregarded;

(d) The Aid to Families with Dependent Children (AFDC) budgeting methodology (except for application of the AFDC earned income disregard of the first thirty (30) dollars and one-third (1/3) of the remainder) shall be used; and

(e) Changes of income [and, effective for determinations of eligibility made on or after August 1, 1988, changes of resources] that occur after the determination of eligibility of a pregnant woman shall not affect such pregnant woman's eligibility through the remainder of the pregnancy including the usual post partum period which ends at the end of the month containing the 60th day of a period beginning on the last day of her pregnancy.

(3) Effective with regard to determinations of eligibility for Medical Assistance furnished on or after October 1, 1988, pregnant women and children eligible pursuant to Section 4101 of the Omnibus Budget Reconciliation Act of 1987 (OBRA 87) shall be subject to the same special factors applicable to pregnant women, infants, and children as specified in Section 4(2)(b), (c), (d) and (e) of this regulation, and this additional special factor: such pregnant women and children under age one (1) may have family income up to, but not to exceed, 125 percent of the official poverty income guidelines as promulgated by the Department of Health and Human Services, United States Government, and revised annually, and the updated official poverty guidelines to be used for a year will be the latest poverty guidelines available as of July 1 of the particular state fiscal year.

(4) The following special income and resource limits and provisions are applicable for

effective January 1, 1984, and except for which (and subsequent cost of living increases) such individuals would be eligible for federal supplemental security income benefits; eligibility as a result of such disregard shall not exist prior to July 1, 1986. To be eligible, applicants must apply by July 1, 1988.

Section 10. Relative Responsibility. For purposes of the Medical Assistance Program, spouses are considered responsible for spouses and parents are considered responsible for dependent minor children. Effective for determinations of eligibility made on or after December 1, 1987, children under age twenty-one (21) living with parents (but not including children age eighteen (18) and above who are blind or disabled) are considered dependent minor children for purposes of deeming of income and resources under the Medicaid Program even if such children are emancipated under state law. [Stepparents are responsible for their stepchildren as shown in this section and Section 11 of this regulation.] This responsibility, with regard to income and resources, is determined as follows:

(1) "Living with" is defined as sharing a common living arrangement or household, but not including living in the same room in a long term care facility. "Living apart" is defined as not sharing a common household, whether due to estrangement, disability, or illness. Effective July 1, 1987, a husband and wife sharing a room or comparable accommodation in a long term care facility may be considered to be "living with" each other after they have continuously shared such a room or accommodation for six (6) months, if treating such husband and wife as living apart would prevent either of them from receiving medical assistance.

(2) In cases of aged, blind, or disabled applicants or recipients living with their eligible spouse, total resources and adjusted income of the couple is considered in relation to the resource and income limitations for a family size of two (2), or if other dependents live with the couple, the appropriate family size including the dependents.

(3) In cases of aged, blind or disabled applicants or recipients living with an ineligible spouse, income from the ineligible spouse shall be deemed as available to the eligible spouse as outlined below.

(a) Determine the potential spend-down amount of the eligible individual by comparing the countable income to the Medically Needy Income Level (MNIL) for one (1) as shown in Section 3 of this regulation.

(b) Allocate to other dependents in the household from the ineligible spouse income in an amount equal to one-half (1/2) of the MNIL for a family size of one (1) for each dependent.

(c) If the ineligible spouse's income is more than one-half (1/2) of the MNIL for a family size of one (1), combine the income of the ineligible spouse with that of the eligible individual and compare that figure with the MNIL for a couple to determine the spend-down amount.

(d) Compare the amount resulting from paragraph (a) of this subsection with the result of paragraph (c) of this subsection and determine eligibility using the spend-down amount, if any, which is greater.

(e) Resources shall be considered in the same manner as for an eligible spouse.

(4) In cases of aged, blind, or disabled couples, living apart for any reason other than institutionalization, both of whom are concurrently applying for or receiving MA only, income and resources are considered in relation to resource and income limitations for a family size of two (2), or if other dependents live with either spouse, the family size including such dependents, but only for the first six (6) months after the month of separation, that such couple lives apart; however, if mutual consideration of income and resources causes the individuals to lose eligibility as a couple, eligibility for the individuals is determined in accordance with subsection (4) of this section. If the separation is due to the institutionalization of a spouse, mutual consideration of income ceases in the month after the month of separation but resources are considered mutually available to each other the month of separation, and for the six (6) months following that month unless such would act to preclude eligibility of the individual in long-term care.

(5) In cases of an aged, blind, or disabled individual living apart from a spouse (for a reason other than institutionalization) who is not a recipient of MA only, eligibility is determined on a couple basis for the month of separation and as a single individual after the month of separation.

(6) For an individual whose case is being worked as if he were a single individual due to living apart from his spouse, as shown in Section 10(3) and (4) of this regulation, who has jointly held resources with his spouse, one-half (1/2) of the jointly held resource would be considered a resource; except that the entire amount of a jointly held checking or savings account is considered a resource if the resource may be accessed independently of the spouse.

(7) Total resources and adjusted income of parent(s) and children for whom application is made is considered in relation to limitations for family size. Excluded, however, is the income and resources of an SSI parent and the SSI essential person spouse whose medical assistance eligibility is based on inclusion in the SSI case. Resources and income of an SSI essential person, spouse or nonspouse, whose medical assistance eligibility is not based on inclusion in the SSI case must be considered.

(8) In cases of a blind or disabled child under eighteen (18) living with his parent(s) (including stepparent, if applicable), total resources and adjusted income of the parent(s) is related to limitations for family size, including the applicant or recipient child and other dependent children of parent using the adult scale. The income and resources of the parent(s) shall also be considered available to such child who is aged eighteen (18) through twenty-one (21), if in school, when to do so will work to the child's benefit and the individual was aged eighteen (18) through twenty-one (21) in September, 1980, and was MA eligible at that time.

(9) Income and resources of parent(s) are not considered available to a child living apart from the parent(s), but any continuing contribution actually made is considered as income. Living apart may mean living in a medical institution, special school or in foster care and such status continues even if the child

appropriate. When the grandparent or incapacitated stepparent is included in the case, the amount excluded for the needs of the grandparent or stepparent in the determination of available income in subsection (1) of this section must be considered as available income for purposes of this determination of eligibility. If there is no excess, the grandparent or incapacitated stepparent is eligible; if there is an excess, the excess amount may be spent down in the usual manner. [Determining eligibility of the spouse or minor parent. Available income of the stepparent or grandparent remaining after exclusions/disregards are applied shall be considered fully available to the spouse or minor parent. The eligibility of the spouse or minor parent is therefore determined in the same manner as shown in subsection (2) of this section, except that the full amount available (including that portion of the available income, if any, which is in excess of the medically needy income level for one (1)) is deemed to the spouse or minor parent.]

(4) When determining eligibility of individuals or family groups with excess income [the spouse or minor parent, or both the spouse or minor parent and child(ren) has a spend-down case(s)], uncovered incurred medical expenses of all members of the budget unit (and dependents of members of the budget unit whose needs are considered when determining the eligibility of that member) may be used to meet the spend-down amount(s).

Section 12. Companion Cases. When spouses or parent(s) and children living in the same household apply separately for assistance, relative responsibility must be taken into consideration.

(1) In the case of an application for assistance for a dependent child(ren), the income, resources and needs of the parent(s) must be included in the determination of need of the child(ren) even when the parent(s) applies for assistance for himself on the basis of age, blindness, or disability (except as shown in subsection (3) of this section).

(2) In the case of a spouse, income and resources of both spouses are combined and compared against the medically needy income and resources limits for a family size of two (2) even though a separate determination of eligibility shall be made for each individual.

(3) In the case of families with children with a parent eligible for supplemental security income (SSI), neither the income, resources, nor needs of the SSI eligible individual are to be included in the determination of eligibility of the children.

(4) A parent in a family case may request that one (1) or more children be technically excluded from the determination of eligibility due to income while a regular application for Medicaid eligibility is processed for other children in the family group. In this circumstance, the income and resources of the technically excluded child(ren) and the technically excluded child(ren)'s needs are excluded in the budgeting process when determining eligibility of the family group. A separate spend-down case(s) may then be established for the technically excluded child(ren); the income, resources and needs of the responsible relative or parent are included in the budget in accordance with usual criteria,

and income/resources and needs of siblings in the other case may also be included in budgeting for the spend-down case if that works to the advantage of the technically excluded child(ren) for whom eligibility is being determined in the spend-down case. Excess income in the spend-down case may be spent-down using uncovered incurred medical care costs of any member of the family included in the budgeting process for the spend-down case.

Section 13. Treatment of Lump-sum Income. The following policy is effective January 1, 1986: for adult related cases, lump-sum income is prorated over the three (3) month period following the agency's notice of receipt by the client, with any amount spent by the client prior to notification of the agency deducted from the total considered available; any portion of the income remaining available after the three (3) month period is considered in relation to resource limitations; the exception to the treatment of lump sum income is specified in Section 1(8)(i) of this regulation: for AFDC related cases, lump sum income is divided by the medically needy income level and prorated over the resultant number of months. Effective February 1, 1989, lump sum income for individuals eligible under the federal poverty level standards specified in Section 4(2) and (3) of this regulation would be divided by the appropriate standard for the eligible group and prorated over the resultant number of months.

Section 14. Transferred Resources. The policy relating to transferred resources shown in this section is effective for determinations of eligibility for periods of time beginning on or after July 1, 1988 and transfers of property occurring on or after that date.

