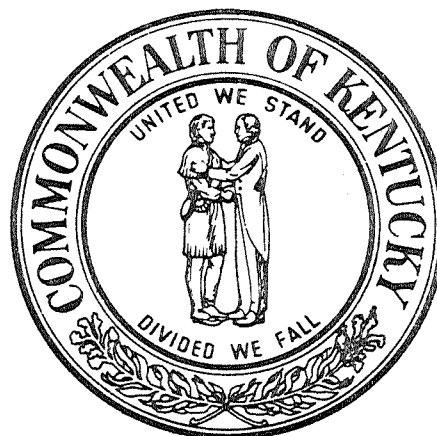


# Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY

VOLUME 15, NUMBER 12  
THURSDAY, JUNE 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 June 1 and 2, 1989. See tentative agenda on pages 2371-2375 in this Administrative Register.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE  
TENTATIVE AGENDA - June 1, 1989  
(Rm. 107, Capitol Annex @ 2 p.m.)

DEPARTMENT OF PERSONNEL

Unclassified

101 KAR 3:040 & E. Unclassified service; classification and compensation plans.

FINANCE AND ADMINISTRATION CABINET  
Department for Facilities Management

Property

200 KAR 6:021 & E. Relocation assistance payments and services of the Finance and Administration Cabinet. (Repeals 200 KAR 6:020)

GENERAL GOVERNMENT CABINET

Board of Embalmers and Funeral Directors

201 KAR 15:010. Definitions.

TOURISM CABINET  
Department of Fish and Wildlife Resources

Game

301 KAR 2:045. Upland game birds, furbearers and small game; seasons, limits.  
301 KAR 2:047. Specified areas; seasons, limits for birds and small game.  
301 KAR 2:170. Seasons for deer hunting.  
301 KAR 2:240. Special bobcat harvest season.

Hunting and Fishing

301 KAR 3:021. Hunting and fishing license fees.  
301 KAR 3:030. Year-round season for some birds and animals.

Wildlife

301 KAR 4:031. Repeal of regulation 301 KAR 4:030.  
301 KAR 4:090. Buying and selling of inedible wildlife parts. (Repeals 301 KAR 4:040; 301 KAR 4:080)

ECONOMIC DEVELOPMENT CABINET  
Development Finance Authority

Kentucky Development

307 KAR 1:020 & E. Various Kentucky Development Finance Authority Loan Programs.

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 & E. Kentucky State Penitentiary.  
501 KAR 6:060. Northpoint Training Center.  
501 KAR 6:080 & E. Corrections Cabinet Manuals.  
501 KAR 6:090. Frankfort Career Development Center.  
501 KAR 6:120. Blackburn Correctional Complex.

TRANSPORTATION CABINET

Property Acquisition and Uniform Relocation

600 KAR 3:010 & E. Relocation assistance payments of the Transportation Cabinet.  
Department of Vehicle Regulation

Motor Vehicle Tax

601 KAR 9:130. Motor vehicle registration.

Department of Highways

Traffic

603 KAR 5:110. Permits for moving mobile homes.

EDUCATION AND HUMANITIES CABINET  
Department of Education  
Office of Instruction

Instructional Services

704 KAR 3:360. Parenting and family life skills. (Deferred from May meeting)

Elementary and Secondary Education Act

704 KAR 10:022. Elementary, middle and secondary schools standards. (Not Amended After Hearing)

Department for the Blind

720 KAR 1:010. Federal vocational rehabilitation program.  
720 KAR 1:020. Definition of terms.  
720 KAR 1:030. Scope and nature of services.  
720 KAR 1:040. Appeal procedures for applicants and clients.  
720 KAR 1:050. Protection, use and release of personal information.

OTHER BUSINESS:

GENERAL GOVERNMENT CABINET

Board of Hairdressers and Cosmetologists

201 KAR 12:010. Administrator's duties.

## REGULATION REVIEW PROCEDURE

**Filing and Publication**

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

**Public Hearing**

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

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

If the hearing is cancelled, the administrative body shall notify the Compiler of the cancellation. If the hearing is held, the administrative body shall submit within fifteen (15) days following the hearing a statement of consideration summarizing the comments received at the hearing and the administrative body's responses to the comments.

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

**Review Procedure**

If a proposed administrative regulation is amended as a result of the public hearing, the amended version shall be published in the next Administrative Register; and following publication shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. If a proposed administrative regulation is not amended as a result of the hearing or if the hearing is cancelled, the regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the appropriate jurisdictional committee meets or thirty (30) days after being referred by LRC, whichever occurs first.

**EMERGENCY REGULATIONS NOW IN EFFECT**

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

**STATEMENT OF EMERGENCY**  
108 KAR 1:010E

Comes the Kentucky Board of Claims (hereinafter the board) pursuant to KRS 13A.190 and makes the following statement of explanation in support of the attached emergency regulation.

During recent months the board has encountered the growing problem of an ambiguity in current Board of Claims law regarding testimony and appearances by parties and counsel at board meetings. KRS 44.080 provides, inter alia, that the Board of Claims "shall establish rules for its government and for the regulation of the method of pleading and practice before it." In the absence of this emergency regulation the board would encounter difficulty in addressing with certainty requests by parties to introduce evidence and present oral arguments at full board meetings while an ordinary regulation was being promulgated. This emergency regulation will be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor  
JOE BILLY JONES, Executive Director

**BOARD OF CLAIMS**

108 KAR 1:010E. Board operation and claim procedure.

RELATES TO: KRS 44.070, 44.080, 44.086, 44.090  
STATUTORY AUTHORITY: KRS Chapter 13A, 44.080  
EFFECTIVE: May 3, 1989

NECESSITY AND FUNCTION: KRS 44.080 requires the Board of Claims to establish rules for its government and for the regulation of the method of pleading and practice before it. The purpose of this regulation is to establish rules for procedures for claims and rules for operation of the board.

Section 1. Meetings. (1) Additional meetings of the board may be called by the chairman or a majority of the board at such times and places as the call directs.

(2) Three (3) members of the board shall constitute a quorum.

(3) The board shall be considered in continuous session to enter orders.

(4) The Executive Director of the Board of Claims shall serve as secretary to the board and shall have authority to order the submission of briefs, set hearings, and issue such other orders as the board may direct.

Section 2. Filing of Claims; Response to

In the absence of this emergency regulation the commission would encounter difficulty in enforcing KRS 229.081 and the "prompt payment" provision of 201 KAR 27:015 and would be required to wait several months while an ordinary regulation was being promulgated. This emergency regulation will be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor  
FRED H. LAMPSON, Chairman

# KENTUCKY ATHLETIC COMMISSION

**201 KAR 27:016E. Bond required to cover compensation of officials, [and] boxers, and wrestlers.**

RELATES TO: KRS 229.081, 229.091(1)

STATUTORY AUTHORITY: KRS 229.180

EFFECTIVE: May 3, 1989

NECESSITY AND FUNCTION: This regulation is designed to ensure that officials, [and] boxers, and wrestlers are fully and promptly compensated for their work.

Section 1. Before a permit is granted to any person to hold a professional boxing or wrestling match or exhibition, the applicant shall file with the commission a bond in the sum of \$5,000, to be approved as to form and sufficiency by the commission, conditioned for the payment of compensation of officials, [and] boxers, and wrestlers in such professional match or exhibition. Upon the approval of the bond, the commission shall issue to the applicant a certificate of filing and approval, which shall be filed by the applicant with the commission, with the application for the permit. No such permit shall be issued until such certificate has been filed.

FRED H. LAMPSON, Chairman

APPROVED BY AGENCY: April 14, 1989

FILED WITH LRC: May 3, 1989 at 9 a.m.

# STATEMENT OF EMERGENCY 307 KAR 1:020E

In the light of the amendments to KRS Chapter 154, and the issuance of the Japanese Yen Bonds, and because the authority has already adopted resolutions setting forth criteria in respect of its various loan programs, which resolutions constitute a contract with bondholders, it is necessary that conforming administrative regulations be promulgated prescribing criteria for all of the authority's loan programs. The purpose of the regulation hereby promulgated is to establish definitive standards in respect of each of the authority's loan programs. The adoption of regulations in respect of each of the authority's loan programs is desirable in order to provide detailed guidance and proper regulatory structure for the initiation and financing by the authority of various eligible projects. Accordingly, it has been and is hereby determined that an emergency exists which requires immediate action. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary regulation was filed with the Regulations Compiler on April 7, 1989.

WALLACE G. WILKINSON, Governor  
GENE C. ROYALTY, Secretary

# ECONOMIC DEVELOPMENT CABINET Development Finance Authority

**307 KAR 1:020E. Various Kentucky Development Finance Authority loan programs.**

RELATES TO: KRS Chapter 13A

STATUTORY AUTHORITY: KRS Chapter 154;  
154.041(20)

EFFECTIVE: April 17, 1989

NECESSITY AND FUNCTION: KRS 154.005 et seq. creates the Kentucky Development Finance Authority (the "authority") and provides statutory authority for the initiation, financing and implementation of the various programs of the authority. Pursuant to KRS 154.041 (20), the authority is authorized and empowered to promulgate administrative regulations for the administration of the powers granted to the authority by the Kentucky Revised Statutes. Chapter 383 of the Acts of the General Assembly of Kentucky, 1988 Regular Session, broadened the powers of the authority and, among other things, authorized the issuance of obligations of the authority payable in such medium of payment as the authority shall determine, in order to carry out the objectives of the authority. Pursuant to such powers, the authority issued Y10,000,000,000 of its Japanese Yen Bonds - First Series (1989) on March 17, 1989. The proceeds of such Japanese Yen Bonds will be applied by the authority for the making of program loans for facilities determined to be important to the enhancement of the economy of Kentucky. In addition to the proceeds of the Japanese Yen Bonds, the authority now administers three (3) other loan programs. In the light of the amendments to KRS Chapter 154, above described, and the issuance of the Japanese Yen Bonds, and because the authority has already adopted resolutions setting forth criteria in respect of its various loan programs, which resolutions constitute a contract with bondholders, it is appropriate that conforming administrative regulations also be promulgated prescribing criteria for all of the authority's loan programs. The purpose of the regulation hereby promulgated is to establish definitive standards in respect of each of the authority's loan programs. The adoption of regulations in respect of each of the authority's loan programs is desirable in order to provide detailed guidance and proper regulatory structure for the initiation and financing by the authority of various eligible projects.

Section 1. When used in this regulation, the following words and phrases shall have the following meanings:

(1) "Act" shall mean Sections 154.005 to 154.180, inclusive, of the Kentucky Revised Statutes.

(2) "Assistance" shall mean any action involving a financial commitment or expenditure taken by the authority in connection with a "project", as defined in KRS 154.010.

(3) "Authority" shall mean the Kentucky Development Finance Authority, a de jure body corporate and politic and an independent agency of the Commonwealth created pursuant to the Act.

(4) "Committee" shall mean the Capital



of the authority (excluding any moneys or property from or in respect of Fund A), including the repayments and other proceeds of Fund B program loans made by the authority from the proceeds of qualified obligations and from other property not consisting of general funds of the Commonwealth.

(2) Kentucky Development Finance Authority Loan Program.

(a) The program shall be administered from time to time by the authority pursuant to the Act and the regulations. It is declared by the authority as a finding of fact that economic development of the Commonwealth enhanced by eligible projects will be in the best interests of the Commonwealth and its citizens, in that many areas of the Commonwealth have experienced and are experiencing significant economic impact and decline as a result of national and regional economic conditions, and the transformation of the Commonwealth from a predominantly agricultural economy. It is hereby found that the program will materially contribute to the economic stability and revitalization of the Commonwealth and result in improving the economic welfare of the Commonwealth generally.

(b) In furtherance of the public policy of the Commonwealth and for the implementation of the program pursuant to the Act, the authority may initiate and carry out, but not by way of limitation, the following actions in connection with the program.

1. The authority may enter into appropriate agreements with persons engaged in or proposing to engage in, directly or indirectly, the subjects set forth in KRS 154.010(6), to induce such persons to acquire, construct, reconstruct, rehabilitate, enlarge, improve, equip or otherwise develop eligible projects.

2. The authority may make Fund B program loans to persons in respect of the establishment of eligible projects pursuant to the Act, provided, however, that no such Fund B program loan shall exceed fifty (50) percent of the total debt financing to be carried out in respect of an eligible project when such financing does not exceed \$500,000, plus one-third (1/3) of any such aggregate debt financing in excess of \$500,000, but no Fund B program loan of the authority may exceed \$1,000,000; provided, however, that the restrictions herein contained may be waived in respect of any eligible project by unanimous action taken by the members of the authority present and constituting a quorum at a duly convened meeting of the authority.

3. In connection with the program, the authority may retain the services of or employ such financial consultants, appraisers, consulting engineers, superintendents, construction and accounting experts, attorneys and employees, agents and independent contractors as are necessary in the reasonable judgment of the authority.

4. The authority may enter into appropriate agreements and arrangements with any person and with any unit of government, state, local or federal, in furtherance of the program but may never receive, directly, indirectly or contingently, any general funds of the Commonwealth.

5. The authority may do and carry out, pro se or through agents and employees, any and all other acts and things, enter into contracts and execute all instruments, papers and documents necessary or appropriate to carry out the

provisions of the Act and this regulation.

6. The authority may adopt further regulations in connection with the program in order to more fully implement and regulate the proper financing and implementation of the program. Notwithstanding the foregoing, no supplemental or amended regulation adopted by the authority may alter, amend, change, modify or rescind the provisions of this regulation relating to the facilities establishment fund and the automatic and irrevocable deposit of moneys received by the authority from the repayment of Fund B program loans into the facilities establishment fund. All moneys received by the authority representing repayment of Fund B program loans, including interest thereon, shall be deposited as received into the facilities establishment fund and may never be applied or used for any purpose except the making of Fund B program loans and to provide for the security of qualified bonds.

(c) Each Fund B program loan shall, before any part of the Fund B program loan is disbursed by the authority, be approved by the authority or by a properly authorized committee of the authority, which committee is appointed by unanimous action taken by the members of the authority present and constituting a quorum at a duly convened meeting of the authority. Upon such approval, the determination made by the authority that particular project facilities constitute an eligible project, that costs of such eligible project are allowable costs and that the financing of the eligible project by a Fund B program loan will create or retain employment opportunities, increase economic development, or otherwise carry out the purposes of the Act, shall be conclusive for purposes of the validity and enforceability of the rights of parties arising from actions so taken and agreements entered into by the authority pursuant to the Act and this regulation.

(3) Facilities establishment fund. The facilities establishment fund is hereby created and established.

(a) The facilities establishment fund shall be a separate and discrete fund or account which shall be maintained by a trustee to be selected by the authority (the "trustee"). The net proceeds from the sale of the 1983 bonds to be used for the making of Fund B program loans were deposited, when received, into the facilities establishment fund and shall be disbursed by the authority pursuant to the Act and this regulation for the making of Fund B program loans. There shall be provisions for a separate accounting within the facilities establishment fund of the net proceeds of the 1983 bonds and the investment income thereon, as well as a separate accounting for moneys received as repayments of Fund B program loans and investment income thereon.

(b) All monies received as a result of repayment of Fund B program loans, both principal and interest, shall be received by the trustee in respect of the 1983 bonds and deposited as received into the facilities establishment fund and, together with the investment income thereon, shall be separately accounted for within the facilities establishment fund. In the making of Fund B program loans, the authority shall make Fund B program loans having such terms and provisions so as to assure that the present value of moneys received as repayment of Fund B program loans,

loans continuously meet the program standards established by this regulation.

(c) A separate and discrete accounting shall be maintained continuously in respect of Fund B.

Section 4. Fund C Criteria. The rules and regulations adopted by Section 3 of this regulation in respect of Fund B shall also be applicable to Fund C. A separate and discrete accounting shall be maintained continuously in respect of Fund C.

Section 5. Fund D Criteria. The following rules, criteria and procedures are hereby made applicable to all Fund D program loans made from Fund D:

(1) A significant number of new jobs must be created and/or preserved by the project financed by any Fund D program loan, as determined by the authority.

(2) The entity assisted by a Fund D program loan shall have an "A" credit rating from a recognized rating agency (i.e., Standard & Poor's, Moody's, etc.), or the equivalent (i.e., a letter of credit from an "A" or better rated bank), or alternatively meet the following financial criteria:

(a) All Fund D program loans must be secured by equipment and/or real estate, with a maximum loan value of ninety (90) percent against real estate and eighty (80) percent against the cost of equipment.

(b) Borrowers shall be required to covenant and agree to comply with the following provisions and conditions:

1. Timely payment of all taxes, lease obligations and all other debts, with proof thereof provided to the authority;

2. Maintenance of adequate insurance, with proof thereof provided to the authority. (If Fund D program loans are of higher quality, personal guarantees may not be necessary.)

3. Quarterly financial statements must be submitted to the authority no later than forty-five (45) days after the end of each quarter.

4. Annual financial statements are to be received by the authority in respect of entities assisted by Fund D program loans no later than ninety (90) days after the calendar year end.

(c) Permissible term of each Fund D program loan.

1. For Fund D program loans secured by equipment - never more than the lesser of seventy (70) percent of the estimated useful life of the asset or ten (10) years.

2. For Fund D program loans secured by real property - never more than ten (10) years.

(d) Amortization schedules to be determined on a case-by-case basis but not to exceed the term of the 1989 bonds.

(e) Maximum financing allowable: up to ninety (90) percent of the lesser of cost or quick sale value for real estate loans or the lesser of cost or quick sale value for eighty (80) percent of equipment loans.

1. Independent appraisals shall be required in all cases.

2. Sufficient amortization required to insure asset coverage of the unpaid portion of the Fund D program loan throughout the lifetime of the Fund D program loan.

3. First lien required on all assets financed by the authority.

(f) Full recourse to the borrower in all cases.

(g) Privately held companies must have guarantees from principals (if borrowers are high quality corporate loans personal guarantees may be waived.)

(h) Borrowers must provide five (5) year financial projections.

(i) A minimum score of 45-50 points (maximum of 75) must be achieved by the borrower on the following financial tests:

	Points
1. Current Ratio (1.1.-1.5 = 5 pts.) (1.5 = 10 pts.)	10
2. Earnings before interest and taxes divided by interest expense greater than or equal to 1.5 most recent fiscal year.	10
3. Net income plus noncash expenses covering current maturities of long-term debt 2.0 times most recent fiscal year.	10
4. Net income positive 2 of last three (3) years.	10
5. Revenue increases past two (2) years.	5
6. Total liabilities to tangible net worth of less than or equal to 3.5.	10
7. Positive net income/sales trend.	5
8. Positive sales/assets trend.	5
9. Positive receivable turn trend.	5
10. Positive inventory turn trend.	5
POSSIBLE TOTAL	75

Section 6. Other Criteria Applicable to Fund D Program Loans. (1) No more than twenty (20) percent of Fund D will be loaned to an obligor which does not involve an "A" rated or "A" rated equivalent company by Standard & Poor's Corporation and Moody's Investors Service.

(2) Exceptions to the criteria applicable to Fund D program loans shall be made only with the unanimous approval of the members of the authority given at a duly convened meeting of the authority.