(1) When an institutionalized individual (defined as an individual in a skilled nursing facility, general intermediate care facility, psychiatric facility, mental hospital, or a participant in a hospice program who is in a skilled nursing or intermediate care facility, or a participant in the home and community based services waiver program or the alternate intermediate services program for the mentally retarded so long as eligibility is being determined using the special income level) applies for medical assistance a period of ineligibility must be computed if at any time during the thirty (30) month period immediately preceding the application the individual disposed of property for less than fair market value. The period of ineligibility (beginning with the month in which the resources were transferred) shall be equal to the lesser of thirty (30) months or the number of months derived by dividing the total uncompensated value of the resources so transferred by the average cost, to a private patient at the time of the application, of nursing facility services in the state (either intermediate care or skilled nursing care as appropriate for the level of care).

(2) An individual shall not be ineligible for medical assistance by virtue of subsection (1) of this section to the extent that the conditions specified in Section 1917(c)(2)(B), (C) and (D) of the Social Security Act are met, nor shall an individual be ineligible for medical assistance due to transfer of resources for less than fair market value except in

amount is forty (40) dollars per month.

(2) When eligibility is determined for an institutionalized monthly spend-down case, the attributed cost of care against which monthly available income of the hospice participant shall be applied shall be the hospice routine home care per diem (for the hospice providing care) as established by the Medicare program plus the room and board rate for the appropriate level of care (i.e., skilled nursing or intermediate care).

(3) Eligibility shall continue on the same monthly basis as for an institutionalized individual when the recipient is eligible based on the special income level of 300 percent of the SSI level as specified in 907 KAR 1:011, Technical eligibility requirements.

(4) A hospice participant may be eligible for benefits based on this section only if he has elected coverage under the Medicaid hospice benefit rather than the regular Medicaid program.

(5) Usual institutional deeming rules shall be applicable with regard to the categorically needy including all participants eligible on the basis of the special income level of 300 percent of the SSI standard. Community deeming procedures are used for all medically needy individuals not eligible under the special income level.

Section 17. Special Provisions for Recipients Participating in the Home and Community Based Services Waiver Program. Medical assistance eligibility for participants under the home and community based (HCB) services waiver program shall be determined (when necessary to establish eligibility for medical assistance benefits for cases with income in excess of the usual basic maintenance standard) taking into consideration the special provisions contained in this section.

(1) Income protected for basic maintenance of HCB services program participants who are eligible under the special income level shown in this section shall be the standard used for an individual in the federal supplemental security income (SSI) program in addition to the SSI general exclusion.

(2) HCB services program participants who participate in the HCB program for thirty (30) consecutive days (including any actual days of institutionalization within that period) and who have income not in excess of 300 percent of the SSI standard for an individual shall be determined to be eligible as categorically needy under a special income level (i.e., the special income level is 300 percent of the SSI standard).

(3) If an HCB services program participant has income in excess of 300 percent of the SSI standard, eligibility of the participant is determined in the usual manner for an individual who is institutionalized, with the cost of HCB services projected if eligibility is determined on a monthly basis, except that the amount protected for basic maintenance is the usual medically needy standard for the appropriate family size as shown in Section 3 of this regulation plus the SSI general exclusion.

(4) Usual institutional deeming rules shall be applicable with regard to all participants eligible on the basis of the special income level of 300 percent of the SSI standard. Community deeming procedures are used for all medically needy individuals not eligible under the special income level.

Section 18. Treatment of Potential Payments from Medicaid Qualifying Trusts. When an individual (or his spouse for the individual's benefit) creates (other than by will) a trust (or similar legal device) with amounts payable to the same individual, such trust shall be considered a "Medicaid qualifying trust" if the trustee(s) of the trust are permitted to exercise discretion as to the amount of the payments from the trust to be paid to the individual. In this circumstance the amount considered available to the trust beneficiary shall be the maximum amount the trustee(s) may (using the trustee's discretion) pay in accordance with the terms of the trust, regardless of the amount actually paid. The cabinet may, however, consider as available only that amount actually paid if to do otherwise would create an undue hardship upon the individual; the criteria for determining "undue hardship" shall be established by the cabinet.

ROY BUTLER, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: March 14, 1989

FILED WITH LRC: March 15, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 21, 1989 at 9 a.m. at Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: 830 Medicaid recipients annually.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: \$215,000 (costs)

2. Continuing costs or savings: \$215,000 (costs)

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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



the medical service area.

(1) [(a)] The upper limit shall be the usual and customary charge up to a maximum of three (3) dollars for trips of five (5) miles or less, one (1) way, loaded miles.

(2) [(b)] The upper limit shall be the usual and customary charge up to a maximum of six (6) dollars for trips of six (6) to ten (10) miles, one (1) way, loaded miles.

(3) [(c)] The upper limit shall be the usual and customary charge up to a maximum of ten (10) dollars for trips of eleven (11) to twenty-five (25) miles, one (1) way, loaded miles.

(4) [(d)] The upper limit shall be the usual and customary charge up to a maximum of fifteen (15) dollars for trips of twenty-six (26) miles or over, one (1) way, loaded miles.

#### Section 4. [3.] Private Automobile Vendors.

[(1) "Private automobile vendor" means a person owning or having access to a private vehicle not used for commercial transportation purposes and who uses that vehicle for the occasional medical transportation of eligible recipients. Included within this definition are ambulance type vendors who are noncertified or who have not chosen or been approved to participate in the Title XIX program, if willing to accept private automobile vendor rates.]

(1) [(2)(a)] The cabinet shall reimburse private automobile vendors at the basic rate of twelve (12) cents per mile plus a flat fee of two (2) dollars per eligible passenger if waiting time is required. For round trips of less than five (5) miles the rate shall be computed on the basis of a maximum allowable fee of three (3) dollars for the first passenger plus two (2) dollars each for waiting time for additional eligible passengers.

(2) [(b)] For round trips of five (5) to twenty-five (25) miles the rate for private automobile vendors shall be computed on the basis of a maximum allowable fee of five (5) dollars for the first passenger plus two (2) dollars each for waiting time for additional eligible passengers. The maximum allowable fee rates shall not be utilized in situations where mileage is paid. [Toll charges are reimbursable when incurred.]

(3) ["Maximum allowable fee" means that] Even though the maximum allowable fee rate when computed on the basis of twelve (12) cents per mile plus two (2) dollars for waiting time would not equal the three (3) dollars or five (5) dollars allowable amounts, that amount may be paid to encourage private automobile vendors to provide necessary medical transportation. Additionally, nothing in [subsection (2) of this section should be construed to] requires the cabinet to pay the amounts specified [therein] in the event the private automobile vendor expresses a preference for reimbursement in a lesser amount; in that event, the lesser amount will be paid. Toll charges are reimbursable when incurred.

(4) ["Waiting time" means that period of time following provision of transportation to a medical vendor during which the private automobile vendor is waiting for the recipient to receive medical treatment, in order to provide the return trip required by the recipient. In the instance of an eligible recipient being admitted to a medical institution for inpatient care, waiting time is considered to have occurred when the private

automobile vendor waits a sufficient period of time to ensure the recipient's admittance to the facility.] Waiting time is a reimbursable component of the private automobile vendor transportation fee only when waiting time occurs. When waiting time occurs due to admittance of the recipient into the medical institution, the private automobile vendor may be reimbursed for the return trip to the point of recipient pickup as though the client were in the vehicle; that is, the total reimbursable amount is computed on the basis of the maximum allowable fee or mileage rate plus waiting time as shown in [subsection (2) of] this section.

#### Section 5. [4.] Noncommercial Group Carriers.

[(1) "Noncommercial group carriers" means those vendors who provide bus or bus-type medical transportation to an identifiable segment of the eligible recipient group, but not including vendors whose transportation costs are allowable costs under their reimbursement system (e.g., mental health centers). Such segment may be identifiable by geographical boundary, type of medical service required, common medical destination (i.e., clinic, primary care center, etc.), or other similar grouping method. Included within this definition are:]

[(a) Community action agencies (or successor agencies) providing bus or bus-type service for a poverty or near-poverty area target population; and]

[(b) Other similar providers as identified by the cabinet.]

(1) The cabinet shall reimburse noncommercial group carriers [(2) Reimbursement shall be] based on actual reasonable, allowable cost to the provider based on cost data submitted to the cabinet by the provider; however, the minimum rate shall be twenty (20) cents per recipient per mile transported and the rate upper limit shall be fifty (50) cents per recipient per mile transported.

(2) For services provided on or after June 1, 1989, noncommercial group carriers may subcontract for taxicab services with reimbursement for such services to be provided at the usual rates paid to the noncommercial group carriers as shown in subsection (1) of this section.

#### Section 6. [5.] Specialty Individual Carriers.

[(1) "Specialty individual carrier" means a vendor who provides, through specially equipped vehicles, medical transportation for nonambulatory recipients (those who are required to travel by wheelchair) or for ambulatory but disoriented recipients (those who are sufficiently disoriented as to time, place, persons or objects so as to be unable to travel to or from medical services unaccompanied or unsupervised), and who provides services not normally available from other transportation vendors. The equipment ordinarily required would be a van or similar type vehicle with a lift for wheelchairs; and the service would be the accompaniment of the recipient from point of origin to point of destination where the recipient is placed in the charge of the receiving individual, including physical assistance and/or guidance to the recipient when necessary. To be considered a specialty individual carrier for purposes of reimbursement from the cabinet, the carrier must be recognized by the cabinet as a specialty individual carrier



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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: We are unsure as to whether there will be any significant reduction in use of taxi service as a result of this change.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable

alternatives for cost control were identified.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: We are unsure as to whether there will be any significant reduction in use of taxi service as a result of this change.

TIERING: Was tiering applied? No. Federal Medicaid regulations require that similarly situated providers be treated in a similar manner.

by April 20, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Scott Akers, Revenue Cabinet, Division of Tax Policy and Legal Services, New Capitol Annex Building, Frankfort, Kentucky 40620.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Scott Akers

(1) Type and number of entities affected: The entities affected are the persons using special fuel for agricultural purposes. Under prior law, there were approximately 7,500 approved storage locations, of which an estimated 5,000 were for agricultural purposes. It is anticipated that the number of entities will be approximately 10,000 under the 1988 legislation when all persons eligible have filed applications for refund permits.

(a) Direct and indirect costs or savings to those affected: None. The administrative requirements specified in this regulation are repeated in the law and will, therefore continue in effect.

1. First year: None. The administrative requirements specified in this regulation are repeated in the law and will, therefore continue in effect.

2. Continuing costs or savings: Same as 1 above.

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

(b) Reporting and paperwork requirements: Statutory requirements consist of a one time application for a refund permit and quarterly or annual filing of refund claims for nonhighway special fuel not used for agricultural purposes.

(2) Effects on the promulgating administrative body: None. The administrative requirements specified in this regulation are repeated in the law and will, therefore, result in no effect on the Revenue Cabinet.

(a) Direct and indirect costs or savings: None. The administrative requirements specified in this regulation are repeated in the law and will, therefore, result in no effect on the Revenue Cabinet.

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: Not applicable. Repeal of the regulation is essential since it summarizes the statutes in violation of KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in

conflict, overlapping, or duplication: KRS 138.344 to 138.358 overlap or duplicate the provisions of the regulation.

(a) Necessity of proposed regulation if in conflict: Regulation is not needed since it summarizes the statutes in violation of KRS Chapter 13A.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: This regulation is to be repealed since it summarizes the statutes in violation of KRS Chapter 13A.

TIERING: Was tiering applied? Yes

#### FINANCE AND ADMINISTRATION CABINET Educational Savings Plan Trust

#### 200 KAR 16:010. General Rules.

RELATES TO: KRS 164A.300 through 164A.380  
STATUTORY AUTHORITY: KRS Chapter 13A, 164A.325(10)

NECESSITY AND FUNCTION: KRS 164A.300 to 164A.380, provides that the Kentucky Educational Savings Plan Trust Board shall promulgate and issue administrative regulations necessary to carry out the purposes of the Kentucky Educational Savings Plan Trust of 1988, (hereinafter "Act"). This regulation establishes general rules for participation in the Kentucky Educational Savings Plan Trust program.

Section 1. Changes in Beneficiary. Participants may designate changes in beneficiaries under participation agreements by filing a written notice of the change with the board. The notice must be received by the board before the prior named beneficiary enters an institution of higher education. The provisions of KRS 164A.340 shall be applicable to the payment of benefits on behalf of substitute beneficiaries.

Section 2. Cancellation. Participants may cancel participation agreements at will by filing written notice of cancellation with the board. The board shall deduct an administrative fee from the participant's account to cover its costs in terminating the participant's account. The administrative fee shall be the lesser amount of two (2) percent of the total balance in the participant's account or twenty-five (25) dollars. The amount to be refunded, less the administrative fee, shall be mailed or otherwise sent to the participant within sixty (60) days after receipt by the board of notice of cancellation of the participation agreement.

Section 3. Investments. Recognizing that the goal of investment of balances in the program and endowment funds is to maximize yield, the board shall, nevertheless, take into account in investing such funds, the need for liquidity and security, and shall not knowingly authorize or permit the investment of funds in institutions or instruments which the board considers unsafe or a threat to the security of the funds.

Section 4. Administration Fund. The costs of administering the Kentucky Educational Savings Plan Trust shall be paid out of the administration fund. Funds shall be transferred

psychologists, school social workers, school nurses, representatives of health and mental health agencies, law enforcement officials, and other appropriate personnel.

(5) "Lay persons" - parents or guardians of children enrolled in the respective school district, students, representatives of parent-teacher associations, religious groups, civic groups, government agencies, and other lay citizens. These people are not employed by the local district.

Section 2. Each local school superintendent shall appoint an advisory committee composed of an equal number of lay persons and professional resource personnel to do the following:

- (1) Assist in assessing local needs and resources;
- (2) Provide a forum for expression of community opinion;
- (3) Adopt guidelines for developing and implementing the local plan for providing parenting and family life skills education;
- (4) Develop the local plan;
- (5) Develop procedures for dealing with controversial issues;
- (6) Review print and audio visual materials; and
- (7) Assist in the evaluation of the program.

Section 3. (1) The district plan for parenting education and family life skills shall be reviewed and approved by the local superintendent, adopted by the local board of education, and submitted to the Kentucky Department of Education for approval by July 1, 1989.

(2) By September 1, 1989, all local school districts shall have a plan approved by the Kentucky Department of Education for providing parenting and family life skills in grades kindergarten through twelve (12). Full implementation of the local district plan shall begin by January 31, 1990.

Section 4. (1) Students shall receive a minimum of five (5) clock hours of instruction in each year of grades kindergarten through fifth; a minimum of twelve (12) clock hours in each grade sixth through eighth; and a total of ninety (90) clock hours in grades nine (9) through twelve (12).

(2) The ninety (90) hours curriculum requirement for grades nine (9) through twelve (12) shall take effect with students entering the ninth grade in fall, 1989.

(3) The hours of instruction for every grade, kindergarten through twelve (12), may be provided in a self-contained unit of study or components may be integrated into any curriculum areas as appropriate.

Section 5. (1) The local district shall develop and implement a curriculum for parenting and family life skills education based on, but not limited to, a model curriculum developed by the Kentucky Department of Education and approved by the State Board for Elementary and Secondary Education.

(2) The curriculum shall include age-appropriate information in the following areas:

- (a) Developing positive self-esteem and self-concept;
- (b) Determining values, setting goals,

decision making, communication skills and conflict resolution;

- (c) Peer pressure;
- (d) Substance abuse prevention;
- (e) Personal safety and prevention of family violence;
- (f) Human growth and development;
- (g) Human sexuality;
- (h) Responsible sexual behavior emphasizing premarital abstinence;
- (i) Sexually transmitted diseases including the human immunodeficiency virus (HIV) and other viruses linked to the acquired immune deficiency syndrome (AIDS); and
- (j) Parenting and family life skills.

(3) All instruction on human sexuality, responsible sexual behavior and sexually transmitted diseases shall emphasize, but not be limited to, discussion of self-esteem, self-discipline, respect for others, the emotional, educational health and social advantages of premarital abstinence and the development of skills with which to practice premarital abstinence.

Section 6. (1) Instruction in parenting and family life skills education shall be provided by certified personnel who have received specialized in-service training by Department of Education-approved trainers.

(2) A comprehensive in-service training program shall be developed by the Kentucky Department of Education. The Department of Education shall provide training for local district personnel, university educators, and other qualified personnel who shall then be approved to deliver the in-service program at the local district level.

(3) All in-service training for teachers shall emphasize the development of the skills and resources necessary to teach children the skills with which to practice premarital abstinence.

Section 7. All instructional material on human sexuality education shall be made available at the school for parents and guardians to review at least one (1) month prior to implementation. The school principal shall publicize the availability of materials for viewing by parents and guardians. Instructional materials used in the classroom shall be provided for parents and guardians wishing to instruct their own children in parenting and family life education.

Section 8. The local plan, approved by the board of education, shall provide a procedure whereby the parent or guardian of any student in kindergarten to sixth grade must submit a signed statement to the principal giving specific permission for the child to participate in the instructional program. The plan shall also provide a procedure whereby the parents and guardian of any student in grades seven (7) through twelve (12) must sign a statement to the principal requesting the student be exempt from such instruction if the parent or guardian wishes to have the student exempted. In the event such request is submitted, an alternative instructional activity shall be chosen from the school's approved curriculum and taught by certified staff.

Section 9. At the beginning of the 1989-90 school year, each local school district shall survey a sample of the students in grade nine

notify this agency in writing by April 20, 1989, five days prior to the hearing, of their intent to testify. If no request to testify is received by that date, the hearing will be cancelled. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to testify at the public hearing or written comments on the proposed administrative regulation to: Audrey T. Carr, Secretary, State Board for Adult, Vocational Education and Vocational Rehabilitation, 2013 Capital Plaza Tower, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Audrey T. Carr

(1) Type and number of entities affected: 172 local school districts.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(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: Will meet regulations required to obtain Federal Grant.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives available.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

#### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The Carl D. Perkins Vocational Education Act of 1984 (P.L. 98-524) requires each state utilizing federal funds to have a two year plan and to submit amendments to it through the State Board for Adult, Vocational Education and Vocational Rehabilitation to the U.S. Department of Education.

2. State compliance standards. See 1 above.

3. Minimum or uniform standards contained in the federal mandate.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. None

#### PUBLIC PROTECTION & REGULATION CABINET State Racing Commission

810 KAR 1:099. Repeal of 810 KAR 1:022.

RELATES TO: KRS 230.374

STATUTORY AUTHORITY: KRS 230.215

NECESSITY AND FUNCTION: To repeal the appointment procedures for the board of the Kentucky Racing Health and Welfare Fund, Inc. as a result of the board volunteering to make changes acceptable to the commission and the withdrawal of all litigation on the matter.

Section 1. 810 KAR 1:022, Health and welfare fund, is hereby repealed.

LYLE G. ROBEY, Chairman

APPROVED BY AGENCY: February 24, 1989

FILED WITH LRC: March 10, 1989 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on April 24, 1989 at 10:00 a.m. at the offices of the Kentucky State Racing Commission at the Kentucky Horse Park, 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511. Individuals interested in attending this hearing shall notify this agency in writing by April 19, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Michael A. Fulkerson, Kentucky State Racing Commission, P.O. Box 1080, Lexington, Kentucky 40588.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael A. Fulkerson

(1) Type and number of entities affected: All persons eligible for relief from the provisions of KRS 230.374.

(a) Direct and indirect costs or savings to those affected: Repeal of 810 KAR 1:022 will remove a legal barrier to the operation of a new acceptable board of directors for the Kentucky Racing Health and Welfare Fund, Inc.