(3) So long as the authority is obligated to make payments at a variable rate on the proceeds of the 1989 bonds to a counterparty (the "cost of funds") the authority shall not make any fixed rate Fund D program loans unless the authority shall have, simultaneously with the making of such Fund D program loan, either entered into an interest rate exchange agreement with a counterparty or entered into an alternative financial transaction pursuant to which the authority shall have obtained the contractual right to receive variable-rate income at a rate which is not more than 200 basis points below the authority's cost of funds from such counterparty or in respect of such other alternative financial transaction.

(4) No Fund D program loan which is not rated "A" or its equivalent by Standard & Poor's Corporation and Moody's Investors Service may exceed \$10,000,000 in amount. The aggregate principal amount of the two (2) largest Fund D program loans for entities which are not rated "A" or higher by either Standard & Poor's Corporation or Moody's Investors Service shall not, when made, exceed twenty-five (25) percent of the proceeds of the 1989 bonds initially deposited in Fund D; and the aggregate principal amount of the five (5) largest Fund D program loans for entities which are not rated "A" or higher by Standard & Poor's Corporation or Moody's Investors Service shall not, when made, exceed forty (40) percent of the principal amount of the proceeds of the 1989 bonds

WALLACE G. WILKINSON, Governor  
JOHN C. RUNDA, Ph.D., Chairman

# KENTUCKY PAROLE BOARD

501 KAR 1:030E. Determining parole eligibility.

RELATES TO: KRS 439.340

STATUTORY AUTHORITY: KRS 439.340(3)

EFFECTIVE: May 12, 1989

NECESSITY AND FUNCTION: KRS 439.340 requires the Kentucky Parole Board to adopt regulations with respect to eligibility of prisoners for parole. This regulation establishes the criteria for determining parole eligibility.

Section 1. Definitions. As used in these regulations, unless the content otherwise requires:

(1) "Board" is the Kentucky Parole Board or a quorum thereof.

(2) "Quorum" is the number of members of any body who must necessarily be present in order for the body to transact business.

(3) "Panel" is anything less than a quorum.

(4) "Chairman" is the chief administrative officer of the board as described in KRS 439.320(2), appointed by the Governor to direct the operations of the board and to fulfill the functions established by law for such position.

(5) "Detainer" is a document issued or made by a legal authority, authorizing the keeper of a prison/jail to keep in his custody the person named in the document.

(6) "Serve-out" is a decision of the board that an inmate must serve until the completion of his sentence (SOT - serve-out time).

(7) "Deferment" is a decision of the board that an inmate must serve a specific number of months before further parole consideration.

(8) "Reconsideration" is a decision to review a previous board action.

(9) "Parole recommendation" is a decision of the board that an inmate may be released from incarceration prior to the expiration of his sentence if the inmate has an approved parole plan and if the inmate has signed his parole certificate.

(10) "Parole" is the release of an inmate with a signed parole certificate to the community prior to the expiration of his sentence, subject to conditions imposed by the board and subject to its supervision. Where a court or other authority has issued a detainer against the inmate, the board, in its discretion, may release him to answer the detainer of such court or authority.

(11) "Parole rescission" is a decision of the board to terminate or rescind an inmate's parole recommendation, before such inmate is actually released on parole.

(12) "Parole revocation" is the formal procedure by which the board may terminate or revoke a parolee's release on parole.

(13) "Preliminary hearing" is the initial hearing conducted by an administrative law judge to determine whether probable cause exists to believe a parolee has violated the conditions of his parole.

(14) "Youthful offender" is a juvenile declared as such as described in KRS 640.010.

Section 2. Statement of Content. (1) It is the intent of the Kentucky General Assembly in

creating the Kentucky Parole Board that it be autonomous and in all respects functionally and administratively separate from any other state agency, except as provided in KRS 439.320(1). Consequently, the board will protect such necessary freedom from real or apparent political control, manipulation, or undue or improper influence by any person, group, or other entity of any kind.

(2) All decisions of the board regarding policy, procedures and its actions in parole matters shall be determined by simple majority vote of the members of the board, except as provided in KRS 439.320(2). Panels of the board may make recommendations to the full board where authorized.

Section 3. Administration. (1) Board structure. The composition of the board shall be as provided by law. The appointment of members of the board, the selection of its chairman, and the quorum requirements shall be those as specified by law.

(2) Information concerning the board.

(a) The board shall provide and disseminate written information concerning the functions of the Kentucky Parole Board.

(b) The board shall maintain close communication and cooperation with the Corrections Cabinet, the Governor and his staff, members and committees of the General Assembly, and other public officials, including judges, state attorney general, Commonwealth Attorney, law enforcement officials and public defenders. The board will communicate and cooperate with all public and private service agencies, including, but not limited to, agencies dealing with mental health, vocational rehabilitation, legal aid and human services.

(c) Since the board has the authority to grant parole, it welcomes the opinion of the sentencing judge, prosecuting attorney, other public officials, and private citizens concerning parole consideration.

Section 4. Parole Eligibility. (1) Initial parole review date.

(a) All persons confined to a state penal institution or county jail who have been convicted of a felony offense committed after the effective date of this regulation shall have their cases reviewed by the board (unless otherwise prohibited by statute) in accordance with the schedule set out as follows:

Sentence Being Served	Time Service Required Before First Review (Minus Jail Credit)
1 year, up to but not including 2 years	4 months
2 years, up to and including 39 years	20% of sentence received
More than 39 years, up to and including Life	8 years
Persistent Felony Offender I	10 years

For the crimes, committed on or after July 15, 1986, of murder, manslaughter I, rape I, sodomy I, assault I, kidnapping (where there is serious physical injury or death), arson I (where there is serious physical injury or death), criminal

he will automatically be brought before the board again when, and not until, he becomes eligible for parole consideration on the additional sentence(s) and the parole eligibility will be calculated from the date of sentencing on the new sentence or sentences.

(j) If an inmate has received a parole recommendation but escapes prior to being released on parole, the parole recommendation will be rescinded by the board upon receipt of an affidavit signed and submitted by the institutional parole officer of the institution from where the inmate escaped attesting to the fact that the escape has occurred. Upon return to a state institution, the inmate will be placed back before the board at its next regularly scheduled hearing at the institution where he is confined.

(k) A person who is shock probated and later returned as a shock probation violator shall be considered for parole after he has served the required time on the sentence calculated by adding on the period of time the inmate was out of the institution to his original parole eligibility date.

(l) Persons returned to the institution as a shock probation violator with a new concurrent sentence shall have separate dates of parole eligibility on each sentence computed and the inmate will be heard separately on each eligibility date. The adjusted parole eligibility date on the sentence on which he was shock probated shall be determined by adding the period of time he was out of the institution to his original parole eligibility date calculated prior to being shock probated.

(m) A person who is shock probated and later returned to the institution with a new sentence acquired while on shock probation and ordered to be served consecutively shall be eligible for a parole hearing when he has served the amount of time required to be eligible for a parole hearing required on the aggregate of the two (2) sentences. The time served toward parole eligibility prior to discharge by shock probation shall be included as part of the total period of time to be served for parole eligibility on the aggregate sentences.

(n) Persons who are defined to be "eligible sexual offenders" as set forth in KRS 197.400 to 197.440 shall not be eligible for an initial parole hearing until the board is notified by the Corrections Cabinet that the inmate has successfully completed the sex offender program. This notification must be made in writing to the board by the director of the sex offender program. Once the board is so notified the inmate will be scheduled for his initial parole hearing on the next available board at the institution where he is housed, unless the inmate successfully completes the sex offender program prior to the regular parole eligibility date.

(2) In keeping with the intent of the Act, the Parole Board may with the consent of the majority of the board review the case of any inmate for parole consideration prior to his eligibility date if he qualifies for the intensive supervision program under the criteria established in conjunction with the Corrections Cabinet, or medical problems exist, as documented by the Corrections Cabinet medical doctors, or upon written request of the sentencing judge or prosecuting attorney of record. This will not be done until the reason

for such action is submitted to all members in writing, along with all supporting documents, and all members will note in writing as to their desire to grant a hearing. This will then be filed in the record of the inmate in question and made a permanent part of his file in the central office of the Corrections Cabinet.

(3) The parole hearing will consist of an interview with the inmate by the board, or a panel. In instances when the inmate is too ill to appear before the board, the board may, at its discretion, appoint one (1) member to interview the inmate in the health care facility where he is confined and report back to the remaining members. In this instance, as in all cases, a majority vote by a quorum is required before action is taken.

(4) If an inmate refuses to meet the board on his scheduled hearing date, a notarized statement must be presented to this effect. A person refusing to meet the board may petition the board for reconsideration if he changes his mind.

(5) Inmates who are psychologically unstable may be deferred in absentia until they are able to meet the board if the board receives documentation from a certified psychologist or psychiatrist.

(6) The board shall schedule the initial parole hearing as follows (unless otherwise prescribed by statute):

(a) For those institutions that have hearings scheduled once per month, the inmates will be seen during the month they are eligible for parole consideration, if administratively possible.

(b) For those institutions that have hearings scheduled bimonthly, the inmates will be seen during the month eligible or one (1) month prior to the month they are eligible for parole consideration, if administratively possible.

(c) In those instances where it is not administratively possible to conduct the initial parole hearing during the month the inmate is eligible for a parole hearing, the inmate will be seen at the next available board hearing conducted at the institution where the inmate is housed.

(7) In all cases where parole is recommended, it is conditional upon continued good institutional conduct through the actual release date. If an inmate with a parole recommendation receives an institutional write-up or good time loss, the board is to be notified in writing of the institutional infraction so that the board may take further action as needed.

Section 5. Board Criteria for Granting or Denying Parole. (1) Before granting or denying parole, the board shall apply any or all of the following factors to each inmate:

(a) Current offense - seriousness, violence involved, firearm used;

(b) Prior record;

(c) Institutional adjustment and conduct - disciplinary reports, loss of good time, work and program involvement;

(d) Attitude toward authority - before incarceration, during incarceration;

(e) History of alcohol or drug involvement;

(f) History of prior probation, shock probation or parole violations;

(g) Education and job skills;

(h) Employment history;

(i) Emotional stability;

CORRECTIONS CABINET

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

RELATES TO: KRS Chapters 196, 197, 439  
 STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640  
 EFFECTIVE: April 27, 1989  
 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 April 14 [February 15], 1989 and hereinafter should be referred to as Corrections Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

- |      |  |          |  |
|------|--|----------|--|
| 1.1  | Legal Assistance for Corrections Staff                       | 13.6     | Sex Offender Treatment Program   |
| 1.2  | News Media   | 14.2     | Personal Hygiene Items   |
| 1.4  | The operation of Contracted Adult Correctional Facilities    | 14.4     | Legal Services Program   |
| 1.6  | Extraordinary Occurrence Reports                             | 14.6     | Inmate Grievance Procedures [(Amended 2/15/89)]                        |
| 1.9  | Institutional Duty Officer                                   | 15.1     | Hair and Grooming Standards  |
| 1.11 | Population Counts and Reporting Procedures (Amended 4/14/89) | 15.2     | Offenses and Penalties   |
| 1.12 | Operation of Motor Vehicles by Corrections Cabinet Employees | 15.3     | Meritorious Good Time  |
| 2.1  | Inmate Canteen (Amended 4/14/89)                             | 15.5     | Restoration of Forfeited Good Time [(Amended 2/15/89)]                 |
| 2.2  | Warden's Fund  | 15.6     | Adjustment Procedures and Programs                                     |
| 2.10 | Surplus Property   | 16.1     | General Inmate Visiting Procedure                                      |
| 3.1  | Code of Ethics   | 16.2     | Inmate Correspondence  |
| 3.12 | Institutional Staff Housing                                  | 16.3     | Telephone Calls  |
|      |  | 16.4     | Inmate Packages  |
| 4.2  | Staff Training and Development                               | 17.1     | Inmate Personal Property   |
| 4.3  | Firearms and Chemical Agents Training                        | 17.2     | Assessment Center Operations (Amended 4/14/89)                         |
| 6.1  | Open Records Law   | 17.3     | Controlled Intake of Inmates   |
| 7.2  | Asbestos Abatement [(Amended 2/15/89)]                       | 18.4     | Classification of the Inmate   |
| 8.4  | Emergency Preparedness                                       | 18.5     | Custody/Security Guidelines (Amended 4/14/89)                          |
| 9.1  | Use of Force   | 18.6     | Classification Document (Amended 4/14/89)                              |
| 9.3  | Transportation of Convicted Offenders                        | 18.7     | Transfers  |
| 9.4  | Transportation of Inmates to Funerals or Bedside Visits      | 18.8     | Guidelines for Transfers Between Institutions (Amended 4/14/89)        |
| 9.6  | Contraband   | 18.9     | Out-of-state Transfers   |
| 9.7  | Storage, Issue and Use of Weapons Including Chemical Agents  | 18.10    | Preparole Progress Reports   |
| 9.8  | Search Policy  | 18.11    | Kentucky Correctional Psychiatric Center Transfer Procedures           |
| 9.9  | Transportation of Inmates                                    | 18.12    | Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill     |
| 9.10 | Security Inspections   | 18.13    | Population Categories  |
| 9.11 | Tool Control   | 18.15    | Protective Custody   |
| 9.15 | Institutional Entry and Exit Policy and Procedures           | 19.1     | Government Services Projects   |
| 9.18 | Informants   | 19.2     | Community Services Projects  |
| 9.19 | Found Lost or Abandoned Property (Amended 4/14/89)           | 20.1     | Study Release  |
| 10.2 | Special Management Inmates                                   | 20.6     | Vocational Study Release   |
| 10.3 | Safekeepers  | 22.1     | Privilege Trips  |
| 10.4 | Special Needs Inmates  | 25.1     | Gratuities   |
| 11.2 | Nutritional Adequacy of the Diet for Inmates                 | 25.2     | Public Official Notification of Release of an Inmate (Amended 4/14/89) |
| 11.3 | Special Diet Procedures (Amended 4/14/89)                    | 25.3     | Prerelease   |
| 13.1 | Pharmacy Policy and Formulary                                | 25.4     | Inmate Furloughs   |
| 13.2 | Health Maintenance Services                                  | 25.6     | Community Center Program (Amended 4/14/89) [(Amended 2/15/89)]         |
| 13.3 | Medical Alert System   | 25.7     | Expedient Release  |
| 13.4 | Health Program Audits  | 25.8     | Extended Furloughs   |
| 13.5 | Acquired Immune Deficiency Syndrome                          | 27-01-01 | Probation and Parole Procedures  |
|      |  | 27-02-01 | Duties of Probation and Parole Officers                                |
|      |  | 27-03-01 | Workload Formula Supervisor/Staff Ratio (Amended 4/14/89)              |
|      |  | 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 (Amended 4/14/89)                     |
|      |  | 27-12-02 | Risk/Needs Assessment (Amended 4/14/89)                                |
|      |  | 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   |

# ADMINISTRATIVE REGISTER - 2387

KSP 040000-08 Inmate Equal Opportunity Policy  
 KSP 050000-14 Searches and Preservation of Evidence  
 KSP 060000-01 Special Security Unit  
 KSP 060000-02 Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units  
 KSP 060000-04 Protective Custody Unit  
 KSP 070000-01 Hospital Services  
 KSP 070000-02 Sick Call  
 KSP 070000-03 Health Evaluations  
 KSP 070000-04 Consultations  
 KSP 070000-05 Emergency Medical Procedure  
 KSP 070000-13 Pharmacy Procedures  
 KSP 070000-14 Medical Records  
 KSP 070000-16 Psychiatric and Psychological Services  
 KSP 070000-17 Dental Services for Special Management Units  
 KSP 070000-19 Optometric Services  
 KSP 070000-20 Menu Preparation and Planning  
 KSP 070000-24 Food Service, General Sanitation, Safety, and Protection Standards and Requirements  
 KSP 070000-25 Food Service Inspections  
 KSP 070000-30 Therapeutic Diets  
 KSP 090000-01 Inmate Work Programs  
 KSP 090000-03 Correctional Industries  
 KSP 100000-02 Visiting Program  
 KSP 100000-03 Disposition of Unauthorized Property  
 KSP 100000-04 Inmate Grooming and Dress Code (Amended 4/14/89)  
 KSP 100000-05 Procedures for Providing Clothing, Linens and Other Personal Items [(Amended 3/14/89)]  
 KSP 100000-06 Inmate Mail and Packages (Amended 4/14/89)  
 KSP 100000-07 Inmate Telephone Access (Amended 4/14/89)  
 KSP 100000-08 Behavioral Counseling Record  
 KSP 100000-09 Due Process/Disciplinary Procedures  
 KSP 100000-11 Authorized and Unauthorized Inmate Property  
 KSP 100000-14 Property Room: Clothing Storage and Inventory  
 KSP 100000-15 Uniform Cell Standards for Fire Safety, Sanitation and Security  
 KSP 100000-18 Inmate Grievance Committee Hearings  
 KSP 100000-20 Legal Services Program  
 KSP 100000-21 Photocopies for NonIndigent Inmates with Special Court Deadlines  
 KSP 110000-04 Parole Progress Report  
 KSP 110000-06 General Guidelines of the Classification Committee  
 KSP 110000-07 Statutory Good Time Restoration  
 KSP 110000-08 Award of Meritorious Good Time  
 KSP 110000-10 Special Needs Inmates  
 KSP 110000-12 Unit Classification Committee - Inmate Work Assignments  
 KSP 110000-13 Classification Document  
 KSP 110000-14 Vocational School Placement  
 KSP 110000-15 Transfers to Kentucky Correctional Psychiatric Center (KCPC)  
 KSP 110000-16 Consideration of Further Treatment Requirements for Inmates Prior to Release  
 KSP 110000-18 Functions of the Classification Committee

KSP 120000-04 Academic Education  
 KSP 120000-07 Community Center Program [(Amended 3/14/89)]  
 KSP 120000-08 Inmate Furloughs [(Amended 3/14/89)]  
 KSP 120000-11 Religious Services - Staffing  
 KSP 120000-18 Religious Services - Religious Programming  
 KSP 120000-20 Marriage of Inmates  
 KSP 120000-31 Extended Furloughs [(Amended 3/14/89)]  
 KSP 120000-32 Discharge of Inmates by Shock Probation [(Amended 3/14/89)]  
 KSP 130000-10 Execution Plan

JOHN T. WIGGINTON, Secretary  
 APPROVED BY AGENCY: April 14, 1989  
 FILED WITH LRC: April 27, 1989 at 2 p.m.

## STATEMENT OF EMERGENCY 501 KAR 6:080E

In order to continue to operate the Kentucky Corrections Cabinet in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected cabinet manual must be revised immediately to allow for the conversion of the Roederer Farm from a medium security institution to a reception and classification center. This conversion is to take place during May of this year. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on April 14, 1989 in accordance with KRS Chapter 13A.

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

## CORRECTIONS CABINET

### 501 KAR 6:080E. Corrections Cabinet Manuals.

RELATES TO: KRS Chapters 196, 197, 439  
 STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640  
 EFFECTIVE: April 27, 1989  
 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 April 14, 1989 [June 10, 1988] and hereinafter should be referred to as Corrections Cabinet Manuals. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

Offender Records Manual - None.  
 Stock Procedure Manual - None.  
 Food Services Manual - None.  
 Classification Manual - Yes.

JOHN T. WIGGINTON, Secretary  
 APPROVED BY AGENCY: April 14, 1989  
 FILED WITH LRC: April 27, 1989 at 2 p.m.