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: Repeals a regulation that the commission can control by existing statute.

(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 original

registrant's receipt, possession, use and transfer of tanning facilities as it deems appropriate or necessary.

(3) No certificate of registration shall be transferable from one person to another or from one tanning facility to another.

Section 5. Prohibited Acts. (1) No person or facility shall operate any tanning equipment that does not have a current registration certificate.

(2) No person or facility shall operate any tanning equipment that does not comply with this regulation.

(3) No person or facility shall use, own or operate tanning equipment that is coin, token or key operated unless in the opinion of the cabinet or its agent there is adequate supervision of the use of such operated tanning equipment.

(4) No person or facility shall, in any advertisement, refer to the fact the facility is registered with the cabinet pursuant to the provisions of this regulation, and no person or facility shall state or imply that any activity under such registration has been approved by the cabinet.

#### Section 6. Construction of Tanning Facilities.

(1) Unless otherwise ordered or approved by the cabinet, each tanning facility shall be constructed to include physical barriers to protect consumers from injury induced by touching or breaking the lamps.

(2) Requirements for stand-up booths:

(a) Physical barriers or other means such as handrails or floor markings shall be installed to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin;

(b) The construction shall be such that it will withstand the stress of use and the impact of a falling person; and

(c) Access shall be of rigid construction, doors shall open outwardly, and handrails and nonslip floors shall be provided.

(3) Ground fault protection shall be provided on the electrical circuit of all tanning equipment.

Section 7. Posting of Warnings. (1) The following warning sign shall be posted within forty (40) inches of each tanning station. It shall be legible, visible, and not obstructed by any barrier, equipment, or other item present so that the user can easily view the warning sign before energizing the tanning equipment.

#### DANGER - ULTRAVIOLET RADIATION

- Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of skin and skin cancer.

- Wear protective eye wear.

FAILURE TO USE PROTECTIVE EYE WEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

- Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using tanning equipment if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight.

- If you do not tan in the sun, you are unlikely to tan from the use of this product.

(2) The lettering on each warning sign shall be at least ten (10) millimeters high for all words shown in capital letters and at least five (5) millimeters high for all lower case letters.

Section 8. Electronic Product Radiation Equipment Specifications. (1) Only tanning equipment manufactured in accordance with the specifications set forth in the Sunlamp Product Performance Standard 21 CFR 1040.20, promulgated under the Federal Radiation Control for Health and Safety Act shall be used in tanning facilities. The exact nature of compliance shall be based on the standard in effect at the time of manufacture as shown on the device identification label required by 21 CFR 1010.3.

(2) Tanning equipment shall have a timer which complies with the requirements of 21 CFR 1040.20. The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. No timer interval shall have an error greater than +/- ten (10) percent of the maximum timer interval for the product.

(3) Tanning equipment shall meet the National Fire Protection Association's National Electrical Code.

Section 9. Protective Goggles. (1) Each consumer shall provide his/her own protective goggles or the facility shall have protective goggles available for purchase.

(2) Protective goggles shall meet the requirements of 21 CFR 1040.20.

(3) Tanning facility operators shall ensure that consumers have protective goggles in their possession when entering the tanning station.

#### Section 10. Facility Operation Requirements.

(1) At the time of the first visit to a tanning facility and prior to initial exposure each consumer shall be provided the opportunity to read a copy of the warning specified in Section 7(1) of this regulation. The operator shall then require that the consumer on the initial visit sign a statement that the information has been read and understood and the operator shall also attest by including their signature on the statement. For illiterate or visually handicapped persons, the warning statement shall be read by the operator in the presence of a witness. Both the witness and the operator shall sign the statement which is to be retained on file by the registrant.

(2) A record shall be retained by the facility operator of each consumer's total number of tanning visits, dates of the visits and the total tanning time for each visit for a period of two (2) years.

(3) A written report of any tanning equipment related injury shall be forwarded to the cabinet within five (5) working days of such occurrence. The report shall include;

(a) The name of the affected individual;

(b) The name and registration number of the tanning facility involved;

(c) The name of the operator on duty at the time of the injury;

(d) The nature of the injury;

(e) If medical attention was sought; and

(f) Any other information considered relevant to the situation.

(4) No person under eighteen (18) years of age shall be allowed to use the tanning facility unless written consent, signed by the parent or legal guardian, is provided. The parent or

for Human Resources for final decision by the cabinet.

(6) The cabinet shall then enter its final order in the matter within fifteen (15) days of receipt of the hearing officer's report.

(7) The cabinet's final order may be appealed to the Franklin Circuit Court under the Kentucky Rules of Civil Procedure.

CARLOS HERNANDEZ, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: March 14, 1989

FILED WITH LRC: March 15, 1989 at 11 a.m.

**PUBLIC HEARING:** A public hearing on this administrative regulation shall be held on Friday, April 21, 1989 at 1:30 p.m. at the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: E. Edsel Moore, (502) 564-3700

(1) Type and number of entities affected: Tanning facilities, 5000.

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

1. First year: Annual registration fee. \$25 per tanning unit.

2. Continuing costs or savings: \$25 per tanning unit per year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No increasing or decreasing costs are anticipated. No effect on competition as everyone is required to pay the same registration fee.

(b) Reporting and paperwork requirements: The tanning facility must maintain certain records for at least 2 years.

(2) Effects on the promulgating administrative body: Minimal effect on the promulgating body as the local health departments will register and inspect the tanning facilities.

(a) Direct and indirect costs or savings:

1. First year: \$3,000 (cost).

2. Continuing costs or savings: \$3,000 annually (cost).

3. Additional factors increasing or decreasing costs: Projected annual cost is expected to remain constant.

(b) Reporting and paperwork requirements: Monthly and annual activities report; accounts receivable report.

(3) Assessment of anticipated effect on state and local revenues: Annual local revenue \$170,000. Annual state revenue \$42,500.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Proposed regulations are based on "Suggested State Radiation Control Regulations" (SSRCR). No other alternative is available.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No statute, administrative regulation or government policy is in conflict or similar to this regulation.

(a) Necessity of proposed regulation if in conflict: See (5) above.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: See (5) above.

(6) Any additional information or comments: No additional information or comments are provided.

**TIERING:** Was tiering applied? No. Tiering was not applied because all tanning bed facilities are required to be registered, pay the same fee, and operate in the same manner.

Two documents incorporated by reference, NTC 17-01-02, Authorized Inmate Personal Property, and NTC 23-01-01, Religious Services, were amended to comply with statutory language requirements of KRS 13A.222.

501 KAR 6:120 (Blackburn Correctional Complex.) One document incorporated by reference, BCC 14-03-01, Inmate Grievance Procedure, on pages 4 and 7, was amended to comply with statutory language requirements of KRS 13A.222.

**Public Protection and Regulation Cabinet:**  
**Department of Alcoholic Beverage Control: Quotas**

804 KAR 9:020 (Wholesale liquor license limit.) This administrative regulation was amended to allow for an decrease in the number of new wholesale liquor licenses from 1 for every sixty retail package liquor licenses to 1 for every fifty.

**Department of Housing, Buildings and Construction: Division of Building Codes Enforcement: Kentucky Building Code**

815 KAR 7:020 (Building code.) This administrative regulation was amended pursuant to staff recommendations except: Section 2(6)(a) and Section 7(2). In the former, the language is necessary because some existing buildings may not yet be in the specified Use Groups. In the latter, the slash separating the words is not intended to convey the alternative. Therefore, it does not violate KRS Chapter 13A.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

**Department of Military Affairs: Division of Disaster and Emergency Services**  
**Disaster and Emergency Services**

106 KAR 1:021 (Repeal of 106 KAR 1:020. Disaster and emergency fund administration; qualification requirements, procedure.)

**Tourism Cabinet: Department of Fish and Wildlife Resources**  
**Fish**

301 KAR 1:171 (Grass carp transportation, propagation, rearing and stocking requirements.)  
301 KAR 1:200 (Seasons and limits for angling.)

**Corrections Cabinet: Office of the Secretary**

501 KAR 6:030 (Kentucky State Reformatory.)  
501 KAR 6:040 (Kentucky State Penitentiary.)  
501 KAR 6:050 (Luther Luckett Correctional Complex.)  
501 KAR 6:090 (Frankfort Career Development Center.)  
501 KAR 6:110 (Roederer Farm Center.)  
501 KAR 6:130 (Western Kentucky Farm Center.)

**Transportation Cabinet: Department of Vehicle Regulation: Division of Vehicle Enforcement: Division of Motor Carriers**

601 KAR 1:005 (Safety regulations.)  
**Traffic**  
603 KAR 5:072 (Mandatory annual bus inspection.)

**Education and Humanities Cabinet: Department of Education: Office of Administration and Finance: School District Finance**

702 KAR 3:020 (Bond issue approval.)

**Food Service Programs**

702 KAR 6:045 (Personnel; food service employee qualifications.)

**Office of Instruction: Teacher Certification**

704 KAR 20:310 (Written examination and internship prerequisites for vocational teachers.)

**Labor Cabinet: Department of Workplace Standards: Occupational Safety and Health**

803 KAR 2:020 (Adoption of 29 CFR Part 1910.)  
803 KAR 2:030 (Adoption of 29 CFR Part 1926.)

**Cabinet for Human Resources: Department for Social Services: Spouse Abuse Shelters and Crisis Centers**

905 KAR 5:040 (Standards for spouse abuse shelters.) Chairman O'Brien asked why copies of personnel regulations were not distributed to staff. Agency personnel responded that the regulations are voluminous and vary, but that employees were made aware of the regulations and copies were provided for their review. Chairman O'Brien stated that the regulation repeated statutory language requiring that regulations be promulgated relating to personnel, grievance procedures, and other matters, but that this regulation did not contain such regulations. Agency personnel agreed to meet with Subcommittee staff to determine whether KRS Chapter 13A required the agency's personnel rules to be promulgated as or incorporated within an administrative regulation.