[her/]his parents but divorced or legally separated from [her/]his spouse is deprived of parental support if [she/]he is dependent on the parent and a parent is dead, incapacitated or continually absent from the home.

(2) Continued absence from the home. To be eligible for AFDC, a needy child must be physically separated from the parent and the nature of the absence of the parent is such as either to interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of absence precludes counting on the parent's performance of his[her] function in planning for the present support or care of the child. Absence may be voluntary or involuntary. Voluntary absence includes divorce, legal separation, marriage annulment, desertion of thirty (30) days or more, forced separation of seven (7) days or more, or birth out-of-wedlock. Involuntary absence includes commitment to a penal institution for thirty (30) days or more, long term hospitalization, deportation or single parent adoption. A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

(3) Incapacity. All determinations regarding whether a child has been deprived of parental support or care by reason of the physical [and/]or mental incapacity of a natural or adoptive parent shall be in conformance with federal regulations found at 45 CFR §233.90(c)(1)(iv) and the criteria set forth in this subsection. Each determination shall be based on a full consideration and assessment of all medical, social, and economic factors involving a particular claimant. Should a verified medical condition exist, then all relevant social and economic factors will be considered to determine whether the parent's condition is the cause of and results in a parent's inability to support or care for the child(ren).

(a) Incapacity exists in each case when the following criteria are met:

1. It is medically determined that one (1) parent has a physical [and/]or mental defect, illness or impairment which was present at the time of application and which has continued or is expected to last for a period of at least thirty (30) calendar days, including a period, if any, in which the claimant is undergoing planned diagnostic studies [and/]or evaluation of rehabilitation potential; and

2. It is determined by nonmedical evaluation that such defect, illness or impairment is of such debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for an otherwise eligible child.

(b) Factors to be considered in making the medical determination shall include:

1. The claimant's medical history and subjective complaints regarding an alleged physical [and/]or mental defect, illness or impairment; and

2. Competent medical testimony relevant to:

a. Whether a physical or mental defect, illness or impairment exists;

b. Whether the defect, illness or impairment is enough to reduce the parent's ability to

support or care for a child; and

c. Whether the defect, illness or impairment is likely to last thirty (30) days. The thirty (30) days is not intended to be a "waiting period." Rather, expected duration is substantial and pertinent to causal relationship.

(c) Factors to be considered in making the nonmedical evaluation shall include:

1. The claimant's age, employment history, vocational training, educational background, and subjective complaints regarding the alleged effect of the physical or mental condition on the claimant's [his/her] ability to support or care for the child; and

2. The extent and accessibility of employment opportunities available in the claimant's area of residence.

(d) In determining the extent and accessibility of available employment opportunities, the limited employment opportunities of handicapped individuals shall be taken into account; and

1. Available printed materials that provide information regarding available employment opportunities shall be researched;

2. The local Department for Employment Service (DES) office shall be contacted regarding accessible employment opportunities within the claimant's area of residence; and

3. The claimant shall be referred, if necessary, for further appraisal of his[her] abilities.

(e) A written report shall be made of the determination under this subsection.

(f) Each claimant shall be provided timely and adequate notice of and an opportunity for a fair hearing in accordance with federal regulations found at 45 CFR §205.10.

Section 3. Living with a Specified Relative. To be eligible for AFDC a needy child must be living in the home of a relative as specified in the Social Security Act and interpreted as follows:

(1) A blood relative, including father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece, first cousin.

(2) Also relatives of the half-blood and preceding generations as denoted by prefixes of grand, great or great-great; a stepfather, stepmother, stepbrother, stepsister.

(3) Any person listed above if parent has had paternity established through the administrative determination process. An administrative determination of paternity is limited to situations in which the following types of evidence are present:

(a) A birth certificate listing the alleged parent; or

(b) Legal documents such as hospital records, juvenile court records, wills, and other court records which clearly indicate the relationship of the alleged parent or relative; or

(c) Receipt of statutory benefits as a result of the alleged parent's circumstances; or

(d) A sworn statement or affidavit of either parent acknowledging paternity plus one (1) of the following:

1. School records;
2. Bible records;
3. Immigration records;
4. Naturalization records;
5. Church documents, such as baptismal certificates;
6. Passport;



Section 8. Jobs Through Employment and Training (JET). (1) Effective June 1, 1989, unless exempt from work registration, an individual who has applied for or is receiving AFDC shall be ineligible for benefits if he refuses to participate in the JET Program without good cause.

(2) Individuals exempt from JET are as follows:

(a) Individuals who are ill, disabled, or elderly;

(b) Individuals needed in the home to care for a sick or disabled person;

(c) Individuals working thirty (30) hours or more per week;

(d) An individual under age sixteen (16) or attending school full time;

(e) A woman in at least the fourth month of pregnancy;

(f) Individuals living in a "remote" (non-JET) county;

(g) A parent or caretaker relative of a child under age three (3) who personally provides full-time care of the child with only very brief and infrequent absences from the home. Brief and infrequent absences without considering time traveled to and from work/school are defined as:

1. Employment by the caretaker relative of less than thirty (30) hours per week;

2. Less than full-time school attendance (or for college enrollment) by the caretaker relative;

3. Less than full-time school attendance (or for college enrollment) and less than fifteen (15) hours per week employment by the caretaker relative;

4. Attendance by the child under age three (3) in nursery school;

5. Additional brief and infrequent absences include:

a. Visits by the child under age three (3) with relatives, friends, the absent parent, neighbors, etc.;

b. Visits by the caretaker relative with relatives, friends, neighbors, etc.;

c. Routine shopping and errands;

d. Doctor's visits; and

e. Short-term hospitalization (less than thirty (30) days).

6. If a parent or other caretaker relative is absent from the child for reasons other than these listed, the absence is not considered brief and infrequent.

Section 9. [8.] Cooperation in Child Support Enforcement Activities. (1) Inclusion of a specified relative in the AFDC budget is dependent upon his[/her] cooperation in child support activities pursuant to 45 CFR 232.12 and refusal, except for "good cause," results in ineligibility of the relative with AFDC payments on behalf of the child(ren) made to a protective payee.

(2) If, after exclusion from the grant for failure to cooperate, the individual states that he[/she] is willing to cooperate and wishes to be reinstated, a supplemental application must be completed. If eligibility criteria are met, the individual will be added to the grant effective with the month of application and the protective payee will be removed.

(3) Pursuant to 45 CFR Part 232.40, the Cabinet for Human Resources shall [will] provide written notice to the applicant or recipient that he[/she] may claim good cause for refusing to cooperate.

(4) The applicant or recipient will be determined to have "good cause" for failing to cooperate only when one (1) or more of the following criteria is met:

(a) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to the child; or

(b) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to himself[/herself] to such an extent that it would reduce his[/her] capacity to care for the child(ren) adequately; or

(c) The child was conceived as a result of incest or forcible rape and the department believes it would be detrimental to the child to require the applicant's/recipient's cooperation; or

(d) Legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction; and the department believes it would be detrimental to the child to require the applicant's/recipient's cooperation; or

(e) The applicant/recipient is being assisted by a public or licensed private social agency to resolve whether to keep the child or release him[/her] for adoption and discussion has not gone on for more than three (3) months and the cabinet believes it would be detrimental to the child to require the applicant's/recipient's cooperation.

(5) Specific requirements in determining the existence of good cause and the time limits for providing substantiation of claims are made pursuant to the regulation at 45 CFR 232.42 and 45 CFR 232.43.

Section 10. [9.] Potential Entitlement for other Programs. All applicants/recipients must apply for any benefit(s) if potential entitlement exists. Failure to apply results in ineligibility for AFDC.

Section 11. [10.] Furnishing of Social Security Account Numbers. All applicants/recipients must furnish social security account numbers pursuant to 45 CFR 232.10.

Section 12. [11.] Assignment of Rights to Support. Pursuant to KRS 205.720, by accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any child support owed for the child not to exceed the amount of AFDC payments made to the recipient.

Section 13. [12.] Assignment of Rights to Medical Support. By accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any medical support owed for the child not to exceed the amount of medical assistance payments made on behalf of the recipient.

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 11, 1989

FILED WITH LRC: April 18, 1989 at 2 p.m.



- (a) One (1) owner-occupied home;
- (b) Home furnishings, including all appliances;
- (c) Clothing;
- (d) One (1) motor vehicle, not to exceed \$1,500 equity value;
- (e) Farm machinery, livestock or other inventory, and tools and equipment other than farm, used in a self-employment enterprise;
- (f) Items valued at less than fifty (50) dollars each;
- (g) One (1) burial plot/space per family member;
- (h) Funeral agreements not to exceed maximum equity of \$1,500 per family member;
- (i) Real property which the assistance group is making a good faith effort to sell. This exemption shall not exceed a period of nine (9) months and is contingent upon the assistance group agreeing to repay AFDC benefits received beginning with the first month of the exemption. Any amount of AFDC paid during that period that would not have been paid if the disposal of property had occurred at the beginning of the period is considered an overpayment. The amount of the repayment shall not exceed the net proceeds of the sale. If the property has not been sold within the nine (9) months, or if eligibility stops for any other reason, the entire amount of assistance paid during the nine (9) month period shall be treated as an overpayment;
- (j) Other items/benefits mandated by federal regulations.

(2) Disposition of resources. An applicant/recipient shall not have transferred or otherwise divested himself/herself of property without fair compensation in order to qualify for assistance. If the transfer was made expressly for the purpose of qualifying for assistance and if the uncompensated equity value of the transferred property, when added to total resources, exceeds the resource limitation, the household's application shall be denied, or assistance discontinued. The time period of ineligibility shall be based on the resulting amount of excess resources and begins with the month of transfer. If the amount of excess transferred resources does not exceed \$500, the period of ineligibility shall be one (1) month; the period of ineligibility shall be increased one (1) month for every \$500 increment up to a maximum of twenty-four (24) months.

Section 3. Income Limitations. In determining eligibility for AFDC the following will apply:

(1) Gross income test. The total gross non-AFDC income of the assistance group, as well as income of parent(s), sanctioned individuals and amount deemed available from the parent(s)/legal guardian(s) of a minor parent/legal guardian living in the home with such assistance group, and amount deemed available from a stepparent(s) living in the home, and amount deemed available from an alien's sponsor and sponsor's spouse if living with the sponsor, shall not exceed the gross income limitation standard. Disregards specified in Section 4(1) of this regulation shall apply. If total gross income exceeds the gross income limitation standard, the assistance group is ineligible.

(2) Applicant eligibility test. If the gross income is below the gross income limitation standard and the assistance group has not received assistance during the four (4) months

prior to the month of application, the applicant eligibility test shall be applied. The total gross income after application of exclusions/disregards set forth in Section 4(1) and (2) of this regulation shall be compared to the assistance standard set forth in Section 8 of this regulation. If income exceeds this standard, the assistance group is ineligible. For assistance groups who meet the gross income test but who have received assistance any time during the four (4) months prior to the application month, the applicant eligibility test shall not apply.

(3) Benefit calculation. If the assistance group meets the criteria set forth in subsections (1) and (2) of this section, benefits shall be determined by applying disregards in Section 4(1), (2), and (3) of this regulation. If the assistance group's income, after application of appropriate disregards, exceeds the assistance standard, the assistance group is ineligible. Amount of assistance for the initial two (2) months of eligibility shall be determined prospectively in accordance with 45 CFR 233.34 and for subsequent months retrospectively, in accordance with 45 CFR 233.35.

(4) A period of ineligibility shall be established in accordance with 45 CFR 233.20(a)(3)(ii)(F), for applicants/recipients whose income in the month of application or during any month for which assistance is paid exceeds the limits as set forth in subsections (2) or (3) of this section due to receipt of lump sum income. The ineligibility period shall be recalculated if any of the following circumstances occur:

(a) The standard of need increases and the amount of grant the assistance group would have received also changes.

(b) The income received has become unavailable to the assistance group for reasons beyond their control.

(c) The assistance group incurs and pays medical expenses in accordance with 42 CFR 435.831(C).

Section 4. Excluded/Disregarded Income. All gross non-AFDC income received or anticipated to be received by the assistance group, natural parent(s) and parent(s)/legal guardian(s) of a minor parent/legal guardian living in the home with such assistance group and stepparent(s) living in the home, shall be considered with the applicable exclusions/disregards as set forth below:

(1) Gross income test. All incomes listed below shall be excluded/disregarded:

(a) Disregards applicable to stepparent income and/or income of the parent(s)/legal guardian(s) of a minor parent/legal guardian living in the home with the assistance unit, as set forth in Section 5 of this regulation;

(b) Disregards applicable to alien sponsor's income, as set forth in Section 6 of this regulation;

(c) Disregards applicable to self-employment income, as set forth in 45 CFR 233.20(a)(6)(v)(B) and 45 CFR 233.20(a)(11)(i)(b)(1)(i);

(d) Work Incentive Program (WIN) incentive payments;

(e) Earnings received by a dependent child from participation in the Summer Youth Program, Work Experience Program, Limited Work Experience

as follows:

1. The individual is unable to engage in such employment or training for mental or physical reasons; or

2. The individual has no way to get to and from the work site or the site is so far removed from the home that commuting time would exceed three (3) hours per day; or

3. Working conditions at such job or training would be a risk to the individual's health or safety; or

4. A bona fide offer of employment at a minimum wage customary for such work in the community was not made; or

5. Effective February 1, 1988, the child care arrangement is terminated through no fault of the client; or

6. Effective February 1, 1988, the available child care does not meet the needs of the child(ren), e.g., handicapped or retarded children.

(b) Fails to make a timely report of earnings unless good cause exists as follows:

1. The assistance group moved and reported the move timely, however, the move resulted in a delay in receiving or failure to receive the mandatory monthly report form; or

2. An immediate family member living in the home was institutionalized or died during the filing period; or

3. The specified relative was out of town during the entire filing period; or

4. The assistance group has been directly affected by a natural disaster (i.e., fire, flood, storm, earthquake).

(c) Requests assistance be terminated for the primary purpose of evading the four (4) month limitation on the deduction in subsection (3)(b) of this section.

(5) Sanction exception. The earned income of sanctioned individuals shall be counted without providing the exclusion/disregards in either subsections (2) and (3) of this section.

Section 5. Income and Resources. Income and resources of a stepparent living in the home with a dependent child and parent(s)/legal guardian(s) living in the home with a minor parent/legal guardian but whose needs are not included in the grant are considered as follows:

(1) Income. The gross income is considered available to the assistance group, subject to the following exclusions/disregards:

(a) The first seventy-five (75) dollars of the gross earned income;

(b) An amount equal to the AFDC assistance standard for the appropriate family size, for the support of the stepparent or parent(s)/legal guardian(s) of a minor parent/legal guardian and any other individuals living in the home but whose needs are not taken into consideration in the AFDC eligibility determination and are or may be claimed by the stepparent or parent(s)/legal guardian(s) of a minor parent/legal guardian as dependents for purposes of determining his federal personal income tax liability;

(c) Any amount actually paid by the stepparent or parent(s)/legal guardian(s) of a minor parent/legal guardian to individuals not living in the home who are or may be claimed by him as dependents for purposes of determining his/her personal income tax liability;

(d) Payments by the stepparent and parent(s)/legal guardian(s) of a minor

parent/legal guardian for alimony or child support with respect to individuals not living in the household; and

(e) Income of a stepparent and parent(s)/legal guardian(s) of a minor parent/legal guardian receiving Supplemental Security Income (SSI) under Title XVI.

(2) Sanction exception. The needs of any sanctioned individual are not eligible for the exclusion(s) listed in this section.

(3) Resources. Resources which belong solely to the stepparent and parent(s)/legal guardian(s) of a minor parent/legal guardian are not considered in determining eligibility of the parent or the assistance group.

Section 6. Alien Income and Resources. For the purposes of this section the alien's sponsor and sponsor's spouse (if living with the sponsor) shall be referred to as sponsor. The gross non-AFDC income and resources of an alien's sponsor shall be deemed available to the alien(s), subject to disregards as set forth below, for a period of three (3) years following entry into the United States. If an individual is sponsoring two (2) or more aliens, the income and resources shall be prorated among the sponsored aliens. A sponsored alien is ineligible for any month in which adequate information on the sponsor/sponsor's spouse is not provided. If an alien is sponsored by an agency or organization, which has executed an affidavit of support, that alien is ineligible for benefits for a period of three (3) years from date of entry into the United States, unless it is determined that the sponsoring agency or organization is no longer in existence or does not have the financial ability to meet the alien's needs. The provisions of this section shall not apply to those aliens identified in 45 CFR 233.51(e).

(1) Income. The gross income of the sponsor is considered available to the assistance group subject to the following disregards:

(a) Twenty (20) percent of the total monthly gross earned income, not to exceed \$175;

(b) An amount equal to the AFDC assistance standard for the appropriate family size of the sponsor and other persons living in the household who are or may be claimed by the sponsor as dependents in determining his federal personal income tax liability, and whose needs are not considered in making a determination of eligibility for AFDC;

(c) Amounts paid by the sponsor to nonhousehold members who are or may be claimed as dependents in determining his federal personal tax liability;

(d) Actual payments of alimony or child support paid to nonhousehold members; and

(e) Income of a sponsor receiving SSI or AFDC.

(2) Resources. Resources deemed available to the alien(s) shall be the total amount of the resources of the sponsor and sponsor's spouse determined as if he were an AFDC applicant in this state, less \$1,500.

Section 7. Earned Income Tax Credit (EITC). In the case of an applicant or recipient of AFDC, EITC payments shall be considered as earned income when received.

Section 8. Payment Maximum [Assistance Standard]. The AFDC payment maximum includes [assistance standard, including] amounts for

(c) Any individual member of the overpaid assistance unit whether or not currently a recipient.

(3) Overpayments shall be recovered through:

(a) Repayment by the individual to the cabinet; or

(b) Reduction of future AFDC benefits, which shall result in the assistance group retaining, for the payment month, family income and liquid resources of not less than ninety (90) percent of the amount of assistance paid to a like size family with no income in accordance with Section 8; or

(c) Civil action in the court of appropriate jurisdiction.

(4) Overpayments may be waived for inactive nonfraud cases involving less than thirty-five (35) dollars in overpayment.

(5) In cases which have both an overpayment and an underpayment, the cabinet shall offset one against the other in correcting the payment to current recipients.

(6) Neither reduction in future benefits nor civil action shall be taken except after notice and an opportunity for a fair hearing is given and the administrative and judicial remedies have been exhausted or abandoned in accordance with Title 904, Chapter 2.

Section 11. Provisions contained in this regulation shall become effective as [October 1, 1988 unless otherwise] specified within the regulation.

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 12, 1989

FILED WITH LRC: April 18, 1989 at 2 p.m.

STATEMENT OF EMERGENCY  
907 KAR 1:026E

This emergency administrative regulation is being amended to add additional procedures for which a general dentist may be reimbursed with regard to services provided on or after May 1, 1989. This action must be taken on an emergency basis to comply with the Omnibus Budget Reconciliation Act of 1987 which provides for comparability of services between physicians and dentists. This emergency administrative regulation shall be replaced by an ordinary regulation to be filed on or after May 1, 1989.