905 KAR 5:050 (Funding requirements for spouse abuse shelters.)

**Department for Medicaid Services: Medicaid Services**

Chairman O'Brien notified agency personnel that a number of questions were raised concerning the regulations listed below and whether they conformed to drafting and incorporation requirements recently enacted. He instructed Subcommittee staff to meet with agency personnel and to assist them in making necessary corrections in future amendments.

907 KAR 1:004 (Resource and income standard of medically needy.)

907 KAR 1:006 (Coverage for persons eligible for Title XVIII benefits.)

907 KAR 1:011 (Technical eligibility requirements.)

907 KAR 1:013 (Payments for hospital inpatient services.)

907 KAR 1:024 (Intermediate care facility services.)

907 KAR 1:036 (Amounts payable for skilled nursing and intermediate care facility services.) Agency personnel stated that this administrative regulation was amended to comply with Subcommittee objections at the November, 1988, meeting, when this regulation was first considered. Chairman O'Brien instructed agency personnel and Subcommittee staff to meet and to report to the Subcommittee at its next meeting on whether the grounds for the Subcommittee objection had been removed. He instructed Subcommittee staff to recommend a procedure by which an administrative body amending a regulation to comply with a previous objection of the Subcommittee would notify the Subcommittee of such amendment, and for the reporting of such action to LRC by the Subcommittee.

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

## OTHER COMMITTEE REPORTS

**COMPILER'S NOTE:** In accordance with KRS 13A.290(9), the following report(s) were forwarded to the Legislative Research Commission by the appropriate jurisdictional committee(s) and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

**INTERIM JOINT COMMITTEE ON TRANSPORTATION**  
Meeting of March 7, 1989

The Interim Joint Committee on Transportation met on Tuesday, March 7, 1989, and submits this report:

The Committee determined that the following administrative regulations, as amended, complied with KRS Chapter 13A:

601 KAR 1:150  
603 KAR 5:230  
601 KAR 1:005  
603 KAR 5:072E

The Committee adjourned at 2:35 p.m..

**INTERIM JOINT COMMITTEE ON STATE GOVERNMENT**  
Meeting of March 8, 1989

The Interim Joint Committee on State Government met March 8, 1989, and submits this report.

The Committee determined that the following administrative regulation—amended as indicated by the Interim Joint Committee on State Government March 8—complies with KRS Chapter 13A:

101 KAR 1:325. (Probationary periods) - Section 3, line 1, is amended to insert the following after "reinstated": ",except an employee ordered reinstated pursuant to KRS 18A.111(3),".

The Committee determined that the following administrative regulations comply with KRS Chapter 13A

101 KAR 1:305. (Repeal of previous regulations)  
101 KAR 1:335. (Employee actions)  
101 KAR 1:345. (Disciplinary actions)  
101 KAR 1:365. (Appeal and hearing procedures)  
101 KAR 1:375. (Employee grievances and complaints)  
101 KAR 1:395. (Restoration from military duty)  
106 KAR 1:021. (Repeal of 106 KAR 1:020)  
200 KAR 12:030 (Computing compensation due a state employee after adjudicated penalization)

**INTERIM JOINT COMMITTEE ON  
BUSINESS ORGANIZATIONS AND PROFESSIONS**  
Meeting of March 10, 1989

The Interim Joint Committee on Business Organizations and Professions met on Friday, March 10, 1989, and submits this report:

The Committee determined that the following regulations complied with KRS Chapter 13A:

201 KAR 12:190  
201 KAR 12:065  
201 KAR 20:330  
201 KAR 26:121  
201 KAR 26:160  
201 KAR 26:171  
201 KAR 26:190  
201 KAR 26:200  
201 KAR 26:210  
201 KAR 26:230  
804 KAR 9:020

The Committee adjourned at 11:00 a.m.

**INTERIM JOINT COMMITTEE ON LABOR & INDUSTRY**  
Meeting of March 14, 1989

The Interim Joint Committee on Labor and Industry met on March 14, 1989, and submits this report:

The Committee considered but took no action on 803 KAR 2:020 or 803 KAR 2:030.

**INTERIM JOINT COMMITTEE ON HEALTH & WELFARE**  
Meeting of March 15, 1989

The Interim Joint Committee on Health and Welfare met on Wednesday, March 15, 1989, and submits this report.

The Committee determined that the following regulations complied with KRS Chapter 13A:

902 KAR 13:050. Emergency Medical Technicians  
902 KAR 55:065. Prescription Drugs  
904 KAR 2:015. Aged, Blind and Disabled  
904 KAR 3:020 & E. Food Stamps  
905 KAR 5:040. Spouse Abuse Shelters  
905 KAR 5:050. Spouse Abuse Shelters  
905 KAR 8:110. Homecare  
907 KAR 1:004 & E. Medicaid  
907 KAR 1:006 & E. Medicaid  
907 KAR 1:010 & E. Medicaid  
907 KAR 1:011 & E. Medicaid  
907 KAR 1:013 & E. Medicaid  
907 KAR 1:024 & E. Medicaid  
907 KAR 1:036 & E. Medicaid  
907 KAR 1:045 & E. Medicaid  
907 KAR 1:055 & E. Medicaid  
907 KAR 1:210 & E. Medicaid  
907 KAR 1:330. Medicaid  
907 KAR 1:382. Medicaid  
907 KAR 1:427. Medicaid

The Committee also approved an amendment submitted by the Cabinet for 907 KAR 1:006 & E. The amendment is as follows: Amend Section 2 by adding the words "Effective for services provided on or after February 1, 1989," before the words "The cabinet shall"; and by deleting the words "under the Kentucky Medical Assistance Program and also available" after the words "medical service covered".

The Committee did not have objections to the emergency regulations which had been filed.



CUMULATIVE SUPPLEMENT

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# ADMINISTRATIVE REGISTER - J3