WALLACE G. WILKINSON, Governor  
HARRY J. COWHERD, MD, Secretary

CABINET FOR HUMAN RESOURCES  
Department for Medicaid Services

907 KAR 1:026E. Dental services.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050

EFFECTIVE: May 3, 1989

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth

the provisions relating to dental services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Out-of-hospital Services. Payment for services is limited to those procedures listed in the cabinet's dental benefit schedule which are included in the following categories:

- (1) Diagnostic;
- (2) Preventive;
- (3) Oral surgery;
- (4) Endodontics;
- (5) Orthodontics;
- (6) Prosthetics;
- (7) Operative;
- (8) Crown; and
- (9) Other services.

Section 2. Limitations for those under Age Twenty-one (21). The following limitations shall be applicable with regard to services provided to eligible recipients of medical assistance who are under age twenty-one (21):

(1) Dental prophylaxis, to include application of stannous fluoride, is limited to one (1) treatment per year.

(2) Bitewing x-rays are limited to four (4) x-rays per patient per year per dentist.

(3) Full mouth radiograph is limited to one (1) per patient per every two (2) years per dentist.

(4) The following orthodontic procedures are limited per twelve (12) month period to any combination totaling two (2) per patient: fixed space maintainer, band type; removable space maintainer, acrylic; removable appliance for tooth guidance; and fixed or cemented appliance for tooth guidance.

(5) The following prosthetic procedures are limited as specified for the individual procedure:

(a) Transitional appliance, includes one (1) tooth on appliance, upper appliance, is limited to one (1) per twelve (12) month period, per patient;

(b) Transitional appliance, includes one (1) tooth on appliance, lower appliance, is limited to one (1) per twelve (12) month period, per patient;

(c) Repair of fracture of transitional appliance and space maintainer is limited to three (3) per twelve (12) month period, per patient;

(d) Repair of fracture and replacement of one (1) broken tooth on a transitional appliance and space maintainer is limited to three (3) per twelve (12) month period, per patient;

(e) Repairing broken complete denture with no teeth damaged is limited to three (3) per twelve (12) month period, per patient; and

(f) Repairing broken complete denture and replacing one (1) broken tooth is limited to three (3) per twelve (12) month period, per patient.

(g) Relining upper denture (flask cured only) is limited to one (1) per twelve (12) month period per patient.

(h) Relining lower denture (flask cured only) is limited to one (1) twelve (12) month period per patient.

Section 3. Inpatient Hospital Services. (1) Payment shall be made for all hospital inpatient services rendered by oral surgeons subject to

comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for dental services.

Section 1. Definitions. For purposes of determination of payment:

(1) "Usual and customary charge" refers to the uniform amount which the individual dentist charges in the majority of cases for a specific dental procedure or service.

(2) "Prevailing charge" refers to those charges which fall within the range of charges as computed by the use of a predetermined and established statistical percentile. Prevailing charges for each dental procedure are derived from the overall pattern existing within the state.

Section 2. [1.] Out-of-hospital Care. (1) The cabinet shall reimburse participating dentists for covered services rendered to eligible medical assistance recipients at rates based on the dentist's usual customary, reasonable, and prevailing charges.

[(2) Definitions. For purpose of determination of payment.]

[(a) "Usual and customary charge" refers to the uniform amount which the individual dentist charges in the majority of cases for a specific dental procedure or service.]

[(b) "Prevailing charge" refers to those charges which fall within the range of charges as computed by the use of a predetermined and established statistical percentile. Prevailing charges for each dental procedure are derived from the overall pattern existing within the state.]

[(2) [(3)] Method and source of information on charges.

(a) Effective with fee revisions December 1, 1974 and after, individual fee profiles for participating dentists shall [will] be generated from historical data accumulated from charges submitted and processed by the Medical Assistance Program during all of the calendar year preceding the start of the fiscal year in which the determination is made.

(b) Effective with revisions December 1, 1974 and after, Title XIX prevailing fee maximums shall [will] be generated from the same historical data as referenced in paragraph (a) of this subsection.

(c) Effective with revisions December 1, 1974 and after, when applicable, Title XVIII, Part B current aggregate prevailing charge data shall [will] be utilized by the Medical Assistance Program.

(d) Percentile. The Title XIX prevailing charges were established by utilizing the statistical computation of the 50th and 75th percentile.

(4) Maximum reimbursement for covered procedures. Reimbursement for covered procedures shall be limited to the lowest of the following:

(a) The actual charge for services rendered as submitted on the billing statement.

(b) The dentist's median charge for a given service derived from claims processed during all of the calendar year preceding the start of the fiscal year in which the determination is made.

(c) The Title XIX prevailing fee maximum for a given service, derived from claims processed as

described in paragraph (b) of this subsection.

Section 3. [2.] Hospital Inpatient Care. (1) Hospitalized inpatient care, which is paid in the same manner as shown in Section 1 of this regulation with the exception that the same inpatient hospital rate reduction applied to physicians shall [will] also be applied to general dentists, refers to those services provided inpatients. It does not include dental services provided in the outpatient, extended care or home health units of hospitals. Any dentist submitting a claim for hospital inpatient care benefits must agree to accept payment in full for services rendered that patient during that admission.

(2) A general dentist may submit a claim for hospital inpatient services for the patient termed "medically a high risk." Medically high risk is defined as a patient in one (1) of the following classifications:

- (a) Heart disease;
- (b) Respiratory disease;
- (c) Chronic bleeder;
- (d) Uncontrollable patient (retardate, emotionally disturbed); or
- (e) Other (car accident, high temperature, massive infection, etc.).

Section 4. Reimbursement Exceptions. Effective with regard to services provided on or after May 1, 1989, the procedures specified in this section shall not be paid in accordance with Sections 2 and 3 of this regulation but shall be paid at the lower of the provider's usual and customary actual billed charge or the fixed fee (i.e., fee upper limits) specified in this section. The procedures and fixed fees are as follows:

(1) Alveoplasty (alveoloplasty) in conjunction with extractions per quadrant, \$54;

(2) Apicoectomy (per tooth) - first root, \$60;

(3) Apicoectomy (per tooth) each additional root, \$74;

(4) Gingivectomy or gingivoplasty - per quadrant, \$168;

(5) Gingivectomy or gingivoplasty - per tooth, \$66;

(6) Biopsy - excision of benign tumor - lesion diameter up to 1.25 cm., \$37;

(7) Frenulectomy (frenotomy or frenectomy - separate procedure), \$47;

(8) Suture of recent small wounds up to five (5) cm., \$57;

(9) Incision and drainage - intraoral soft tissue, \$39;

(10) Incision and drainage - extraoral soft tissue, \$31;

(11) Removal of foreign body, skin, or subcutaneous areolar tissue, \$109;

(12) Hospital call, \$30;

(13) Emergency call (intermediate level of service), \$25; and

(14) Comprehensive oral examination (limited to one (1) per provider per recipient per year), \$15.

Section 5. [3.] Oral surgeons shall be treated in the same manner as physicians for reimbursement purposes, and shall be subject to the terms and conditions of payment shown in 907 KAR 1:010, Payments for physicians' services.

[Section 4. The amendments to this regulation shall be effective with regard to services

or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions for payments for durable medical equipment services (including supplies) made by the Medical Assistance Program in behalf of both the categorically needy and medically needy.

Section 1. Participation Requirement. Each provider desiring to participate as a durable medical equipment provider must be a Medicare qualified provider, and sign a provider agreement with the Cabinet for Human Resources, Department for Medicaid Services.

Section 2. Payments for Durable Medical Equipment. When durable medical equipment and medical supplies are provided to eligible Medicaid recipients in accordance with 907 KAR 1:470, Durable medical equipment, the cabinet

shall reimburse the participating provider on the basis of usual and customary actual billed charges not to exceed Medicare upper limits for the particular item. If the durable medical equipment or medical supplies are covered by Medicaid, but not covered by Medicare, Medicaid will set the applicable upper limit. Medicaid established upper limits shall be based on standards of reasonableness and designed not to exceed area prevailing charges.

Section 3. The provisions of this regulation shall be effective with regard to services provided on and after May 1, 1989.

ROY BUTLER, Commissioner  
HARRY J. COWHERD, M.D., Secretary  
APPROVED BY AGENCY: April 26, 1989  
FILED WITH LRC: May 3, 1989 at 9 a.m.

medically needy is determined.

Section 1. Resource Limitations and Exclusions of the Medically Needy. The following provisions are applicable with regard to computation of allowable resources:

(1) The upper limit for resources for family size of one (1) and for family size of two (2) is set at [\$1,700 and \$3,400 respectively, effective January 1, 1986; at \$1,800 and \$3,600 respectively, effective January 1, 1987; at \$1,900 and \$3,800 respectively, effective January 1, 1988; and at] \$2,000 and \$4,000 respectively, effective January 1, 1989, with fifty (50) dollars for each additional member.

(2) A homestead, occupied or abandoned, household equipment, and farm equipment without limitation on value are excluded from consideration.

(3) Equity of \$6,000 in income-producing, nonhomestead real property, business or nonbusiness, essential for self-support, is excluded from consideration. In addition, for AFDC related MA only cases the value of otherwise countable real property (whether income producing or nonincome producing) may be excluded from consideration for six (6) months if a good faith effort is being made to dispose of the property properly; an additional three (3) months may be allowed for the disposal at the request of the recipient if efforts to dispose of the property within the six (6) month period have been unsuccessful.

(4) Equity of \$4,500 in automobiles is excluded from consideration; however, if an automobile is used for employment, to obtain medical treatment of a specific or regulation medical problem, or if specially equipped (e.g., as for use by the handicapped) the total value of such automobile is excluded.

(5) Burial reserves of up to \$1,500 per individual, which may be in the form of burial agreement(s) (prepaid burials or similar arrangements), trust fund(s), life insurance policies, or other identifiable funds are excluded from consideration. The cash surrender value of life insurance is considered when determining the total value of burial reserves. When burial funds are commingled with other funds, the applicant has up to thirty (30) days to separately identify the burial reserve amount. Interest or other appreciation of value of an excluded burial reserve is excluded so long as such amount is left to accumulate as a part of the burial reserve.

(6) Burial spaces, plots, vaults, crypts, mausoleums, urns, caskets, and other repositories which are customarily and traditionally used for the remains of deceased persons are excluded from consideration as a countable resource without regard to value.

(7) Resources determined in accordance with subsections (3), (4), and (5) of this section to be in excess of excluded amounts must be considered countable resources when determining whether the individual or family group exceeds the upper limits specified in subsection (1) of this section. If resources exceed the upper limits, the individual or family group is ineligible.

(8) The following exclusions are also applicable as stated:

(a) Proceeds from the sale of a home are excluded from consideration for three (3) months from date of receipt if used to purchase another

home.

(b) Resources of a blind or disabled person necessary to fulfill an approved plan for achieving self-support are excluded from consideration.

(c) Payments or benefits from federal statutes, other than Title XVI (Supplemental Security Income), are excluded from consideration (as either a resource or income) if precluded from consideration in Title XVI determinations of eligibility by the specific terms of the statute.

(d) Disaster relief assistance is excluded from consideration.

(e) Cash or in-kind replacement for repair or replacement of an excluded resource is excluded from consideration if used to repair or replace the excluded resource within nine (9) months of the date of receipt.

(f) Effective with regard to determinations of eligibility made on or after April 16, 1988, and applicable with regard to the usual three (3) month period for retroactive eligibility, the life interest that Medicaid applicants or recipients may have in real estate or other property shall be excluded from consideration as an available resource.

(g) Effective with regard to determinations of eligibility for periods beginning on or after December 1, 1988 real property is excluded from consideration for adult medical assistance and state supplementation recipients if:

1. Such property is jointly owned and its sale would cause undue hardship due to loss of housing for the other owner or owners; or

2. Its sale is barred by a legal impediment; or

3. The owner's reasonable efforts to sell have 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

as shown in subsections (2) and (3) of this section.

(2) Income protected for basic maintenance, effective July 1, 1986, is forty (40) dollars monthly in lieu of the figure shown in Section 3 of this regulation. All income in excess of forty (40) dollars is applied to the cost of care except as follows:

(a) Available income in excess of forty (40) dollars is first conserved as needed to provide for needs of the spouse and minor children up to the appropriate family size amount from the scale as shown in Section 3 of this regulation.

(b) Remaining available income is then applied to the incurred costs of medical and remedial care that are not subject to payment by a third party (except that, effective for determinations of eligibility for periods beginning on or after December 1, 1988, the incurred costs may be reimbursed under another public program of the state or political subdivision of the state), including Medicare and health insurance premiums and medical care recognized under state law but not covered under the state's Medicaid plan.

(3) The basic maintenance standard allowed the individual during the month of entrance into or exit from the long term care facility shall reasonably take into account home maintenance costs.

(4) When an individual loses eligibility for a supplementary payment due to entrance into a participating long term care facility, and the supplementary payment is not discontinued on a timely basis, the amount of any overpayment is considered as available income to offset the cost of care (to the Medical Assistance Program) if actually available for payment to the provider.

(5) Effective with regard to determinations of eligibility made on March 16, 1989 and thereafter, Supplemental Security Income (SSI) or state supplementation payments received by specified institutionalized Medicaid eligible individuals in accordance with Section 1611(e)(1)(G) of the Social Security Act shall be excluded from consideration as either income or a resource, and such payments may not be used in the posteligibility process to increase the patient liability.

Section 6. Spend-down Provisions. No technically eligible individual or family is required to utilize protected income for medical expenses before qualifying for medical assistance. Individuals with income in excess of the basic maintenance scale as contained in Section 3 of this regulation may qualify for medical assistance in any part of a three (3) month period in which medical expenses incurred have utilized all excess income anticipated to be in hand during that period; effective October 1, 1988, medical expenses incurred in periods prior to the quarter for which spend-down eligibility is being determined may be used to offset excess income so long as such medical expenses remain unpaid at the beginning of the quarter and have not previously been used as spend-down expenses. Effective for determinations of eligibility for periods beginning on or after February 1, 1989, the incurred costs may be reimbursed under another public program of the state or political subdivision of the state and still be considered incurred costs of the applicant or recipient.

Section 7. Consideration of State Supplementary Payments. For an individual receiving state supplementary payments, that portion of the individual's income which is in excess of the basic maintenance standard is applied to the special need which results in the supplementary payment.

Section 8. Special Needs Contributions for Institutionalized Individuals. Voluntary payments made by a relative or other party on behalf of a long term care facility resident or patient shall not be considered as available income if made to obtain a special privilege, service, or item not covered by the Medical Assistance Program. Examples of such special services or items include television and telephone service, private room or bath, private duty nursing services, etc.

Section 9. Pass-through Cases. Increases in social security payments due to cost of living increases but for which the individual would be eligible for supplemental security income benefits or state supplementary payments, and which are received after April 1, 1977, shall be disregarded in determining eligibility for medical assistance benefits; such individuals shall remain eligible for the full scope of program benefits with no spend-down requirements. Beginning on November 1, 1986, the additional amount specified in Section 12202 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) shall be disregarded, i.e., that amount of social security benefits to which certain widows or widowers were entitled as a result of the recomputation of benefits 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



for the cost of care. (Note: in this situation any welfare payment made to the child is disregarded when determining liability for cost of care.) The eligibility of the individual, with regard to income and resources, shall be determined on the basis of living apart from the other family members whenever it becomes apparent that the separation will last for more than one (1) year.

Section 11. Treatment of Income of the Stepparent or Parent/Legal Guardian of a Minor Parent/Legal Guardian (referred to as a "Grandparent") and Effect on Eligibility of the Assistance Group Effective with Regard to Determinations of Eligibility Made On or After June 1, 1989. An incapacitated (as determined by the department) stepparent's income, or a grandparent's income, is considered in the same manner as for a parent if the stepparent or grandparent is included in the family case. When the stepparent or grandparent living in the home is not being included in the family case, the stepparent's [or grandparent's] gross income is considered available to the spouse or the grandparent's gross income is considered available to the minor parent in accordance with the policies set forth in this section.

(1) Disregards/exclusions from income. The following disregards/exclusions from income shall be applied:

(a) The first seventy-five (75) dollars of the gross earned income of the stepparent or grandparent who is employed full time or part time (with full-time and part-time employment as defined in Section 4(1) of this regulation).

(b) An amount equal to the medically needy income limitations scale as shown in Section 3 of this regulation for the appropriate family size, for the support of the stepparent or grandparent and any other individuals (not including the spouse or minor parent) living in the home but whose needs are not taken into consideration in the medical assistance eligibility determination and are claimed by the stepparent or grandparent as dependents for purposes of determining his federal personal income tax liability.

(c) Any amount actually paid by the stepparent or grandparent to individuals not living in the home who are claimed by him as dependents for purposes of determining his personal income tax liability.

(d) Payments by the stepparent or grandparent for alimony or child support with respect to individuals not living in the household.

(e) Income of a stepparent or grandparent receiving supplemental security income.

(f) Verified medical expenses for the stepparent or grandparent and his dependents in the home.

(2) Determining eligibility of the [minor parent, spouse (of the stepparent), grandchild(ren) and stepchild(ren)] [children]. When a stepparent or grandparent has available income remaining after disregards/exclusions are applied, the income may be deemed to the spouse (of the stepparent) or minor parent (child of the grandparent) but not to the stepchild(ren) or grandchild(ren). Eligibility of the [minor parent, spouse (of the stepparent), stepchild(ren) or grandchild(ren)] is determined in the following manner in order to take this requirement into consideration:

[(a) To determine eligibility of the

grandchild(ren) or stepchild(ren),] consider only the income of the grandchild(ren) and minor parent, or stepchild(ren) and parent (spouse of the stepparent) as appropriate. The budget size would include the child(ren) and parent. If there is no excess, the child(ren) is eligible; if there is an excess, the excess amount may be spent down in the usual manner. [The available income deemed to the spouse or minor parent shall be the lesser of the amount available or the medically needy income level for one (1), as shown in Section 3 of this regulation.]

(3)(a) [(b)] To determine separate eligibility of the minor parent (of the grandchild) or spouse (of a stepparent) when the eligibility of the grandparent or stepparent is not to be determined, consider the income of the child(ren) and his parent, and the actual amount available for deeming from the grandparent or stepparent. The budget size would include the child(ren) and parent (but not the grandparent or stepparent). If there is no excess, the minor parent or spouse (of a stepparent) is eligible; if there is an excess, the excess amount may be spent down in the usual manner. [The income of the spouse or minor parent (including the amount deemed) shall be combined with that of the child(ren) and the total compared against the medically needy income level for the appropriate family size. If there is no excess income, the child is eligible. If there is an excess, the excess amount may be spent down in the usual manner.]

(b) [(3) Determining eligibility of the grandparent or spouse.] When the grandparent (of a minor parent) or the stepparent (spouse of the parent with children) are to be included in the case, eligibility of the minor parent or spouse cannot be determined separately but must be determined in combination with that of the grandparent or stepparent. The combined eligibility of the minor parent and grandparent or spouse and incapacitated stepparent is determined in the usual way including the available income of the grandparent or stepparent, the minor parent or spouse of the stepparent, and the grandchild(ren) or stepchild(ren) as 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 minor parent and grandparent or spouse and incapacitated stepparent are [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



transfer is required to be for an amount equal to the fair market value.

(4) After determining that the purpose of the transfer was to become or remain eligible, the cabinet shall first add the uncompensated equity value of the transferred resource to other currently held resources to determine if retention of the property would have resulted in ineligibility. For this purpose, the resource considered available shall be the type of resource it was prior to transfer, e.g., if nonhomestead property was transferred, the uncompensated equity value of the transferred property would be counted against the permissible amount for nonhomestead property. If retention of the resource would not have resulted in ineligibility, the value of the transferred resource would thereafter be disregarded.