| Emergency Regulation | 15 Ky.R. Page No. | Effective Date | Emergency Regulation | 15 Ky.R. Page No. | Effective Date |
|----------------------|-------------------|----------------|----------------------|-------------------|----------------|
| 603 KAR 5:072E       | 11                | 6-14-88        | 903 KAR 5:270E       | 218               | 6-20-88        |
| Replaced             | 806               | 9-2-88         | Replaced             | 93                | 8-5-88         |
| Resubmitted          | 1761              | 1-10-89        | 904 KAR 2:015E       | 1639              | 12-13-88       |
| Replaced             | 1915              | 3-7-89         | Replaced             | 2069              | 3-15-89        |
| 603 KAR 5:230E       | 1394              | 10-26-88       | 904 KAR 2:016E       | 219               | 7-1-88         |
| Replaced             | 2020              | 3-7-89         | Withdrawn            |                   | 8-9-88         |
| 702 KAR 7:065E       | 1220              | 9-23-88        | Resubmitted          | 795               | 8-11-88        |
| Replaced             | 1153              | 1-7-89         | Replaced             | 869               | 11-4-88        |
| 704 KAR 5:060E       | 1220              | 9-23-88        | 904 KAR 2:022E       | 800               | 7-25-88        |
| Replaced             | 1194              | 12-2-88        | Replaced             | 875               | 11-4-88        |
| 705 KAR 5:140E       | 164               | 7-15-88        | 904 KAR 2:110E       | 1221              | 10-6-88        |
| Replaced             | 744               | 10-7-88        | Replaced             | 1300              | 12-13-88       |
| 707 KAR 1:110E       | 165               | 7-15-88        | 904 KAR 2:116E       | 224               | 7-13-88        |
| Withdrawn            |                   | 7-25-88        | Replaced             | 658               | 9-21-88        |
| Resubmitted          | 787               | 7-25-88        | Resubmitted          | 1223              | 10-10-88       |
| Replaced             | 1104              | 11-4-88        | Replaced             | 1303              | 1-7-89         |
| 803 KAR 25:011E      |                   | 4-19-88        | 904 KAR 3:020E       | 1451              | 10-31-88       |
| Replaced             | 250               | 8-5-88         | Expired              |                   | 12-15-88       |
| 803 KAR 25:025E      | 791               | 7-25-88        | Resubmitted          | 1762              | 12-22-88       |
| Replaced             | 1471              | 12-2-88        | Replaced             | 1705              | 3-15-89        |
| 803 KAR 25:080E      | 169               | 7-13-88        | 904 KAR 3:060E       | 937               | 9-14-88        |
| Expired              |                   | 11-3-88        | Replaced             | 1475              | 11-16-88       |
| 806 KAR 4:010E       | 174               | 7-15-88        | 905 KAR 1:230E       | 1765              | 12-28-88       |
| Replaced             | 1113              | 11-4-88        | 906 KAR 1:040E       | 804               | 7-15-88        |
| 806 KAR 13:110E      | 175               | 7-15-88        | Replaced             | 767               | 11-4-88        |
| Replaced             | 755               | 10-7-88        | 907 KAR 1:004E       | 227               | 7-1-88         |
| 806 KAR 17:065E      | 1629              | 11-23-88       | Replaced             | 664               | 9-21-88        |
| 901 KAR 5:110E       | 176               | 7-13-88        | Resubmitted          | 1226              | 10-7-88        |
| Replaced             | 757               | 9-21-88        | Replaced             | 1308              | 12-13-88       |
| 902 KAR 2:110E       | 794               | 7-15-88        | Resubmitted          | 1766              | 1-4-89         |
| Replaced             | 1115              | 11-4-88        | Replaced             | 1953              | 3-15-89        |
| 902 KAR 2:120E       | 794               | 7-15-88        | 907 KAR 1:006E       | 1773              | 1-4-89         |
| Replaced             | 1115              | 11-4-88        | Replaced             | 2156              | 3-15-89        |
| 902 KAR 3:060E       | 177               | 6-20-88        | 907 KAR 1:008E       | 233               | 7-1-88         |
| Replaced             | 54                | 8-31-88        | Replaced             | 670               | 9-21-88        |
| 902 KAR 3:075E       | 178               | 6-20-88        | 907 KAR 1:009E       | 1233              | 10-7-88        |
| Replaced             | 57                | 8-31-88        | Replaced             | 1315              | 12-13-88       |
| 902 KAR 3:115E       | 179               | 6-20-88        | 907 KAR 1:010E       | 1234              | 10-7-88        |
| Replaced             | 60                | 8-31-88        | Expired              |                   | 12-6-88        |
| 902 KAR 3:205E       | 181               | 6-20-88        | Resubmitted          | 1642              | 12-6-88        |
| Replaced             | 62                | 8-31-88        | Replaced             | 1710              | 3-15-89        |
| 902 KAR 3:210E       | 182               | 7-1-88         | 907 KAR 1:011E       | 1235              | 10-7-88        |
| Replaced             | 63                | 8-31-88        | Replaced             | 1318              | 12-13-88       |
| 902 KAR 3:225E       | 184               | 6-20-88        | Resubmitted          | 1774              | 1-4-89         |
| Replaced             | 66                | 8-31-88        | Replaced             | 1961              | 3-15-89        |
| 902 KAR 3:250E       | 185               | 6-20-88        | 907 KAR 1:013E       | 233               | 7-1-88         |
| Replaced             | 69                | 8-31-88        | Expired              |                   | 8-30-88        |
| 902 KAR 4:050E       | 926               | 9-15-88        | Resubmitted          | 939               | 8-30-88        |
| Replaced             | 1156              | 11-16-88       | Replaced             | 1171              | 11-16-88       |
| 902 KAR 10:021E      |                   | 4-15-88        | Resubmitted          | 2003              | 1-19-89        |
| Replaced             | 17                | 6-22-88        | Replaced             | 1966              | 3-15-89        |
| 902 KAR 10:081E      | 186               | 7-13-88        | 907 KAR 1:015E       | 235               | 7-1-88         |
| Replaced             | 619               | 9-21-88        | Replaced             | 674               | 9-21-88        |
| 902 KAR 10:085E      | 194               | 7-13-88        | 907 KAR 1:020E       | 236               | 7-1-88         |
| Replaced             | 628               | 9-21-88        | Replaced             | 975               | 9-21-88        |
| 902 KAR 10:130E      |                   | 4-15-88        | Resubmitted          | 1239              | 10-7-88        |
| Replaced             | 17                | 6-22-88        | Replaced             | 1322              | 12-13-88       |
| 902 KAR 17:010E      | 214               | 7-6-88         | 907 KAR 1:022E       | 1778              | 1-6-89         |
| Expired              |                   | 9-7-88         | 907 KAR 1:024E       | 1780              | 1-10-89        |
| Resubmitted          | 1220              | 9-21-88        | Replaced             | 1970              | 3-15-89        |
| Replaced             | 1296              | 12-13-88       | 907 KAR 1:028E       | 237               | 7-1-88         |
| 902 KAR 20:016E      | 926               | 9-15-88        | Replaced             | 676               | 9-21-88        |
| Expired              |                   | 11-4-88        | 907 KAR 1:029E       | 238               | 7-1-88         |
| Resubmitted          | 1440              | 11-15-88       | Replaced             | 678               | 9-21-88        |
| Replaced             | 1583              | 1-18-89        | 907 KAR 1:031E       | 238               | 7-1-88         |
| 902 KAR 45:120E      |                   | 4-15-88        | Replaced             | 678               | 9-21-88        |
| Replaced             | 258               | 8-3-88         | 907 KAR 1:036E       | 240               | 7-1-88         |
| 902 KAR 50:120E      | 214               | 7-15-88        | Expired              |                   | 8-30-88        |
| Replaced             | 987               | 9-21-88        | Resubmitted          | 942               | 8-30-88        |
| 903 KAR 5:260E       | 11                | 5-20-88        | Replaced             | 1477              | 11-16-88       |
| Replaced             |                   | 8-5-88         | Resubmitted          | 1782              | 1-6-89         |
|                      |                   |                | Replaced             | 1973              | 3-15-89        |



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| 101 KAR 3:050  |                      |                   | 106 KAR 1:060  | 1182                 |                   |
| Amended  | 2101                 |                   | As Amended     | 1465                 | 11-9-88           |
| 103 KAR 5:140  | 1331                 |                   | 106 KAR 1:070  | 1615                 | 1-11-89           |
| As Amended   | 1644                 | 12-22-88          | 107 KAR 1:050  | 97                   | 8-17-88           |
| 103 KAR 8:100  | 1612                 |                   | 200 KAR 3:045  |                      |                   |
| Withdrawn  |                      | 12-12-88          | Amended        | 1126                 |                   |
| 103 KAR 16:100   |                      |                   | As Amended     | 1467                 | 12-2-88           |
| Amended  | 271                  | 9-22-88           | 200 KAR 6:035  |                      |                   |
| 103 KAR 16:110   |                      |                   | Repealed       | 2149                 | 3-8-89            |
| Amended  | 272                  | 9-22-88           | 200 KAR 12:010 |                      |                   |
| 103 KAR 16:130   |                      |                   | Repealed       | 2149                 | 3-8-89            |
| Amended  | 273                  | 9-22-88           | 200 KAR 12:030 | 1986                 |                   |
| 103 KAR 16:145   | 691                  | 9-22-88           | As Amended     | 2149                 | 3-8-89            |
| 103 KAR 35:030   | 1724                 |                   | 200 KAR 15:010 | 2125                 |                   |
| 103 KAR 43:010   |                      |                   | 200 KAR 16:010 | 2195                 |                   |
| Amended  | 1661                 |                   | 201 KAR 2:130  |                      |                   |
| 103 KAR 43:020   |                      |                   | Amended        | 837                  |                   |
| Amended  | 1662                 |                   | 201 KAR 8:400  | 99                   | 10-14-88          |
| As Amended   | 2010                 |                   | 201 KAR 8:410  | 99                   | 10-14-88          |
| 103 KAR 43:030   |                      |                   | 201 KAR 9:016  |                      |                   |
| Amended  | 1663                 |                   | Amended        | 1286                 |                   |
| 103 KAR 43:050   |                      |                   | As Amended     | 1645                 | 12-13-88          |
| Amended  | 1665                 |                   | 201 KAR 9:041  |                      |                   |
| 103 KAR 43:060   |                      |                   | Amended        | 1287                 | 1-7-89            |
| Amended  | 1666                 |                   | 201 KAR 9:083  |                      |                   |
| Withdrawn  |                      | 2-14-89           | Repealed       | 777                  | 7-27-88           |
| 103 KAR 43:070   |                      |                   | 201 KAR 9:175  | 891                  | 10-14-88          |
| Amended  | 1667                 |                   | 201 KAR 10:050 |                      |                   |
| Withdrawn  |                      | 2-14-89           | Amended        | 33                   |                   |
| 103 KAR 43:080   |                      |                   | As Amended     | 950                  | 9-9-88            |
| Amended  | 1667                 |                   | 201 KAR 12:030 |                      |                   |
| 103 KAR 43:090   |                      |                   | Amended        | 2103                 |                   |
| Amended  | 1668                 |                   | 201 KAR 12:065 |                      |                   |
| 103 KAR 43:100   |                      |                   | Amended        | 1676                 | 3-10-89           |
| Amended  | 1669                 |                   | 201 KAR 12:170 |                      |                   |
| 103 KAR 43:110   |                      |                   | Repealed       | 1726                 | 3-10-89           |
| Amended  | 1670                 |                   | 201 KAR 12:190 | 1726                 | 3-10-89           |
| 103 KAR 43:120   |                      |                   | 201 KAR 17:030 |                      |                   |
| Amended  | 1671                 |                   | Amended        | 2162                 |                   |
| Withdrawn  |                      | 2-14-89           | 201 KAR 17:090 |                      |                   |
| 103 KAR 43:121   | 2194                 |                   | Amended        | 2163                 |                   |
| 103 KAR 43:130   |                      |                   | 201 KAR 17:091 |                      |                   |
| Amended  | 1672                 |                   | Amended        | 2165                 |                   |
| 103 KAR 43:140   |                      |                   | 201 KAR 20:161 |                      |                   |
| Amended  | 1674                 |                   | Amended        | 838                  | 10-14-88          |
| 103 KAR 43:150   |                      |                   | 201 KAR 20:330 |                      |                   |
| Repealed   | 1332                 | 12-22-88          | Amended        | 1677                 | 3-10-89           |
| 103 KAR 43:160   |                      |                   | 201 KAR 22:040 |                      |                   |
| Repealed   | 1332                 | 12-22-88          | Amended        | 1128                 | 11-11-88          |
| 103 KAR 43:170   |                      |                   | 201 KAR 22:110 |                      |                   |
| Repealed   | 1332                 | 12-22-88          | Amended        | 1129                 | 11-11-88          |
| 103 KAR 43:230   |                      |                   | 201 KAR 26:010 |                      |                   |
| Amended  | 1675                 |                   | Repealed       | 2010                 | 3-10-89           |
| 103 KAR 43:250   | 96                   | 8-25-88           | 201 KAR 26:030 |                      |                   |
| 103 KAR 43:260   | 96                   | *(No eff. date)   | Repealed       | 2010                 | 3-10-89           |
| *Since statement of consideration was not received by 15th day following hearing, regulation must be refiled (KRS 13A.280) |                      |                   | 201 KAR 26:050 |                      |                   |
| 103 KAR 43:270   | 890                  | 10-27-88          | Repealed       | 2010                 | 3-10-89           |
| 103 KAR 43:280   | 1332                 | 12-22-88          | 201 KAR 26:070 |                      |                   |
| 103 KAR 43:290   | 1333                 | 12-22-88          | Repealed       | 2010                 | 3-10-89           |
| 103 KAR 43:300   | 1334                 |                   | 201 KAR 26:080 |                      |                   |
| As Amended   | 1645                 | 12-22-88          | Repealed       | 2010                 | 3-10-89           |
| 103 KAR 44:030   | 1613                 |                   | 201 KAR 26:120 |                      |                   |
| Withdrawn  |                      | 12-12-88          | Repealed       | 2010                 | 3-10-89           |
| 105 KAR 1:010  |                      |                   | 201 KAR 26:121 | 1727                 |                   |
| Amended  | 31                   | 8-10-88           | As Amended     | 2010                 | 3-10-89           |
| 106 KAR 1:020  |                      |                   | 201 KAR 26:160 |                      |                   |
| Repealed   | 1986                 | 3-8-89            | Amended        | 1678                 | 3-10-89           |
| 106 KAR 1:021  | 1986                 | 3-8-89            | 201 KAR 26:171 |                      |                   |
| 106 KAR 1:030  |                      |                   | Amended        | 1679                 | 3-10-89           |
| Repealed   | 1465                 | 11-9-88           | 201 KAR 26:190 |                      |                   |
|  |                      |                   | Amended        | 1681                 | 3-10-89           |