(5) If retention would result in ineligibility, the cabinet will compute a period of ineligibility as provided for in subsection (1) of this section.

(6) The uncompensated value may be excluded from consideration when good cause exists. A waiver of consideration of the uncompensated amount will be granted subject to the following criteria:

(a) "Good cause" means that an expense (or loss) was incurred by the individual or family group due to a natural disaster, fire, flood, storm or earthquake; or illness resulting from accident or disease; or hospitalization or death of a member of the immediate family; or civil disorder or other disruption resulting in vandalism, home explosions, or theft of essential household items.

(b) The exclusion may not exceed the amount of the incurred expense or loss; the amount of the uncompensated value to be excluded cannot include any amount which is payable by Medicaid, Medicare, or other insurance.

Section 15. Special Provisions for AIS/MR Recipients. Medical assistance eligibility for participants in the program of alternative intermediate services for the mentally retarded (AIS/MR) shall be determined taking into consideration the special provisions contained in this section.

(1) 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.

(2) AIS/MR services program participants who participate in the AIS/MR 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). Income protected for basic maintenance of the AIS/MR participant in the posteligibility determination of patient liability for individuals eligible on the basis of the special income level of 300 percent of the federal SSI standard shall be the standard for the federal supplemental security income program in addition to the SSI general exclusion.

(3) When eligibility is determined using community deeming rules, the attributed cost of care against which monthly available income of the AIS/MR participant shall be applied shall be the projected annual average cost of care for all participants divided by twelve (12) and rounded to the nearest dollar. 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) Eligibility shall continue on the same basis as for an institutionalized individual when the cost of care is greater than the recipient's adjusted monthly income or 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.

Section 16. Special Provisions for Hospice Recipients. Medical assistance eligibility for participants under the Medicaid hospice benefit 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 the hospice participant in the posteligibility determination of patient liability for noninstitutionalized individuals eligible on the basis of the special income level of 300 percent of the federal SSI standard shall be the standard for the federal supplemental security income (SSI) program in addition to the SSI general exclusion. For the noninstitutionalized medically needy participants (all of whom must spend-down on a quarterly basis), the amount protected for basic maintenance is the usual medically needy standard as shown in Section 3 of this regulation plus the SSI general exclusion. For the institutionalized medically needy the amount protected for basic maintenance in the eligibility determination is the medically needy standard for the appropriate family size plus the SSI general exclusion. If a hospice participant is institutionalized in a long-term care facility, the basic maintenance 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

## PROPOSED AMENDMENTS RECEIVED THROUGH MAY 15, 1989

COUNCIL ON HIGHER EDUCATION  
(Proposed Amendment)

13 KAR 2:020. Guidelines for undergraduate admission to the state-supported institutions of higher education in Kentucky.

RELATES TO: KRS 164.020(3)

STATUTORY AUTHORITY: KRS 13A.100, 164.020(3), 164.030, 164.284

NECESSITY AND FUNCTION: Admission requirements shall be established by the institutions in keeping with adopted policies of the Council on Higher Education. Pursuant to KRS 164.020(3) the council approves the minimum qualifications for admission to the public institutions of higher education. It is the intent of the council that all Kentucky residents shall have available to them an opportunity for higher education appropriate to their interests and abilities. This regulation sets forth the minimum standards and policies of the council related to admission at state-supported institutions of higher education.

Section 1. General. (1) Students from other states and countries will be accepted by Kentucky public institutions providing that nonresident [out-of-state] enrollment does not inhibit the opportunities of Kentucky residents to benefit from the facilities provided. Public institutions of higher learning may establish additional admissions criteria that are in compliance with council policy established pursuant to KRS 164.020(3).

(2) The American Association of Collegiate Registrars and Admissions Officers' Transfer Credit Practices of Educational Institutions shall serve as a reference for the acceptance of transfer credits. Generally, a student dismissed from a college or university shall not be accepted at a Kentucky public institution for the semester following his dismissal. Failure to report enrollment at another institution may result in dismissal and/or loss of credits earned.

[(3) Transcripts for transfer students should bear a stamp showing "entitled to honorable dismissal" for all students entitled to honorable dismissal. In the absence of the stamp on the transcript, the student's status should be checked with the institution from which the student is transferring.]

(3) [(4)] The Council on Higher Education is concerned that the student's articulation from one (1) institution to another be as smooth as possible. It shall be the responsibility of all public institutions to assure that the student is adequately counseled concerning transfer of credit. Consistent with the community college objective of a two (2) year curriculum, transfer from such schools is normally expected at the completion of requirements for the associate degree. Transfer prior to that time, however, may be advisable in specialized programs.

Section 2. Minimum Qualifications for Institutional Admission as First-time Freshmen. [to Freshman Class. High school graduates:]

(1) Kentucky residents who have graduated from high schools that have met the accreditation standards of the Kentucky Department of

Education, who have taken the ACT, and who will enroll in college classes for the first time following graduation from high school [attempted no previous college-level work] are generally granted admission to [the] community colleges and [the] community college programs at each university [the individual universities]. The Career Planning Program-Level II (CPP-II) or the ASSET testing program may be substituted for the ACT requirement for adult students, if the institution believes either of these testing instruments is better suited to the needs of adult students. An adult student is defined as an individual who is twenty-one (21) or older. Certain programs, however, may have additional admissions requirements.

(2) Kentucky residents who have graduated from high schools that have met the accreditation standards of the Kentucky Department of Education, who have taken the ACT\*, who have completed the minimum educational preparation, and who will enroll in college classes for the first time following graduation from high school [attempted no previous college-level work] have fulfilled [achieved] the minimum [minimal] requirements for admission to baccalaureate programs at each university [the individual universities]. (\*The ACT is the preferred admission test for Kentucky public institutions, and applicants are encouraged to take the ACT; however, each institution may accept the SAT in lieu of the ACT for resident and nonresident applicants in an amount not to exceed ten (10) percent of the first-time freshmen admitted to baccalaureate programs.) Each university may establish additional admission criteria to supplement these minimum requirements.

(3) Kentucky residents [Applicants for admission] who have earned a high school equivalency certificate (GED) or who are [and] graduates of high schools that have not met the accreditation standards of the Kentucky Department of Education may be admitted to [the] community colleges or community college programs at each university [the individual universities] upon completion of the ACT [exam]. The Career Planning Program Level II (CPP-II) or the ASSET testing program may be substituted for the ACT requirement for adult students, if the institution believes either of these testing instruments is better suited to the needs of adult students. An adult student is defined as an individual who is twenty-one (21) or older. These same individuals [graduates] may be admitted to baccalaureate programs at each university [the individual universities] by meeting the minimum requirements specified in subsection (2) of this section. [validating satisfactory] Completion of the minimum educational preparation may be validated through the submission of ACT area scores which are deemed adequate by each university. Each university may establish additional admission criteria to supplement these minimum requirements. [requirements on the ACT exam or by meeting the provisions for exceptional admission as detailed in this subsection.]

(4) Nonresidents must meet the same minimum qualifications for admission as Kentucky residents as stated in subsections (1) through (3) of this section and at least one (1) of the following conditions in order to be admitted to

requirements for nonresidents.

(2) Lower division academic courses offered for undergraduate credit at any accredited Kentucky community college are transferable for academic credit to state-supported universities. Lower division academic courses are those offered for undergraduate credit at the freshman and sophomore level or normally counted toward requirements for an associate degree. Usually numbered 100 to 299, these are introductory in nature and require no significant prerequisites. Determination of course level shall be made by the governing boards of the public universities and filed with the Council on Higher Education.

(3) The number of semester hours earned at the community college level which will be applied toward meeting requirements for a baccalaureate degree will depend upon the degree being pursued and the transfer practices of the receiving institution. In cases where educational objectives have changed, students may take additional courses at a community college after having completed the associate degree requirements. In this event, the college to which the student plans to transfer should be consulted.

(4) Although each public university has the responsibility for determining its degree requirements, it normally takes two (2) additional academic years for a community college transfer student to complete baccalaureate degree requirements.

(5) Credits presented from institutions not [fully] accredited may be accepted only when validated by advanced work at [in] the receiving institution and/or by examination at the discretion of the institution.

Section 7. General Policies on Nonresident [Policy on Out-of-state] Enrollment. [(1) The following general policy statements were amended to establish the limitation on enrollment of out-of-state professional students in state-supported institutions, as well as conditions to be met by nonresident students entering the state institutions.]

[(1) [(a) The] Nonresident [(out-of-state)] enrollment in the school of [law,] medicine[, and dentistry] at [the] state-supported institutions operating those programs is limited to no more than ten (10) percent of the total headcount enrollment in each program.]

[(2) [(b)] Institutions which waive the nonresident [out-of-state] surcharge for nonresident [out-of-state] students will continue to count those students as nonresident [out-of-state] students for purposes of this policy and reporting to the council.]

[(c) Nonresident students must meet the same admission requirement as resident students and at least one (1) of the following conditions in order to be admitted to the state institutions:]

[1. Graduate in the top fifty (50) percent of their high school class;]

[2. Score in the 50th percentile or above for all students taking the ACT test nationally;]

[3. Demonstrate through other accepted measures the ability to pursue the college academic program without substantial remedial aid.]

[(2) Nonresident students failing to meet the minimum educational preparation requirements as stated in Section 3 of this regulation are eligible for admission under the exceptions policy stated in Section 4 of this regulation.]

GARY S. COX, Executive Director

APPROVED BY AGENCY: May 9, 1989

FILED WITH LRC: May 9, 1989 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 26, 1989 at 10 a.m. at the Council on Higher Education Conference Room, 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 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: Michael Gardone, Council on Higher Education, 1050 U.S. 127 South, Suite 101, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael Gardone

(1) Type and number of entities affected: This amendment makes minor adjustments to a regulation which affects all 8 of the state-supported universities, the 14 community colleges within the UK community college system, and all applicants for admission to the freshmen class. As amended, this regulation allows the universities to admit a limited number of applicants who have taken the SAT instead of the ACT admission test. Enrollment of such students is limited to 10 percent of the freshman class admitted to baccalaureate programs. Those students conditionally admitted without having fulfilled the testing requirement must take the ACT during the first semester of enrollment. For adult students, the CPP-II or ASSET testing program may be substituted for the ACT at the discretion of the institution. For students seeking admission to baccalaureate programs at the universities, course selections must follow the CHE's Precollege Curriculum and the Department of Education's Program of Studies to meet the minimum educational requirements for admission into baccalaureate programs. Beginning in 1990-91, the selection of science and mathematics electives by college-bound students will be limited to predetermined courses identified in the program of studies.

(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): None

(b) Reporting and paperwork requirements: No additional requirements.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

references to the "long form" certificate of existence or authorization, and to the fees charged therefore. It has been determined that KRS Chapter 271B does not provide for a "long form certificate" nor does it authorize a fee for such a document. This amendment is proposed in order to delete material to which the committee objected at its meeting on April 10, 1989. As amended the regulation's wording will comply with the language of the new corporation law (KRS Chapter 271B) which refers to certificate of existence and certificate of authorization rather than to the certificate of good standing which were issued by the Secretary of State under the previous law (KRS Chapter 271A).

**TIERING:** Was tiering applied? No. Standard for determining whether or not a corporation is in "good standing" is applied consistently and uniformly. All applicants requesting certificate of existence or authorization are treated equally and requests are handled in chronological order as they are received, although special efforts are made to handle emergency requests. Charge for these certificates is the same to all applicants, those set out in KRS 271B.1-220.

#### **BOARD OF CLAIMS (Proposed Amendment)**

#### **108 KAR 1:010. Board operation and claim procedure.**

RELATES TO: KRS 44.070, 44.080, 44.086, 44.090

STATUTORY AUTHORITY: KRS Chapter 13A, 44.080

NECESSITY AND FUNCTION: KRS 44.080 requires the Board of Claims to establish rules for its government and for the regulation of the method of pleading and practice before it. The purpose of this regulation is to establish rules for procedures for claims and rules for operation of the board.

**Section 1. Meetings.** (1) Additional meetings of the board may be called by the chairman or a majority of the board at such times and places as the call directs.

(2) Three (3) members of the board shall constitute a quorum.

(3) The board shall be considered in continuous session to enter orders.

(4) The Executive Director of the Board of Claims shall serve as secretary to the board and shall have authority to order the submission of briefs, set hearings, and issue such other orders as the board may direct.

**Section 2. Filing of Claims; Response to Claims.** (1) Claims shall be legibly written, typed or printed and mailed or delivered to the Board of Claims office in Frankfort, Kentucky.

(2) Each claim shall contain the name and address of the claimant, the amount he is claiming and a statement of facts sufficiently clear to show that the claimant is entitled to relief under the provisions of KRS 44.070 and to enable the defendant to investigate the claim and prepare its defense.

(3) Claims may be filed by the claimant or by an attorney or legal representative acting in the claimant's behalf.

(4) The board's secretary shall promptly furnish a copy of each claim to the head of the

affected agency and to the Attorney General.

(5) All claims under \$1,000 shall be investigated by the administrative staff of the board. Within forty-five (45) days from the date receipt of claim is acknowledged to the claimant, the board shall, if the claim is for less than \$500, issue Findings of Fact, and an Opinion and Order either awarding or denying the claim; if the claim is for between \$500 and \$1,000, the staff, upon completion of its investigation, shall report to all parties its findings as to negligence. Any party who is aggrieved by these findings may request a hearing within thirty (30) days, and if requested, such hearing shall be set by the Secretary of the board. If no hearing is requested, the board, upon expiration of the thirty (30) day period, will enter its final order in the matter.

(6) All claims over \$1,000 shall be investigated by the agency concerned and, within thirty (30) days, the agency shall answer the charges in writing to the board and to the claimant.

(7) If the Attorney General wishes to enter the matter, he shall file such response as he desires with the board.

(8) If the response filed by the affected agency admits liability, the secretary shall submit the matter to the board at an early meeting.

(9) If the affected agency fails to respond to the board concerning its investigation within thirty (30) days, the secretary shall submit the matter to the board at an early meeting.

(10) If the response filed by the affected agency denies negligence in a claim whose value is \$1,000 or greater, the secretary shall set a hearing before a hearing officer and shall notify the claimant and the head of the affected agency (or their attorneys) of the time and place of the hearing.

**Section 3. Hearings.** (1) Hearings shall be open to the public. The proceedings of hearings shall be taken by a stenographer. The hearing officer shall cause the hearing to be conducted with decorum.

(2) The proof required to support a claim shall be that required to support a claim in any court of competent jurisdiction in this Commonwealth.

(3) All testimony and proof shall be presented at the hearing before the hearing officer by all parties; however, the board, on oral motion at the hearing or on written motion thereafter, shall permit further proof during thirty (30) days following the hearing.

(4) Any claimant desiring to submit medical or other expert testimony shall be granted thirty (30) days after the hearing to do so and the defendant shall be granted forty-five (45) days thereafter to complete its proof. For good cause, these times may be extended by the board.

(5) If the claimant fails to appear at a scheduled hearing of which he has notice and fails to show good cause within five (5) days for failure to appear, the board may order the claim dismissed. If the affected state agency fails to appear at the hearing, the hearing officer in his discretion may take the testimony of any witnesses present.

(6) After completion of proof and submission of the case for decision, the claimant shall have thirty (30) days to submit its brief; the

action or vote of the designating elected official. The designee of a mayor or county judge/executive shall be a member of the designator's respective legislative body or their staff. Other persons who are not elected officials or their staff may be designated as a representative with the consent of that body. [Designated alternates who are not elected officials must meet the requirements of citizen members as set out hereinafter.]

(4) The elected officials provided for in subsections (1) and (2) of this section shall select citizen members in accordance with the following: [procedure set forth in this regulation:]

(a) A citizen member must reside within the area development district and shall have demonstrated an interest in regional development and/or public service.

(b) The distribution should be fair among the counties of the area development district.

(c) Provision shall be made for reasonable representation of the larger [major] minority group(s), females, low-income citizens and the principal economic interests of the district. Such representation may be provided by [appropriate persons who are either] elected officials or citizen members of the board.

(5) The board of directors may make provision for additional elected officials to serve on the board. At least one (1) resident member of the House of Representatives and/or one (1) resident member of the Senate shall be offered such board membership under conditions established by the board of directors. Such members need [shall] not be considered in determination of a quorum.

Section 4. Advisory Committee Chairman. The chairmen of functional advisory committees of the board of directors may serve as members of the board of directors.

Section 5. Elections; Tenure. (1) Elected public officials shall serve on the board of directors of each area development district during the tenure of their public office.

(2) Citizen members shall be individually selected to the board of directors for terms not to exceed three (3) years; provided, such citizen members may [shall] be eligible for election to additional terms as the board of directors shall provide.

(3) Citizen board membership shall terminate on expiration of a term, board acceptance of a resignation, or change of residence to locality outside the area development district.

(4) The board of directors may declare a citizen membership vacant when a member has failed, without reason, to attend three (3) successive regular or special meetings of the board.

Section 6. Officers. (1) The board of directors of each area development district shall elect the following officers: a chairman, a vice chairman, a secretary, a treasurer, and such other officers as the board may deem necessary. The office of secretary and treasurer may be combined. Each officer shall be elected for a term of one (1) year. No member shall be eligible to hold more than one (1) office at a time, and no officer shall be eligible to serve more than two (2) full terms consecutively in the same office. Officers shall perform such duties as may be prescribed by the board of

directors.

(2) Annual selection of officers shall be held at a designated meeting in each calendar year.

LEE TROUTWINE, Commissioner

RICHARD S. TAYLOR, Secretary

APPROVED BY AGENCY: May 5, 1989

FILED WITH LRC: May 8, 1989 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 23, 1989 at 10 a.m. in the Department of Local Government Conference Room, Second Floor, Capital Plaza Tower, Frankfort. Individuals interested in attending this hearing shall notify this agency in writing by June 18, 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: Peggy Satterly, Department of Local Government, Capital Plaza Tower, Second Floor, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Peggy Satterly

(1) Type and number of entities affected: All county judges/executive and all mayors who are members of area development district boards of directors.

(a) Direct and indirect costs or savings to those affected: No direct or indirect costs or savings are affected by this amendment.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No changes will be effected in reporting or paperwork requirements.

(2) Effects on the promulgating administrative body: There are no effects on the promulgating administrative body (Department of Local Government) since this only affects designation of alternates by county judges/executive or mayors who are area development district board members and other technical corrections.

(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: There will be no effect on state and local revenues in that no costs are involved in this process.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The purpose of this amendment is to bring the administrative regulation (109 KAR 5:010) in compliance with KRS 147A.060, which was amended in 1984, and to make technical corrections. There are no alternative methods by which to accomplish this.

hunting rules.

Section 1. Deer and turkey Season on Special Deer Areas. Unless stated herein, statewide deer gun and archery season regulations as stated in 301 KAR 2:170 apply. These areas are open only on the dates specified below for deer or turkey hunters [for the species mentioned herein]. Either the state white, [or] yellow or special purpose tag is valid on these areas.

(1) Land Between the Lakes Wildlife Management Area (LBL) located in Trigg and Lyon Counties.

(a) Deer archery hunts (any deer [either sex]): white-tailed or fallow deer as specified in the LBL Hunting and Angling Guide. The fourth Saturday in September through October 26 [27], October 30 [31] through November 9 [10] and December 16 [17] through December 31.

(b) Quota deer hunts.

1. Quota gun hunts: white-tailed or fallow deer and sex as specified on permit. November 18-19, 21-22, and 25-26 [19-20, 22-23, and 26-27].

2. Quota archery hunts: white-tailed or fallow deer and sex as specified on permit, in that portion of the Environmental Education Area designated as hunt area 17. October 28-29 [29-31], November 18-19 and 25-26 [19-21 and 26-28].

(c) Turkey archery hunts: one (1) turkey of either sex during the deer archery hunts as specified in subsection (1)(a) of this section. Hunter shall [must] have a valid wild turkey permit in possession when a turkey is taken. Turkey hunting shall [will] be allowed only by hunters with a valid unfilled deer tag.

(d) Quota deer gun hunt for youths only: one (1) white-tailed deer or fallow of either sex as specified on permit on October 28-29 [29-30]. Hunting is restricted to persons at least ten (10) years of age but who have not reached their 16th birthday. Each youth shall [must] be accompanied by an adult and shall [must] have a valid Kentucky hunting license, a state deer permit, an LBL Youth Hunt Permit and a state approved Hunter Safety Certificate.

(e) Bag limits. The deer bag limit for the Kentucky portion of LBL is two (2) deer; provided only one (1) deer is taken during any quota gun or quota archery hunts at LBL.

(f) Areas open and closed to hunting. State line to Barkley Canal is open to hunting except for developed public use areas (unless posted as open), safety zones and areas posted as closed.

(g) Youth and quota hunt applications. Hunters shall [will] be selected by a drawing. Application forms are available from, and shall [must] be submitted to, Quota Deer Hunt, Land Between the Lakes, Golden Pond, Kentucky 42231. Completed applications shall [must] be received by the wildlife staff at the Land Between the Lakes Administrative Office no later than 3:30 p.m. on the last Wednesday in July. If unfilled quotas exist after the regular drawing, quotas shall be filled by issuing permits on a first-come, first-served basis at the Land Between the Lakes administrative office.

(h) Checking in and out.

1. Quota gun hunters. All hunters, including those camping in LBL, shall [must] check in prior to hunting, but shall [will] not be required to check out unless a deer is harvested. [All successful hunters must fill out an official game check card at the check station.] Hunters shall [must] check in between

9 a.m. and 6 p.m. the day before the hunt, or after 4 a.m. on hunt days. Check stations will be open from 4 a.m. to 6:30 p.m. (CST) on hunt days.

2. Archery hunters. Archery hunters are not required to check in or out except on quota hunts. All deer and turkey harvested shall [must] be checked out. [All successful hunters must fill out an official game check card at the check station.]

(i) Permits and tagging requirements.

1. Permits. An LBL hunter use permit is required for each hunter participating in the deer and turkey archery season and an LBL computer card permit is required for each hunter participating in the quota gun or quota archery deer hunts.

2. Tags. All harvested deer and turkey shall [must] be tagged with an LBL permanent game tag before being removed from the area. Permanent LBL game tags shall [will] be attached to all harvested deer and turkey at LBL check stations. The LBL permanent game tag shall be used in place of the Kentucky Department of Fish and Wildlife Resources official game check card as proof of check in and for taxidermy purposes.

(j) Prohibited weapons. Crossbows are not permitted.

(k) The taking of coyotes. Hunters participating in the quota gun hunts may take coyotes provided they have not yet taken their deer and have a valid deer tag.

(2) For LBL general hunting rules refer to 301 KAR 2:050.

(3) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Tuesdays and Wednesdays except when Tuesday or Wednesday is a federal holiday or as follows: December 22-23 and 29-30, then hunting shall [will] be permitted. There will be no hunting on December 25 and January 1.

(a) Deer archery and muzzle-loading rifles season. Any [Either sex] deer: September 23 [24] through October 6 [7].

(b) Youth deer shotgun season: September 23 through October 6 on selected areas. Any deer. For persons aged ten (10) through sixteen (16) who shall be accompanied by an adult. Each youth shall have a valid hunter safety certificate. Shotguns twenty (20) gauge and larger shall be used.

(c) [(b)] Deer gun and archery season. Any [Either sex] deer: October 7 [8] through October 30, November 2-20, [November 21] and December 9 [10] through December 31 on selected areas.

(d) [(c)] Wild turkey archery season: Any [Either sex] turkey. Statewide season limits apply. September 24 through October 7. Only those turkey hunters who possess valid deer and turkey hunting permits shall [are permitted to] hunt turkey at this time. Turkey hunting shall [will] be permitted only by hunters with a valid unfilled deer tag.

(e) [(d)] Wild turkey shotgun only season: any [either sex] turkey. September 17-19 and 22-23.

(f) [(e)] White turkey season: any [either sex] white turkeys. The post bag limit is one (1) white turkey per deer gun season. Statewide and post season limits on white turkey do not apply to the taking of other turkey. White turkey may be taken during any open hunting season on Ft. Campbell. Only those turkey hunters who possess valid unfilled deer tags and turkey hunting permits are permitted to hunt turkey at this time.

Hunters, their hunting dates and areas shall [will] be selected by a drawing. All cards or envelopes shall [must] be postmarked no earlier than July 1 or later than August 1 to be eligible for the drawing. Improper applications shall [will] be discarded. A fifteen (15) dollars per person fee shall [will] be charged for hunting payable on the assigned hunting date. Mail all applications to: Lexington-Blue Grass Depot, Attention: Land Manager, Lexington, Kentucky 40511-5010.

(e) Age limits. No one under the age of fourteen (14) shall [will] be allowed to hunt.

(f) Prohibited and permitted weapons. Only breech-loading shotguns are permitted. Only longbows, recurve and compound bows having a pull weight of forty (40) pounds or greater are permitted. Crossbows are prohibited.

(g) Harvest quota. Hunting shall [will] be discontinued whenever the designated deer harvest quota is reached or upon the direction of the Activity Commander.

(h) Hunter safety certificates. All deer hunters born after January 1, 1970 shall [must] possess a hunter safety certificate.

(6) Reelfoot National Wildlife Refuge located in Fulton county.

(a) Deer quota hunts: any [open to either sex] deer beginning the last Saturday in October and the first and second Saturday in November and lasting for two (2) consecutive days each.

(b) Drawing. Only those persons selected by a drawing shall [will] be allowed to gun hunt. Hunters shall [may] hunt for a maximum of one (1) day only.

(c) Deer archery hunt: any [open to either sex] deer October 16-27 [beginning the third Sunday in October and lasting for thirteen (13) consecutive days].

(d) Bag limits. The refuge bag limit is two (2) deer of either sex.

(e) Check stations. All gun deer hunters are required to check in and out at designated check stations.

(7) Westvaco public hunting area. All persons hunting shall [must] possess a valid Westvaco hunting permit.

[(8) Higginson-Henry WMA located in Union County.]

[(a) Turkey archery season: either sex during the month of October.]

[(b) Special requirements. All hunters shall [must] possess both a valid deer tag and turkey tag.]

DON R. MCCORMICK, Commissioner  
MARY RAY OAKEN, Secretary  
DAVID GODBY, Chairman

APPROVED BY AGENCY: March 6, 1989

FILED WITH LRC: May 12, 1989 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 27, 1989 at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 22, 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: Lauren E. Schaaf, Director of Wildlife, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: An estimated 211,000 persons will participate in white-tailed deer hunting, and an estimated 3,000 persons will participate in wild turkey hunting in 1988. An unknown portion of these will avail themselves of the hunting opportunities offered on the federal installations spoken to in this regulation.

(a) Direct and indirect costs or savings to those affected: Involve the purchase of a state hunting license, one deer permit, and special hunting permits required by the administration of the federal installations. Indirect costs are determined by the individual hunter, depending on his level of participation.

1. First year: Persons participating in the deer hunting proposed for authorization by this regulation would be required to possess a valid hunting license (\$8.50 for residents) and a deer permit (\$17.50) unless exempt by regulations. Those participating in turkey hunting would be required to also purchase a turkey permit (\$15).

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): An additional hunting fee is charged by Fort Knox, Blue Grass Ordnance Depot Activity, Land Between the Lakes, and Fort Campbell.

(b) Reporting and paperwork requirements: Hunters will be asked to check their deer and turkey at a check station and fill out a tag denoting specific information about the deer and turkey taken. Hunters must complete applications for drawing hunts.

(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, reporting on, and enforcing the proposed regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with promulgation and enforcement of the regulation.

1. First year: The estimated department cost associated with establishing and carrying out the provisions of this regulation is \$2,500.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Deer and turkey hunters may be expected to expend money for equipment, transportation, food and lodging. The annual expenditure for these items averages \$25 per day of hunting according to the 1980 National Hunting and Fishing Survey. State and local revenues can be expected to be positively affected due to the necessary expenditures for the required licenses and taxes levied upon



Section 3. Requirements for Hunters Taking Antlerless Deer Under a Special Purpose Tag Used as an Antlerless Deer Permit. (1) Hunters must comply with all current deer season regulations, including the deer bag and possession limit, except that one (1) antlerless [either sex] deer may be taken with a special purpose tag.

(2) Before moving the carcass, hunters shall attach the adhesive backed special purpose tag [must complete the information on the carcass tag and check station portions of the antlerless deer permit and attach the carcass tag portion] to the deer in such a manner that it cannot be removed without destroying the tag or mutilating the deer.

(3) Hunters must check their deer in accordance with deer [gun and archery] season regulations [and, in addition, submit the check station portion of the antlerless deer permit to the check station operator].

(4) Hunters who take an antlered deer while in possession of a special purpose tag [an antlerless tag] are not required to affix the special purpose tag to the deer, but shall affix the yellow or the white state tag to the deer [antlerless carcass tag or submit the check station portion of the antlerless permit.]

(5) Unsigned special purpose tags are not valid.

DON R. McCORMICK, Commissioner  
MARY RAY OAKEN, Secretary  
DAVID GODBY, Chairman

APPROVED BY AGENCY: March 6, 1989

FILED WITH LRC: May 12, 1989 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 27, 1989 at 1 p.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 22, 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: Lauren E. Schaaf, Director of Wildlife, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: An estimated 211,000 persons will participate in the white-tailed deer hunting proposed by this regulation. An estimated 94,000 landowners actively engaged in farming may also be affected.

(a) Direct and indirect costs or savings to those affected: These costs involve the purchase of a state hunting license and a deer permit. Indirect costs are determined by the individual hunter, depending on his level of participation.

1. First year: Persons participating in the hunting proposed for authorization by this regulation would be required to possess a valid hunting license (\$8.50 for residents) and a deer permit (\$17.50) unless exempt by regulations.

2. Continuing costs or savings: Same as first year.

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

(b) Reporting and paperwork requirements: Deer hunters will be asked to check their deer at a county deer check station and fill out a game check card denoting specific information about the deer.

(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, reporting on, and enforcing the proposed regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with enforcement of the regulation.

1. First year: The estimated cost associated with establishing and carrying out the provisions of this regulation is \$500,000.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Approximately 211,000 deer hunters may be expected to expend money for equipment, transportation, food and lodging. The annual expenditure for these items averages \$25 per day of hunting according to the 1980 National Hunting and Fishing Survey. State and local revenues can be expected to be positively affected due to the necessary expenditures for the required licenses and taxes levied upon items purchased by hunters.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only alternative to regulated hunting is closure of the season. This alternative was rejected as contrary to the conservation ethic which is based on the wise use of renewable resources and the fact that white-tailed deer populations are at levels which can sustain a regulated harvest by Kentucky sportsmen.

(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: N/A

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes

#### FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes X No     

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. Only parts of local government will be affected.

3. State the aspect or service of local government to which this administrative regulation relates. The County Clerks office



# ADMINISTRATIVE REGISTER - 2425

2 years, up to and including 39 years	20% of sentence received	More than 9 years, up to and including 15 years	2 years
More than 39 years, up to and including Life	8 years	More than 15 years, up to and including 21 years	4 years
Persistent Felony Offender I	10 years	More than 21 years, up to and including Life	6 years

For the crimes, committed on or after July 15, 1986, of murder, manslaughter I, rape I, sodomy I, assault I, kidnapping (where there is serious physical injury or death), arson I (where there is serious physical injury or death), criminal attempt, criminal solicitation, or criminal conspiracy to commit any of the previously listed capital offenses or Class A felonies which involve serious physical injury or death of the victim:

Sentences of a Number of Years As prescribed by statute

Sentences of Life As prescribed by statute

(b) All persons confined to a state penal institution or county jail who have been convicted of a felony offense committed on or after December 3, 1980 but prior to the effective date of this regulation shall have their cases reviewed by the board in accordance with the schedule set out as follows:

Sentence Being Served	Time Service Required Before First Review (Minus Jail Credit)
1 year, up to but not including 2 years	4 months
2 years, up to and including 39 years	20% of sentence received
More than 39 years, up to and including Life	8 years

(c) All persons confined to a state penal institution or county jail who have been convicted of a felony offense committed prior to December 3, 1980 shall have their cases reviewed by the board in accordance with the schedule set out as follows:

Sentence Being Served	Time Service Required Before First Review (Minus Jail Credit)
1 year	4 months
More than 1 year and less than 18 months	5 months
18 months up to and including 2 years	6 months
More than 2 years and less than 2 1/2 years	7 months
2 1/2 years up to 3 years	8 months
3 years	10 months
More than 3 years, up to and including 9 years	1 year

Parole eligibility on those individuals serving multiple sentences, one (1) or more of the crimes which resulted in the convictions committed under Section 4(b) or (c) of this regulation and one (1) or more committed under Section 4(a) of this regulation, will be calculated by applying the parole eligibility criteria in effect at the time the most recent crime was committed.

(d) After the initial review for parole, subsequent review, so long as confinement continues, shall be at the discretion of the board; except maximum deferment given at any one time shall not exceed the minimum parole eligibility for a life sentence as established by statute. The board reserves the right to order a serve-out on any sentence.

(e) A sentence on conviction of a felony imposed upon a confined prisoner for a crime committed prior to the date of his instant commitment, if designated to be served consecutively, shall be added to the sentence being served to determine eligibility for parole consideration if the inmate has not been discharged from the institution since his original admission on that institutional number. If the confined prisoner is a returned parole violator with an additional consecutive sentence then parole eligibility will be determined on the length of the new sentence only, calculated from the date of final sentencing. If the confined prisoner has been recommended for parole or given a serve-out or deferment and receives an additional sentence, running either concurrently or consecutively, parole eligibility on the new sentence will be calculated from the date of original admission on the aggregate sentences (total time to serve) and allowing jail credit on all sentences, as if he had never been seen by the board. If the additional sentence is designated to be served concurrently, he shall be considered as having started to accrue parole eligibility on the day he was committed on the first sentence.

(f) A person receiving a concurrent or consecutive sentence for crime committed while confined in the institution or while on escape from the institution shall not begin accruing eligibility time towards parole consideration on the latter sentence until he has become eligible for parole on the sentence, including a life sentence, for which he was originally confined.

(g) In determining parole eligibility for an inmate who has received a sentence for an escape, the board will require, in addition to the amount of time to be served for parole eligibility on the original sentence, and the time required to be served for any crime committed while in the institution or while on escape, the service of additional time equal to the time to be served for any additional sentence received for such escape.

(h) If a confined prisoner receives a deferment, escapes before he meets the board next time, returns to the institution from

involved, firearm used;

(b) Prior record;

(c) Institutional adjustment and conduct - disciplinary reports, loss of good time, work and program involvement;

(d) Attitude toward authority - before incarceration, during incarceration;

(e) History of alcohol or drug involvement;

(f) History of prior probation, shock probation or parole violations;

(g) Education and job skills;

(h) Employment history;

(i) Emotional stability;

(j) Mental capacities;

(k) Terminal illness;

(l) History of deviant behavior;

(m) Official and community attitudes toward accepting inmate back in the county of conviction;

(n) Victim impact statements and victim impact hearings;

(o) Review of parole plan - housing, employment, need for community treatment and follow-up resources;

(p) Any other factors involved that would relate to the inmate's needs and the safety of the public.

(2) The board may rescind a parole recommendation anytime prior to the release of an inmate on parole. [During this process, the board may rescind a parole recommendation or reconsider a parole denial.]

(3) The board may reconsider a decision to deny parole if the chairman requests the full board to reconsider a decision and the full board votes in writing, and the majority votes in favor of the reconsideration hearing.

(4) An inmate or someone on the inmate's behalf may request the board to reconsider a decision to deny parole only after thirty (30) months have passed since the board's most recent action on the inmate.

Section 6. Youthful Offender. (1) Youthful offenders are subject to the jurisdiction of the Kentucky Parole Board as described in KRS 640.080.

(2) The Cabinet for Human Resources and the Corrections Cabinet shall provide the Parole Board with all necessary records to conduct a hearing as described in KRS 640.100.

(3) Youthful offenders shall be subject to all sections of the Kentucky Parole Board regulations as applicable.

(4) Youthful offenders housed by the Cabinet for Human Resources shall have a hearing at a site agreed upon by that cabinet and the Parole Board.

(5) All youthful offenders housed by the Corrections Cabinet shall have a hearing at a site determined by the Parole Board.

(6) Administrative law judges shall hold preliminary revocation hearings at facilities out of sight and sound of adult inmates.

(7) Final revocation hearings for youthful offenders shall be held at a site agreed upon by the Cabinet for Human Resources and the Kentucky Parole Board or the Central Office of the Parole Board.

(8) Special hearings for youthful offenders will be held in central office.

Section 7. Conditions of Parole. (1) The general conditions are as follows:

(a) The parolee shall report to his parole

officer immediately upon arrival at his destination and submit in writing once a month, or more often if directed by the officer, a report on forms prescribed by the Division of Probation and Parole.

(b) The parolee shall permit his parole officer to visit his home and place of employment at any time.

(c) The parolee shall not indulge in the use of nonprescribed controlled substances.

(d) The parolee shall work regularly and support his legal dependents. When unemployed, he shall report this fact to his officer and make every attempt to obtain other employment.

(e) The parolee shall not associate with a convicted felon except for legitimate purposes, including but not limited to family, residential, occupational or treatment purposes.

(f) The parolee shall not visit with inmates of penal institutions without permission of his parole officer.

(g) The parolee shall not leave the state, district, residence or place of employment without written permission of his parole officer.

(h) The parolee shall not be permitted to purchase, own or have in his possession a firearm or other weapon. Purchase of a firearm by a person who has been convicted of a felony is a violation of federal law.

(i) The parolee shall not violate any law or city ordinance of this state or any other state or of the United States.

(j) The parolee shall not falsify any report to his parole officer including his monthly report.

(k) The parolee does not have the right to register for voting purposes and cannot hold office; should he register or reregister prior to restoration of civil rights, he will be in violation of the law which carries a maximum penalty of five (5) years in prison.

(l) The parolee shall comply with all rules and regulations prescribed by the Division of Probation and Parole and special instructions of his parole officer.

(m) The parolee shall pay a supervision fee unless expressly waived by the Parole Board.

(2) Special conditions of parole may be added in individual cases at the discretion of the Parole Board.