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| 405 KAR 7:015  |                      |                   | 405 KAR 18:150 |                      |                   |
| Amended        | 390                  | 12-13-88          | Amended        | 496                  | 12-13-88          |
| 405 KAR 7:020  |                      |                   | 405 KAR 18:190 |                      |                   |
| Amended        | 392                  |                   | Amended        | 498                  |                   |
| Amended        | 1041                 | 12-13-88          | Amended        | 1089                 | 12-13-88          |
| 405 KAR 7:030  |                      |                   | 405 KAR 20:010 |                      |                   |
| Amended        | 402                  | 12-13-88          | Amended        | 502                  | 12-13-88          |
| 405 KAR 7:090  |                      |                   | 405 KAR 20:060 |                      |                   |
| Amended        | 404                  |                   | Amended        | 505                  | 12-13-88          |
| Amended        | 1049                 | 12-13-88          | 405 KAR 24:020 |                      |                   |
| 405 KAR 8:010  |                      |                   | Amended        | 508                  | 12-13-88          |
| Amended        | 414                  |                   | 405 KAR 24:030 |                      |                   |
| Amended        | 1057                 | 12-13-88          | Amended        | 511                  | 12-13-88          |
| Amended        | 1855                 |                   | 405 KAR 24:040 |                      |                   |
| 405 KAR 8:020  |                      |                   | Amended        | 515                  | 12-13-88          |
| Amended        | 428                  | 12-13-88          | Amended        | 1897                 |                   |
| Amended        | 1867                 |                   | 500 KAR 7:020  | 1348                 | 1-7-89            |
| 405 KAR 8:030  |                      |                   | 501 KAR 1:011  |                      |                   |
| Amended        | 1870                 |                   | Repealed       | 915                  | 9-14-88           |
| 405 KAR 8:040  |                      |                   | 501 KAR 1:015  |                      |                   |
| Amended        | 1883                 |                   | Repealed       | 921                  | 9-14-88           |
| 405 KAR 8:050  |                      |                   | 501 KAR 1:020  |                      |                   |
| Amended        | 432                  | 12-13-88          | Repealed       | 918                  | 9-14-88           |
| 405 KAR 10:010 |                      |                   | 501 KAR 1:030  | 1186                 |                   |
| Amended        | 438                  | 12-13-88          | As Amended     | 1467                 | 12-2-88           |
| 405 KAR 10:020 |                      |                   | 501 KAR 1:040  | 1190                 | 12-2-88           |
| Amended        | 441                  | 12-13-88          | 501 KAR 1:050  | 1193                 | 12-2-88           |
| 405 KAR 10:030 |                      |                   | 501 KAR 6:020  |                      |                   |
| Amended        | 443                  |                   | Amended        | 34                   |                   |
| Amended        | 1070                 | 12-13-88          | As Amended     | 951                  | 8-17-88           |
| 405 KAR 10:040 |                      |                   | Amended        | 846                  | 10-11-88          |
| Amended        | 447                  |                   | Amended        | 1145                 | 12-2-88           |
| As Amended     | 2016                 | 1-25-89           | Amended        | 1687                 |                   |
| 405 KAR 10:050 |                      |                   | Amended        | 2105                 |                   |
| Amended        | 451                  |                   | 501 KAR 6:030  |                      |                   |
| Amended        | 1073                 | 12-13-88          | Amended        | 518                  | 9-13-88           |
| 405 KAR 16:010 |                      |                   | Amended        | 1147                 | 12-2-88           |
| Amended        | 453                  | 12-13-88          | Amended        | 1489                 | 2-3-89            |
| 405 KAR 16:070 |                      |                   | Amended        | 1689                 |                   |
| Amended        | 455                  | 12-13-88          | Amended        | 1901                 |                   |
| 405 KAR 16:080 |                      |                   | As Amended     | 2019                 |                   |
| Amended        | 457                  |                   | Amended        | 2107                 |                   |
| Amended        | 1074                 | 12-13-88          | Amended        | 2166                 |                   |
| 405 KAR 16:100 |                      |                   | 501 KAR 6:040  |                      |                   |
| Amended        | 460                  |                   | Amended        | 36                   | 8-17-88           |
| Amended        | 1076                 | 12-13-88          | Amended        | 1290                 | 1-7-89            |
| 405 KAR 16:110 |                      |                   | Amended        | 1491                 | 2-3-89            |
| Amended        | 464                  |                   | Amended        | 1691                 |                   |
| Amended        | 1078                 | 12-13-88          | Amended        | 1903                 |                   |
| 405 KAR 16:120 |                      |                   | Amended        | 2108                 |                   |
| Amended        | 466                  | 12-13-88          | Amended        | 2167                 |                   |
| 405 KAR 16:150 |                      |                   | 501 KAR 6:050  |                      |                   |
| Amended        | 471                  | 12-13-88          | Amended        | 520                  | 9-13-88           |
| 405 KAR 16:190 |                      |                   | Amended        | 1904                 |                   |
| Amended        | 473                  |                   | 501 KAR 6:060  |                      |                   |
| Amended        | 1080                 | 12-13-88          | Amended        | 37                   | 8-17-88           |
| 405 KAR 18:010 |                      |                   | Amended        | 522                  | 9-13-88           |
| Amended        | 478                  | 12-13-88          | Amended        | 1149                 | 12-2-88           |
| 405 KAR 18:070 |                      |                   | Amended        | 1292                 |                   |
| Amended        | 480                  | 12-13-88          | As Amended     | 1646                 | 1-7-89            |
| 405 KAR 18:080 |                      |                   | Amended        | 1906                 |                   |
| Amended        | 482                  |                   | Amended        | 2110                 |                   |
| Amended        | 1083                 | 12-13-88          | 501 KAR 6:070  |                      |                   |
| 405 KAR 18:100 |                      |                   | As Amended     | 14                   | 7-1-88            |
| Amended        | 485                  |                   | Amended        | 39                   | 8-17-88           |
| Amended        | 1085                 | 12-13-88          | Amended        | 523                  | 9-13-88           |
| 405 KAR 18:110 |                      |                   | Amended        | 1493                 |                   |
| Amended        | 489                  |                   | As Amended     | 1796                 | 2-3-89            |
| Amended        | 1088                 | 12-13-88          | Amended        | 2111                 |                   |
| 405 KAR 18:120 |                      |                   | 501 KAR 6:080  |                      |                   |
| Amended        | 491                  | 12-13-88          | Amended        | 41                   | 8-17-88           |