JOHN C. RUNDA, PH.D., Chairman

APPROVED BY AGENCY: May 12, 1989

FILED WITH LRC: May 12, 1989 at 2 p.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1989 at 1 p.m. in the office of the Chairman of the Parole Board, 5th Floor, State Office Building. Those interested in attending this hearing shall notify in writing: John C. Runda, Ph.D., Chairman, Parole Board, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: John C. Runda, Ph.D.

(1) Type and number of entities affected: 7,000 inmates of the Corrections Cabinet.

(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

# ADMINISTRATIVE REGISTER - 2429

KSR 13-00-01	Identification of Mentally Retarded Inmates	KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 13-00-02	Hospital Operations, Rules and Regulations (Amended 5/15/89)	KSR 20-00-01	Vocational School Referral and Release Process
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds (Amended 5/15/89)	KSR 20-00-03	Academic School Programs
KSR 13-00-04	Medical and Dental Care (Added 5/15/89)	KSR 20-00-04	Criteria for Participation in Jefferson Community College Program
[KSR 13-00-04	Dental Care for Inmates (Deleted 5/15/89)]	KSR 20-00-08	Integration of Vocational and Academic Education Programs
[KSR 13-00-05	Medical and Dental Sick Call (Deleted 5/15/89)]	KSR 21-00-01	Legal Aide Office and Law Library Services and Supervision
KSR 13-00-06	Infection Control	KSR 21-00-02	Inmate Library Services
KSR 13-00-07	Referral of Inmates Considered to Have Severe Emotional Disturbances	KSR 21-00-03	Library Services for Unit D
KSR 13-00-08	Institutional Laboratory Procedures	KSR 22-00-03	Inmate Organizations
KSR 13-00-09	Institutional Pharmacy Procedures (Amended 5/15/89)	KSR 22-00-07	Inmate News Magazine
KSR 13-00-10	Requirements for Medical Personnel (Amended 5/15/89)	KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 13-00-11	Preliminary Health Evaluation and Establishment of Inmate Medical Record	KSR 23-00-03	Religious Programming
KSR 13-00-12	Vision Care/Optomtry Services	KSR 25-00-01	Discharge of Residents to Hospital or Nursing Home
KSR 13-00-14	Periodic Health Examinations for Inmates	KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 13-00-15	Medical Alert System	KSR 25-00-03	Preparole Progress Report
KSR 13-00-16	Suicide Prevention and Intervention Program		
KSR 14-00-01	Inmate Rights	JOHN T. WIGGINTON, Secretary	
KSR 14-00-02	A/C Center and Unit D Inmate Access to Legal Aide Services	APPROVED BY AGENCY: May 15, 1989	
KSR 14-00-04	Inmate Grievance Procedure	FILED WITH LRC: May 15, 1989 at noon	
KSR 14-00-05	Inmate Marriages	PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 22, 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.	
KSR 14-00-06	Inmate Legal Aides		
KSR 15-00-01	Operational Procedures and Rules and Regulations for Unit A, B, and C	REGULATORY IMPACT ANALYSIS	
KSR 15-00-02	Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)	Agency Contact Person: Barbara Jones	
KSR 15-00-04	Restoration of Forfeited Good Time	(1) Type and number of entities affected: 546 employees of the Kentucky State Reformatory, 1278 inmates, and all visitors to state correctional institutions.	
KSR 15-00-05	Differential Status for SU (QUIT) Inmates	(a) Direct and indirect costs or savings to those affected:	
KSR 15-00-06	Inmate I.D. Cards	1. First year: None	
KSR 15-00-07	Inmate Rules and Discipline - Adjustment Committee Procedures	2. Continuing costs or savings: None	
KSR 15-00-08	Firehouse Living Area	3. Additional factors increasing or decreasing costs (note any effects upon competition): None	
KSR 16-00-01	Visiting Regulations	(b) Reporting and paperwork requirements: None	
KSR 16-00-02	Inmate Correspondence and Mailroom Operations	(2) Effects on the promulgating administrative body:	
KSR 16-00-03	Inmate Access to Telephones	(a) Direct and indirect costs or savings:	
KSR 17-00-01	Housing Unit Assignment - Assessment/Classification Center	1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.	
KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting	2. Continuing costs or savings: Same as 2(a)1.	
KSR 17-00-04	Assessment/Classification Center Operations, Rules and Regulations	3. Additional factors increasing or decreasing costs: Same as 2(a)1.	
KSR 17-00-05	Dormitory 10 Operations	(b) Reporting and paperwork requirements: Monthly submission of policy revisions.	
KSR 17-00-06	Identification Department Admission and Discharge Procedures	(3) Assessment of anticipated effect on state and local revenues: None	
KSR 17-00-07	Inmate Personal Property	(4) Assessment of alternative methods; reasons why alternatives were rejected: None	
KSR 18-00-04	Returns from Other Institutions	(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None	
KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center, and Referral Procedure for Residents Adjudicated Guilty but Mentally Ill	(a) Necessity of proposed regulation if in conflict:	
KSR 18-00-06	Classification and Special Notice Form	(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:	
KSR 19-00-01	Inmate Work Incentives		
KSR 19-00-02	On-the-job Training Program		

(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 6:050. Luther Luckett Correctional Complex.

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 May 15 [January 13], 1989 and hereinafter should be referred to as Luther Luckett Correctional Complex 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.

LLCC 01-08-01 Institutional Legal Assistance  
LLCC 01-09-01 Public Information and News Media Access  
LLCC 01-12-01 Duty Officer Responsibilities  
LLCC 02-01-02 Fiscal Management: Accounting Procedures  
LLCC 02-01-03 Fiscal Management: Agency Funds  
LLCC 02-01-04 Fiscal Management: Insurance  
LLCC 02-03-01 Fiscal Management: Audits  
LLCC 02-06-01 Property Inventory

LLCC 02-07-01 Screening Disbursements from Inmate Personal Accounting  
LLCC 08-01-01 Offender Records  
LLCC 08-04-01 Storage of Expunged Records  
LLCC 08-05-01 Psychological and Psychiatric Reports  
LLCC 10-03-09 Duties and Responsibilities of Building 1 and 2 Officer  
LLCC 11-03-01 LLCC Population Categories  
LLCC 11-07-01 Adjustment Procedures for Minor Rule Violations  
LLCC 11-09-01 Rules and Regulations of the Unit  
LLCC 11-13-01 Inmate Dress and Use of Access Areas  
LLCC 11-15-01 Postparole Furloughs  
LLCC 11-16-01 Restoration of Forfeited Good Time  
LLCC 11-18-02 Use of Monitor Telephone  
LLCC 11-19-01 Unit Shakedowns/Control of Excess Property  
LLCC 11-20-01 Program Services for "Special Needs"/Mentally Ill Inmates  
LLCC 12-01-01 Special Management Inmates  
LLCC 12-01-02 Disciplinary Segregation Time Calculation (WTR)  
LLCC 12-04-01 Guidelines for (7E) PC Unit/General Living Conditions  
LLCC 13-01-01 Dining Room Guidelines  
LLCC 13-04-01 Food Service: Meals  
LLCC 13-04-02 Food Service: Menu, Nutrition and Special Diets  
LLCC 13-05-02 Medical Screening of Food Handlers  
LLCC 13-06-01 Food Service: Inspections and Sanitation  
LLCC 13-07-01 Food Service: Purchasing, Storage and Farm Products  
LLCC 13-08-01 OJT Food Service Training Placement  
LLCC 14-01-01 Sanitation, Living Condition Standards, and Clothing Issue  
LLCC 14-05-01 Institutional Inspections  
LLCC 15-01-01 Health Maintenance Services; Sick Call and Pill Call  
LLCC 15-02-01 Mental Health/Psychological Services  
LLCC 15-03-01 Pharmacy  
LLCC 15-03-02 Use of Psychotropic Medications  
LLCC 15-04-01 Dental Services  
LLCC 15-05-02 Licensure and Training Standards  
LLCC 15-06-02 Specialized Health Services  
LLCC 15-06-03 Emergency Medical/Dental Care Services  
LLCC 15-06-04 First Aid/CPR Training Program  
LLCC 15-06-05 Suicide Prevention and Intervention Program  
LLCC 15-07-01 Health Records  
LLCC 15-08-01 Special Diets  
LLCC 15-12-01 Special Needs Unit  
LLCC 15-14-01 Informed Consent  
LLCC 15-15-01 Medical Restraints  
LLCC 15-16-01 Health Education/Special Health Programs  
LLCC 15-17-01 Serious and Infectious Diseases  
LLCC 16-01-01 Inmate Rights and Responsibilities  
LLCC 16-02-01 Inmate Grievance Procedure  
LLCC 16-03-01 Inmate Legal Services (Amended 5/15/89)  
LLCC 17-01-01 Due Process/Disciplinary Procedure  
LLCC 18-01-01 Inmate Correspondence  
LLCC 18-01-02 Issuance of Legal Mail to Inmate Population  
LLCC 18-02-01 Inmate Visiting  
LLCC 18-02-03 Extended Visit and Furloughs  
LLCC 18-02-04 Meritorious Visits  
LLCC 18-03-01 Entry and Identification of Visitors for Inmate Visitation

# ADMINISTRATIVE REGISTER - 2433

BCC 08-04-01	Fire Safety Plan, Drills and Related Staff Duties <u>(Amended 5/15/89)</u>	BCC 12-02-02	Personal Hygiene for Inmates: Clothing, Linens and Shower Facilities
BCC 08-04-02	Immediate Release of Inmates from Locked Areas	BCC 12-05-01	Barber Shop Services
BCC 08-06-01	Storage Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials	BCC 12-06-01	BCC Housekeeping Plan
BCC 08-07-01	Facility Furnishings: Exit and Emergency Lights and Noncombustible Containers <u>(Amended 5/15/89)</u>	BCC 13-01-01	Sick Call and Pill Call
BCC 09-01-01	Inclement Weather/Emergency Condition Operation	BCC 13-02-01	Administration and Authority for Health Services
BCC 09-02-01	Restricted Areas <u>(Amended 5/15/89)</u>	BCC 13-03-01	Provisions of Health Care Delivery
BCC 09-02-02	Inmate Pass System to Restricted Areas	BCC 13-04-01	Licensure and Training Standards
BCC 09-02-03	Regulation of Inmate Movement	BCC 13-05-01	Medical Alert System
BCC 09-02-04	Radio Escorted Yard Movement During Daylight Savings Time (November 1 - April 30)	BCC 13-06-01	Health Care Practices
BCC 09-03-01	Inmate Identification	BCC 13-07-01	Emergency Medical Care Plan <u>(Amended 5/15/89)</u>
BCC 09-04-02	Complex Entry & Exit	BCC 13-07-02	Emergency and Specialized Health Services
BCC 09-05-01	Key Control	BCC 13-07-03	Immediate Medical Treatment for Person's Injured by Weapon or Chemical Agent
BCC 09-06-02	Transportation to Courts	BCC 13-08-01	Inmate Health Screening and Evaluation <u>(Amended 5/15/89)</u>
BCC 09-07-01	Drug Abuse and Intoxicants Testing	BCC 13-09-01	Prohibition on Medical Experimentation
BCC 09-08-02	Use of Restraints	BCC 13-10-01	Dental Services
BCC 09-09-01	Population Counts and Count Documentation [(Amended 4/14/89)]	BCC 13-11-01	Suicide Prevention and Intervention Program
BCC 09-10-03	Development of Institutional Post Orders	BCC 13-12-01	Use of Pharmaceutical products
BCC 09-10-04	Governmental Services, Study Release Officer Post Orders	BCC 13-12-02	Parenteral Administration of Medications and Use of Psychotropic Drugs
BCC 09-10-05	Unit A-1 Post Orders	BCC 13-13-01	Inmate Health Education
BCC 09-10-06	Recreation Post Orders: Observation	BCC 13-14-01	Management of Serious and Infectious Diseases
BCC 09-10-07	Entrance Gate Post Orders	BCC 13-15-01	Informed Consent
BCC 09-10-08	Visiting Area Post Orders	BCC 13-16-01	Health Records
BCC 09-10-09	Security Staff General Orders	BCC 13-17-01	Notification of Inmate Family in the Event of Serious Illness, Injury or Surgery
BCC 09-10-10	Dining Room Officer Post Orders	BCC 13-19-01	Physicians Referrals/Continuity of Care
BCC 09-12-01	Use of Physical Force; Prohibition of Personal Abuse and Corporal Punishment	BCC 13-20-01	Chronic and Convalescent Care
BCC 09-13-01	Perimeter Patrol <u>(Amended 5/15/89)</u>	BCC 13-22-01	Psychiatric and Psychological Services, Handling of Mentally Retarded Inmates and Transfers
BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates	BCC 13-23-01	First Aid Kits
BCC 09-15-01	Search Policy/Disposition of Contraband	BCC 14-01-01	Office of Public Advocacy Attorney Visits
BCC 09-16-01	Security Activity Logs [(Amended 4/14/89)]	BCC 14-02-01	Law Library
BCC 09-17-01	Institutional Supervisor Inspections	BCC 14-03-01	Inmate Grievance Procedure
BCC 09-18-01	Use of State Vehicles and Staff Owned Vehicles	BCC 14-04-01	Inmate Rights and Responsibilities [(Amended 4/14/89)]
BCC 09-19-01	Duties and Responsibilities of the Institutional Captain	BCC 14-05-01	Inmate Claims
BCC 09-19-02	Duties and Responsibilities of the Shift Supervisor	BCC 14-06-01	Legal and Support Services for Indigent Inmates
BCC 09-20-01	Inmate Death	BCC 15-02-01	Meritorious Living Unit (B-1)
BCC 09-21-01	Tool Control	BCC 15-02-02	Room Assignment
BCC 09-22-01	Emergency Communication System	BCC 15-03-01	Rules and Regulations for Dormitories
BCC 10-01-01	Special Management Inmates	BCC 15-04-01	Restoration of Forfeited Good Time
BCC 11-01-01	Menu and Special Diets [(Amended 4/14/89)]	BCC 15-05-01	Extra Duty Assignments
BCC 11-02-01	Food Service: Inspection, Health Protection and Sanitation	BCC 15-06-01	Due Process/Disciplinary Procedures
BCC 11-03-01	Food Service: Meals	BCC 16-01-01	Inmate Furloughs [(Amended 4/14/89)]
BCC 11-04-01	Dining Room Guidelines	BCC 16-02-01	Visiting <u>(Amended 5/15/89)</u>
BCC 11-05-01	Food Service Security: Knife & Other Sharp Instrument/Utensil Control	BCC 16-03-01	Inmate Packages <u>(Amended 5/15/89)</u>
BCC 11-06-01	Purchasing, Storage and Farm Products	BCC 16-03-02	Outgoing Inmate Packages [(Amended 4/14/89)]
BCC 11-07-01	Food Service Operations Manual	BCC 16-03-03	Inmate Correspondence
BCC 12-02-01	Personal Hygiene Items	BCC 17-02-01	Authorized Inmate Personal Property [(Added 4/14/89)]
		BCC 17-03-01	Processing of New Inmates From Local Jails [(Amended 4/14/89)]

# ADMINISTRATIVE REGISTER - 2435

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

WKFC 06-00-01 Offender Records and Information Access (Amended 5/15/89)

WKFC 06-00-02 Court Orders, Orders of Appearance, Warrants, Detainers, Etc. (Amended 5/15/89)

WKFC 09-00-01 Drug Abuse Testing

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

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

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

WKFC 11-02-01 Food Service General Guidelines

WKFC 11-02-02 Food Service Security

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

WKFC 12-01-01 Inmate Clothing

WKFC 13-00-01 Special Health Programs

WKFC 13-01-01 Use of Pharmaceutical Products

WKFC 13-02-01 Health Care Services

WKFC 14-00-01 Inmate Rights and Responsibilities

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 5/15/89) [(Amended 3/14/89)]

WKFC 16-02-01 Inmate Correspondence

WKFC 16-03-01 Inmate Access to Telephones

WKFC 16-04-01 Inmate Packages (Amended 5/15/89)

WKFC 17-01-01 Inmate Personal Property (Amended 5/15/89)

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)

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: May 15, 1989

FILED WITH LRC: March 15, 1989 at noon

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 22, 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: 89 employees of the Western Kentucky Farm Center, 326 inmates, and all visitors to state

correctional institutions.

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

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.

2. Continuing costs or savings: Same as 2(a)1.

3. Additional factors increasing or decreasing costs: Same as 2(a)1.

(b) Reporting and paperwork requirements: Monthly submission of policy revisions.

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

## TRANSPORTATION CABINET Department of Vehicle Regulation Division of Motor Carriers (Proposed Amendment)

### 601 KAR 1:005. Safety regulations.

RELATES TO: KRS Chapters 138, 281, Title 49, Code of Federal Regulations, Part 390-397

STATUTORY AUTHORITY: KRS 138.665, 281.600, 281.726, 281.730, 281.750, Title 49, Code of Federal Regulations, Part 390-397

NECESSITY AND FUNCTION: This regulation sets out safety procedures to be followed by motor carriers operating in the Commonwealth of Kentucky.

Section 1. Definitions. (1) "Farm-to-market agricultural transportation" means the operation of a motor vehicle that is controlled and operated by a farmer who, as a private motor carrier is using the vehicle to transport agricultural products from his farm or to transport farm machinery or farm supplies to his farm. The transportation of hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with 601 KAR 1:025, Transporting hazardous materials, permit, is not included in this definition.

(2) "Daylight hours" means that period of time one-half (1/2) hour before sunrise through one-half (1/2) hour after sunset.

(3) "Load limit" means the rated seating capacity for which a passenger-carrying vehicle is licensed plus twenty-five (25) percent of the rated seating capacity.

welfare. Employees in charge of buses shall be courteous and helpful to passengers, properly caring for baggage so that it will not be damaged, and shall be acquainted with the routes traveled and schedules maintained, so that the passengers will not be subjected to unnecessary delays. All operators shall take into consideration the health and welfare of their passengers and control their operations in the public interest. Express and freight, mail bags, newspapers and baggage shall be so placed as not to interfere with the driver or with the safety and comfort of passengers. These items shall be protected from the weather but shall not be carried in the aisles or in such position as to block exits or doorways on the bus.

Section 6. Overcrowding of Passenger Vehicles. No bus operated by an authorized carrier, except city or suburban buses, shall transport passengers in excess of its load limit. No passenger shall be permitted to occupy the rear door-well of any bus vehicle that is equipped with a rear door-well.

Section 7. Out of Service Sticker. If a commercial vehicle is determined to be operating either improperly registered or without registration or in violation of any safety regulation or requirement, officers of the Division of Motor Vehicle Enforcement are authorized to affix to the vehicle a notice indicating the nature of the violation, requiring its correction before the motor vehicle is further operated. Refusal of the vehicle operator to grant permission for an officer of the Division of Motor Vehicle Enforcement to conduct a safety inspection of either the vehicle or its operator shall be cause for the officer to place the vehicle out of service until such permission is granted. Operation of a vehicle in violation of the out of service notice affixed to it shall constitute a separate violation of these regulations.

Section 8. Copies of all incorporated material may be viewed in the Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Vehicle Enforcement, State Office Building, Frankfort, Kentucky 40622 [40601, or obtained by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402].