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| 704 KAR 10:022 |                      |                   | 803 KAR 25:025 |                      |                   |
| Amended        | 1564                 | 2-3-89            | Amended        | 850                  |                   |
| Amended        | 2170                 |                   | Amended        | 1280                 |                   |
| 704 KAR 15:010 |                      |                   | As Amended     | 1471                 | 12-2-88           |
| Amended        | 553                  | 10-7-88           | 803 KAR 25:080 | 745                  |                   |
| 704 KAR 15:080 |                      |                   | Amended        | 1108                 |                   |
| As Amended     | 1271                 | 11-4-88           | As Amended     | 1272                 |                   |
| 704 KAR 20:005 |                      |                   | Withdrawn      |                      | 11-3-88           |
| Amended        | 554                  | 10-7-88           | 804 KAR 9:020  |                      |                   |
| Amended        | 1565                 |                   | Amended        | 1940                 |                   |
| Amended        | 1852                 |                   | As Amended     | 2150                 | 3-10-89           |
| 704 KAR 20:015 |                      |                   | 806 KAR 3:130  | 751                  |                   |
| Amended        | 555                  | 10-7-88           | Amended        | 1113                 | 11-4-88           |
| 704 KAR 20:020 |                      |                   | 806 KAR 3:140  | 752                  |                   |
| Amended        | 556                  | 10-7-88           | Amended        | 1113                 | 11-4-88           |
| 704 KAR 20:025 |                      |                   | 806 KAR 4:010  | 753                  |                   |
| Amended        | 558                  | 10-7-88           | Amended        | 1113                 | 11-4-88           |
| 704 KAR 20:120 |                      |                   | 806 KAR 12:090 |                      |                   |
| Amended        | 560                  | 10-7-88           | Amended        | 260                  | 9-2-88            |
| 704 KAR 20:145 |                      |                   | 806 KAR 12:130 | 1729                 |                   |
| Amended        | 561                  | 10-7-88           | Amended        | 2074                 |                   |
| 704 KAR 20:146 |                      |                   | 806 KAR 13:110 | 755                  | 10-7-88           |
| Amended        | 562                  | 10-7-88           | 806 KAR 17:060 |                      |                   |
| 704 KAR 20:150 |                      |                   | Repealed       | 1629                 | 11-23-88          |
| Amended        | 563                  | 10-7-88           | 806 KAR 17:065 | 1731                 |                   |
| 704 KAR 20:175 |                      |                   | 806 KAR 20:010 |                      |                   |
| Amended        | 1566                 | 2-3-89            | Amended        | 262                  | 9-2-88            |
| 704 KAR 20:198 |                      |                   | 806 KAR 39:070 |                      |                   |
| Amended        | 1567                 |                   | As Amended     | 15                   | 7-1-88            |
| Withdrawn      |                      | 1-6-89            | 807 KAR 5:069  | 900                  | 11-4-88           |
| 704 KAR 20:240 |                      |                   | 810 KAR 1:011  |                      |                   |
| Amended        | 564                  |                   | Amended        | 2171                 |                   |
| Amended        | 1092                 | 11-4-88           | 810 KAR 1:012  |                      |                   |
| 704 KAR 20:310 |                      |                   | Amended        | 1154                 | 1-13-89           |
| Amended        | 1923                 |                   | 810 KAR 1:099  | 2199                 |                   |
| 704 KAR 20:340 |                      |                   | 811 KAR 1:035  |                      |                   |
| Amended        | 1569                 | 2-3-89            | Amended        | 854                  | 11-11-88          |
| 704 KAR 20:460 |                      |                   | 811 KAR 1:055  |                      |                   |
| Amended        | 565                  |                   | Amended        | 856                  | 11-11-88          |
| Amended        | 1093                 | 11-4-88           | 811 KAR 1:180  |                      |                   |
| 704 KAR 20:490 | 741                  | 10-7-88           | Amended        | 859                  |                   |
| 704 KAR 20:500 | 742                  | 10-7-88           | As Amended     | 1474                 | 11-11-88          |
| 704 KAR 20:510 | 743                  | 10-7-88           | 811 KAR 1:215  |                      |                   |
| 704 KAR 20:520 | 1617                 | 2-3-89            | Amended        | 1571                 | 1-13-89           |
| 705 KAR 2:130  | 2198                 |                   | 815 KAR 7:020  |                      |                   |
| 705 KAR 4:010  |                      |                   | Amended        | 586                  |                   |
| Amended        | 567                  | 10-7-88           | As Amended     | 966                  | 9-28-88           |
| 705 KAR 5:140  | 744                  | 10-7-88           | Amended        | 1575                 | 2-3-89            |
| 706 KAR 1:050  | 1194                 | 12-2-88           | Amended        | 1941                 |                   |
| 707 KAR 1:051  |                      |                   | As Amended     | 2151                 |                   |
| Amended        | 569                  |                   | 815 KAR 10:020 |                      |                   |
| Amended        | 1094                 | 11-4-88           | Amended        | 591                  |                   |
| 707 KAR 1:060  |                      |                   | Withdrawn      |                      | 9-1-88            |
| Amended        | 580                  | 10-7-88           | 815 KAR 20:020 |                      |                   |
| 707 KAR 1:080  |                      |                   | Amended        | 1580                 |                   |
| Amended        | 581                  | 10-7-88           | As Amended     | 1799                 | 2-3-89            |
| 707 KAR 1:110  |                      |                   | 815 KAR 20:060 |                      |                   |
| Amended        | 582                  |                   | Amended        | 601                  |                   |
| Amended        | 1104                 | 11-4-88           | As Amended     | 970                  | 9-28-88           |
| 709 KAR 1:080  |                      |                   | 815 KAR 20:100 |                      |                   |
| Amended        | 1570                 | 2-3-89            | Amended        | 603                  |                   |
| 730 KAR 1:010  | 2132                 |                   | As Amended     | 972                  | 9-28-88           |
| 803 KAR 2:020  |                      |                   | 815 KAR 20:120 |                      |                   |
| Amended        | 47                   |                   | Amended        | 605                  |                   |
| As Amended     | 806                  | 8-5-88            | As Amended     | 974                  | 9-28-88           |
| Amended        | 1926                 | 3-14-89           | 815 KAR 20:191 |                      |                   |
| 803 KAR 2:030  |                      |                   | Amended        | 613                  |                   |
| Amended        | 1933                 | 3-14-89           | As Amended     | 981                  | 9-28-88           |
| 803 KAR 25:010 |                      |                   | 815 KAR 45:070 | 2132                 |                   |
| Repealed       | 250                  | 8-5-88            | 901 KAR 5:110  | 757                  | 9-21-88           |
| 803 KAR 25:011 |                      |                   | 902 KAR 2:110  | 758                  |                   |
| Amended        | 19                   |                   | Amended        | 1115                 | 11-4-88           |
| As Amended     | 250                  | 8-5-88            |                |                      |                   |



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| 902 KAR 55:035  |                      |                   | 907 KAR 1:008 |                      |                   |
| Amended         | 868                  | 11-4-88           | Amended       | 670                  | 9-21-88           |
| 902 KAR 55:065  | 1618                 |                   | 907 KAR 1:009 |                      |                   |
| Amended         | 1853                 | 3-15-89           | Amended       | 1315                 | 12-13-88          |
| 902 KAR 55:070  | 1352                 | 12-13-88          | 907 KAR 1:010 |                      |                   |
| 902 KAR 100:175 | 2200                 |                   | Amended       | 1316                 |                   |
| 903 KAR 5:100   |                      |                   | Withdrawn     |                      | 12-1-88           |
| Amended         | 648                  |                   | Amended       | 1710                 | 3-15-89           |
| Withdrawn       |                      | 9-6-88            | 907 KAR 1:011 |                      |                   |
| Amended         | 1297                 | 12-22-88          | Amended       | 1318                 | 12-13-88          |
| 903 KAR 5:270   |                      |                   | Amended       | 1961                 | 3-15-89           |
| Amended         | 93                   | 8-5-88            | 907 KAR 1:013 |                      |                   |
| 904 KAR 2:015   |                      |                   | Amended       | 671                  |                   |
| Amended         | 1702                 |                   | Withdrawn     |                      | 8-30-88           |
| As Amended      | 2069                 | 3-15-89           | Amended       | 1171                 | 11-16-88          |
| 904 KAR 2:016   |                      |                   | Amended       | 1966                 | 3-15-89           |
| Amended         | 650                  |                   | 907 KAR 1:015 |                      |                   |
| Withdrawn       |                      | 8-9-88            | Amended       | 674                  | 9-21-88           |
| Amended         | 869                  | 11-4-88           | 907 KAR 1:020 |                      |                   |
| 904 KAR 2:020   |                      |                   | Amended       | 675                  | 9-21-88           |
| Amended         | 656                  | 9-21-88           | Amended       | 1322                 | 12-13-88          |
| 904 KAR 2:022   |                      |                   | 907 KAR 1:022 |                      |                   |
| Amended         | 875                  | 11-4-88           | Amended       | 1968                 |                   |
| Amended         | 2177                 |                   | 907 KAR 1:024 |                      |                   |
| 904 KAR 2:110   |                      |                   | Amended       | 1970                 | 3-15-89           |
| Amended         | 1300                 | 12-13-88          | 907 KAR 1:028 |                      |                   |
| 904 KAR 2:116   |                      |                   | Amended       | 676                  | 9-21-88           |
| Amended         | 658                  | 9-21-88           | 907 KAR 1:029 |                      |                   |
| Amended         | 1303                 | 1-7-89            | Amended       | 678                  | 9-21-88           |
| 904 KAR 2:140   |                      |                   | 907 KAR 1:031 |                      |                   |
| Amended         | 94                   | 8-31-88           | Amended       | 678                  | 9-21-88           |
| 904 KAR 2:150   |                      |                   | 907 KAR 1:036 |                      |                   |
| Repealed        | 102                  | 8-31-88           | Amended       | 680                  |                   |
| 904 KAR 2:170   |                      |                   | Withdrawn     |                      | 8-30-88           |
| Amended         | 663                  | 9-21-88           | Amended       | 1174                 |                   |
| 904 KAR 2:180   |                      |                   | As Amended    | 1477                 | 11-16-88          |
| Repealed        | 102                  | 8-31-88           | Amended       | 1973                 | 3-15-89           |
| 904 KAR 2:190   |                      |                   | 907 KAR 1:042 |                      |                   |
| Repealed        | 102                  | 8-31-88           | Amended       | 688                  | 9-21-88           |
| 904 KAR 2:202   | 102                  | 8-31-88           | 907 KAR 1:045 |                      |                   |
| 904 KAR 3:020   |                      |                   | Amended       | 1980                 | 3-15-89           |
| Amended         | 1594                 |                   | 907 KAR 1:054 |                      |                   |
| Withdrawn       |                      | 12-15-88          | Amended       | 1324                 | 12-13-88          |
| Amended         | 1705                 | 3-15-89           | 907 KAR 1:055 |                      |                   |
| 904 KAR 3:060   |                      |                   | Amended       | 1326                 | 12-13-88          |
| Amended         | 1169                 |                   | Amended       | 1981                 | 3-15-89           |
| As Amended      | 1475                 | 11-16-88          | 907 KAR 1:061 |                      |                   |
| 904 KAR 3:090   |                      |                   | Amended       | 2190                 |                   |
| Repealed        | 102                  | 8-31-88           | 907 KAR 1:080 |                      |                   |
| 905 KAR 1:230   | 1991                 |                   | Amended       | 1328                 | 12-13-88          |
| Amended         | 2158                 |                   | 907 KAR 1:082 |                      |                   |
| 905 KAR 5:040   |                      |                   | Amended       | 1329                 | 12-13-88          |
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| 905 KAR 5:050   |                      |                   | Amended       | 689                  | 9-21-88           |
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