JEROME L. LENTZ, Acting Commissioner

MILO D. BRYANT, Secretary

APPROVED BY AGENCY: May 8, 1989

FILED WITH LRC: May 12, 1989 at 2 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on June 21, 1989 at 9 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by June 16, 1989 so notify this agency. 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 comment 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 administrative regulation. If the hearing is cancelled, written comments will only be accepted until June 16, 1989. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: The proposed amendment effects all interstate operators of farm-to-market agriculture transporters, all interstate transporters of forestry products, and all commercial drivers who operate exclusively in Louisville, Lexington or northern Kentucky and who have a physical problem.

(a) Direct and indirect costs or savings to those affected: The interstate operators will have to ensure that their trucks meet all the lighting requirements of Part 393 while operating in Kentucky. However, there should be no actual cost since they have always been subject to all of the provisions of Part 393 when operating interstate. The drivers with a physical problem will have to have additional physicals. If their condition has deteriorated to the point where they are no longer safe, they will be disqualified.

1. First year: \$50-\$100 is the average cost of a physical.

2. Continuing costs or savings: \$50-\$100

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

(b) Reporting and paperwork requirements: None  
(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: 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: The amendment should have no effect on revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The change on the intrastate versus interstate had to be adopted because the state had been notified by FHWA that we were not in compliance with the federal mandate by providing an interstate exemption on lighting to farmers and transporters of forestry products. They were preparing to take action to preempt the administrative regulation. The changes to the adopted federal regulations had to be made because FHWA changed their regulations to comply with a federal law passed last year.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes.

permit a radio, tape, or communication system to be operated on the school bus that is not under the direct control of the bus driver.

Section 11. The board shall designate the physician or physicians that shall perform the physical examination required for all school bus drivers. The board shall keep a current physical examination record or physical fitness certificate for each school bus driver on file.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: May 3, 1989

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

PUBLIC HEARING: A public hearing has been scheduled on Tuesday, June 27, 1989 at 10 a.m. (EDT) in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, to review the regulations adopted by the State Board for Elementary and Secondary Education at its May meeting. Those persons wishing to attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 22, 1989. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Wendell D. Bruce

(1) Type and number of entities affected:

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: Verification of compliance with this regulation shall be required.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Distribution of a copy of the verification form.

(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? Yes

#### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. National Highway Safety Administration Standard 17.

2. State compliance standards. Two emergency evacuations are required annually with, one each semester.

3. Minimum or uniform standards contained in the federal mandate. Federal Mandate requires two emergency evacuation drills annually. The proposed regulation change will require four emergency evacuation drills per year, two each semester with the first drill taking place within a week following the beginning of the semester.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Recommended by a subcommittee of the Governor's Task Force for School Bus Safety to insure that students are trained to cope with emergency situations.

#### EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

704 KAR 20:005. Kentucky standards for preparation-certification of professional school personnel program approval.

RELATES TO: KRS 161.020, 161.025, 161.030

STATUTORY AUTHORITY: KRS 156.070, 161.030

NECESSITY AND FUNCTION: KRS 161.020 prohibits any person from holding the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued unless he holds a certificate of legal qualifications for the particular position; KRS 161.025 gives the Kentucky Council on Teacher Education and Certification the duty to develop and recommend policies and standards relating to teacher preparation and certification; and KRS 161.030 rests the certification of teachers and other school personnel and the approval of teacher-preparatory colleges and universities and their curricula with the State Board of Education. This regulation establishes the standards and procedures which are to be used for the approval of the various teacher preparation programs offered by the colleges and universities, and where applicable, these curriculum standards are consistent with the Program of Studies as incorporated in 704 KAR 3:304; and this regulation also establishes procedures and necessary justifications for future development of new preparation-certification programs.

Section 1. Pursuant to the statutory authority placed upon the Superintendent of Public Instruction, the State Board for Elementary and Secondary Education, and the Kentucky Council on Teacher Education and Certification under KRS Chapter 161, there is hereby devised, created, and incorporated by reference the Kentucky Standards for the Preparation-Certification of Professional School Personnel, which shall include the standards and procedures for the approval of college and university curricula for the preparation programs.

Section 2. The Kentucky Standards for the Preparation-Certification of Professional School Personnel are hereby amended, and the amended document is hereby incorporated by reference and identified as the Kentucky Standards for the



Board for Elementary and Secondary [of] Education regulations to an applicant who holds a provisional certificate for any category of special education, has completed at least three (3) years of experience as a teacher or teacher consultant of which two (2) years are in special education, and who in addition thereto, has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel, as adopted by 704 KAR 20:005, TEC 69.0, Section 1. The approved program shall consist of forty-five (45) semester hours of credit above the bachelor's degree level and shall include a master's degree or planned fifth year program in special education.

(2) The endorsement for director of special education shall have the same duration period as the base certificate.

(3) The endorsement for director of special education shall be valid for the position of teacher consultant for special education or director of special education.

(4) Effective with the fall term of the 1990-91 academic year, teacher education institutions shall not admit applicants to the program of preparation for the endorsement for director of special education as described in subsections (1), (2), and (3) of this section; instead, applicants shall apply for admission to the preparation program for the professional certificate for director of special education. Persons admitted to the preparation program for the endorsement for director of special education shall complete the program by September 1, 1992.

Section 2. (1) A professional certificate for director of special education shall be issued in accordance with the pertinent Kentucky statutes and State Board for Elementary and Secondary Education regulations to an applicant who has satisfied the prerequisites and who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel, as adopted by 704 KAR 20:005, TEC 69.0, Sections 2 and 3.

(2) The professional certificate for director of special education shall be issued for a duration period of five (5) years and may be renewed for subsequent five (5) year periods based upon completion by September 1 of the year of expiration of two (2) years of successful experience as a director of special education or three (3) semester hours of additional graduate credit related to the position of the director of special education, or forty-two (42) hours of approved training selected from programs approved for the Kentucky Effective Leadership Training Program.

(3) Any persons whose job duties, regardless of job title, include supervising, directing, administering, or coordinating special education programs for the 1988-89 academic year without an appropriate certificate under this regulation may be approved for 1989-91, and such may be extended for 1991-93 upon completion by September 1, 1991, of forty-two (42) participant

hours of instruction relevant to the role of the director of special education as determined by the Office of Education for Exceptional Children or upon completion of one-half (1/2) of the approved curriculum standards for the professional certificate for director of special education. The approval may be extended for the same duration period as the base teaching certificate upon completion of another forty-two (42) participant hours to be completed by September 1, 1993, or completion of the approved curriculum standards for the professional certificate for director of special education. The forty-two (42) participant hours may also satisfy the requirement for the Effective Instructional Leadership Act, KRS 156.101.

(4)(a) All persons whose job description includes supervising, directing, administering, or coordinating special education programs, at the district-wide level, other than those approved under the provisions of subsection (3) of this section, shall be required to hold one (1) of the following:

1. The endorsement for director of special education;

2. The professional certificate for director of special education;

3. The endorsement for supervisor of special education;

4. The endorsement for teacher consultant for special education; or

5. A certificate valid for supervisor of instruction.

(b) The superintendent of a school district who is the designated supervisor, director, administrator or coordinator of the district-wide special education program for the school district would not be required to hold the specific certification identified in paragraph (a) of this subsection.

Section 3. (1) If a person with qualifications identified in Section 2 of this regulation is not available for the position of director of special education the superintendent on behalf of the local board of education may request a professional certificate for director of special education for a one (1) year period for an applicant who meets the following:

(a) A valid Kentucky certificate for teachers of exceptional children;

(b) A master's degree;

(c) Three (3) years of full-time experience teaching exceptional children; and

(d) Completion of a course in special and regular education case law.

(2) The applicant shall complete the total curriculum for the professional certificate for director of special education by September 1 of the year of expiration.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: May 3, 1989

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

PUBLIC HEARING: A public hearing has been scheduled on Tuesday, June 27, 1989, at 10 a.m., EDT, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board for Elementary and Secondary Education at its May meeting. Those persons wishing to attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or

Teacher Internship Program, May 1989 [Florida Performance Measurement System, 1983]; and

(c) Manual for Coding Teacher Behavior with the Kentucky Teacher Internship Program Classroom [Performance on the Summative] Observation Instrument, May, 1989 [1985].

These documents shall be applied by the Division of Teacher Education and Certification, State Department of Education, Frankfort, Kentucky 40601.

Section 3. (1) The three (3) member [beginning] teacher internship committee shall be made up of the school principal, a resource teacher, and a teacher educator.

(2) The school principal shall serve as ex officio chairperson of the [beginning] teacher internship committee and shall be responsible for convening the committee and coordinating its efforts by scheduling observations and committee meetings. Internship for teacher interns identified in 704 KAR 20:310 shall be administered by the Office of Vocational Education. The principal shall be responsible for collecting and filing such reports of the internship as are required by the Department of Education. In the event that more than two (2) teacher interns are employed in the same school, the principal's responsibility may be shared with an assistant principal who holds certification as a school principal, but such an assistant principal shall fully report and document teacher internship committee meetings and teacher observations to the school principal. In unusual situations the Superintendent of Public Instruction may permit the assistant principal to serve in lieu of the principal on a [beginning] teacher internship committee.

(3) The resource teacher shall spend a minimum of seventy (70) hours working with the [beginning] teacher intern; twenty (20) of these hours shall be observing the [beginning] teacher intern in the classroom setting; fifty (50) of these hours shall be in consultation other than class time or attending assessment meetings. The resource teacher shall be appointed by the Superintendent of Public Instruction from a pool of qualified resource teachers who meet the statutory requirements of having completed at least four (4) years of successful teaching experience as attested by his or her immediate supervisor or by having achieved tenure, and by having achieved a master's degree or the equivalent Rank II nondegree program or the accumulation of 2,000 hours of continuing professional activities. The Department of Education shall also give priority in the selection of resource teachers who have the same certification as a teacher intern and also in the order of priority teachers located in the same school, teachers located in the same school district, and teachers located in an adjacent school district. Prior to making the appointment the Department of Education shall determine the availability and willingness of persons to serve as resource teachers and for taking the prerequisite training. Within these stated requirements, the resource teacher shall be selected and assigned on a random basis; however, the Superintendent of Public Instruction should consult with the superintendent of the local district which employs the resource teacher before making the appointment.

(4) The teacher educator member shall be designated by the Department of Education from a list of teacher educators appointed by the presidents of each state approved teacher training institution. Teacher training institutions shall be encouraged to provide teacher educator members in the approximate proportion of the number of teacher education graduates produced the previous year. The Department of Education shall consult in advance with representatives of the teacher training institutions with respect to the school districts and the geographical area to be served by teacher educators from each teacher training institution. In the event that a teacher educator is not available to serve on a [beginning] teacher internship committee, the local district superintendent shall appoint an instructional supervisor, from the school district who has received special training in evaluating and assisting teachers to serve in lieu of the teacher educator.

(5) Each principal of a school in which a teacher intern is employed and each member of the [beginning] teacher internship committee shall engage in the special training in evaluating and assisting teachers provided by the State Department of Education. The cost of training for the teacher internship committee members, shall be reimbursed by the State Department of Education in accordance with state travel regulations. The training for the resource teachers shall ordinarily be scheduled before the opening of the school term. The training for teacher educator members will be scheduled through the various teacher education institutions. Training for vocational teacher educators shall be administered by the Office of Vocational Education, State Department of Education.

Section 4. (1) The teacher internship as described in KRS 161.030 shall take place in a school that is accredited by the Kentucky State Board for Elementary and Secondary [of] Education and shall ordinarily occur during the first year of employment. The teacher shall be a full-time employee or shall serve on at least a half-time basis and shall have supervision, assistance, and assessment during the one (1) year internship. As a condition for issuing the one (1) year certificate for teacher internship, the teacher intern shall identify the specific teaching assignment including the school, the school district, and the school principal. Only blocks of time of one (1) semester to include a minimum of seventy (70) days of teaching in the classroom may apply toward the one (1) year internship requirement. A [beginning] teacher internship committee shall be established for each teacher intern whose initial employment begins at any time during the school term except when the date of employment does not allow for the completion of at least seventy (70) days of classroom teaching in the remainder of the school term. In such instances where the remaining period of employment is less than seventy (70) days and, consequently, less than the amount of time required to satisfy a semester of internship, the local school district shall be responsible for providing assistance and supervision to the teacher intern for that period of employment.

(2) The Department of Education shall prepare a handbook describing the internship process as

participation in committee supervision and assessment meetings. Such contract shall provide for extra service payments above and beyond the provisions of the local salary scale for work done outside normal working hours and shall not exceed the amount of \$1,000 for a year of service as a resource teacher. Any services for less than one (1) year shall be reimbursed on a pro rata basis for the actual services performed. The contract shall also provide for the employment of substitute teachers to provide at least twenty (20) clock hours of released time for the resource teacher to observe and assist in the classroom of the teacher intern.

(2) The Department of Education shall contract with the colleges and universities for partial reimbursement of travel expenses and staff time. Each institution shall make its own determination as to the assignment of personnel and reimbursement for travel expenses.

Section 6. Complaints relative to failure of the [beginning] teacher internship committee to comply with and follow all prescribed statutory and regulatory requirements and procedures in assisting and assessing a teacher [an] intern shall be directed to, and assessed by, the Department of Education which shall, whenever practical, make a determination thereon within sixty (60) days following the receipt of each complaint.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: May 3, 1989

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

PUBLIC HEARING: A public hearing has been scheduled on Tuesday, June 27, 1989, at 10 a.m., EDT, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board for Elementary and Secondary Education at its May meeting. Those persons wishing to attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 22, 1989. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Akeel Zaheer

(1) Type and number of entities affected: Approximately 5,000 individuals annually receive training in assessment system of teacher internship program.

(a) Direct and indirect costs or savings to those affected: None. The state bears all costs associated with the training.

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: Persons receiving training must successfully complete tests and are reported to the Department of Education.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Approximately \$300,000 per annum in training costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Recordkeeping for those who have completed training successfully and their assignment to intern committees.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Currently, a system developed by the state of Florida is being used in the teacher internship program. The amendment provides for replacing this system with a system developed in Kentucky.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

#### EDUCATION AND HUMANITIES CABINET Department of Education Office of Vocational Education (Proposed Amendment)

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

RELATES TO: KRS 156.035, 163.030

STATUTORY AUTHORITY: KRS 156.070, 163.030

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

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

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

Section 3. Approved teacher count per school shall:

(1) Include all teachers in the school if the

association, firm, trust, estate, or other entity whatsoever.

(9) "PVC" means polyvinyl chloride pipe.

Section 2. Approved Parts or Materials List (APML). The use of any part or material in any drainage or plumbing system or section thereof, other than those currently authorized by the code, is prohibited unless the use of such part or material has been considered by the committee and approved by the department as being equal to or better than other similar approved items for inclusion in the APML. The APML may also specify methods of installation or restrictions applicable to a particular part or material.

Section 3. Amending the APML. (1) A person desiring to have the APML amended shall petition, in writing, for an opportunity to be heard by the committee no later than fourteen (14) days prior to the next scheduled meeting of the committee. Such request shall include a description of the part or material for which approval is sought, available technical data, and a listing of other authorities which have the use of the part or material, and any other pertinent information requested by the committee.

(2) The committee will consider all parts or materials for which approval is sought and will forward thirty (30) days thereafter its recommended disposition to the department. Provided, however, that a hearing will be held before the committee if requested, within thirty (30) days following the determination of the committee, by a person having an interest in the subject matter. Upon approval of a recommendation by the department, the APML shall be amended by listing the new part or material in Section 5 of this regulation.

Section 4. Custody of the APML. It shall be the responsibility of the Director, Division of Plumbing, to maintain an up-to-date APML and to make it available for inspection during regular office hours. Copies of the APML may be obtained by mailing a self-addressed stamped envelope to the Division of Plumbing, Department of Housing, Buildings and Construction, Frankfort, Kentucky 40601. The cost of reproduction shall not exceed ten (10) cents per page.

Section 5. Content of Approved Parts or Materials List. The following list of parts or materials have been approved by the Kentucky Plumbing Code Committee and the Division of Plumbing and shall be allowed for installation in Kentucky.

(1) Flexible three-fourths (3/4) inch hot and cold water connectors for hot water heaters, minimum wall thickness, .032.

(2)(a) Flushmate water closet tank.

(b) Microphor company. Two (2) quart flush toilets.

(c) Jomar 3 and 4 water conserver water closets to operate efficiently on three and one-half (3 1/2) gallons of water per flush.

(d) Superinse toilet that operates on one (1) gallon of water per flush as manufactured by Universal Rundle for the Thetford Wastewater Treatment Systems.

(e) IFO Sanitar AB Model-3160 and 3180 China Water Closet equipped with a Fluidmaster 4003A-F77 Ballcock.

(f) Cashsaver MX (quantum 150-1) Water Closet Combination and Flushmate II Flushometer/Tank as

manufactured by Mansfield Plumbing Products.

(3) Tubular traps with gasket in trap seal.

[(4) Magic Flush Sewage Systems - limited for use in governmental, industrial or commercial applications where proper operation and maintenance is assured.]

(4) [(5)](a) Polyethylene sump pump basin. Polyethylene sump pump basin must be constructed of polyethylene material and be provided with a sump cover.

(b) Liberty Pump Model 402, Laundry Tray Pump for pipe size one and one-half (1 1/2) inch for light commercial and household usage.

(c) Drain pump and Hilo Industries Power Drain for pipe size one and one-half (1 1/2) inch for light commercial and household usage.

(d) Sewage ejector pit - eighteen (18) inch by twenty-two (22) inch with steel cover pit and eighteen (18) inch by thirty (30) inch with steel cover sump pit as manufactured by Lunsford and Associates, Inc.

(e) Little Giant Pump Company, Drainsaur Water Removal System, Model #WRS-6. This approval is limited to two (2) drainage fixture units since it has a one and one-half (1 1/2) inch drain.

(5) [(6)](a) No-caulk roof flashing. No-caulk roof flashing shall be eighteen (18) inch by eighteen (18) inch galvanized iron base with a neoprene boot forming a water tight seal with the stack that it serves.

(b) Polyethylene roof flashing. Polyethylene roof flashing shall have a base which will extend six (6) inches in all directions from the base of a stack and shall have a boot with a performed thermoplastic rubber gasket.

(c) Dektite pipe flashing system to be used on metal building decks for plumbing vent stacks as manufactured by Buildex Corporation.

(d) Oatey eighteen (18) inch by eighteen (18) inch no caulk thermoplastic flashing, one (1) piece construction, positive double seal in three (3) inch only.

(e) Carlisle syntec systems. Vent flashings for sureseal and Brite-Ply roofing systems as required by Carlisle Corporation.

(f) Trocal roofing systems. Vent flashings for Trocal roofing systems as required by Dynamit Nobel of American, Inc.

(g) Masterflash Pipe Flashing system for plumbing vent stacks as manufactured by Aztec Washer Company.

(h) Hi-Tuff Roofing Systems pipe flashing system for plumbing vent stacks as required by J.P. Stevens and Company, Inc.

(6) [(7)](a) Kitchen sink faucet. Kitchen sink faucets may have corrugated supply piping provided the piping has a wall thickness equal to Type M copper pipe.

(b) Sink and lavatory faucets and pop-up lavatory assembly parts manufactured by CPVC plastic as manufactured by Nibco [Nobco] Co.

(7) [(8)] Lab-Line Enfield L-E acid waste systems, one and one-half (1 1/2) through four (4) inch inside measurement for above and below ground installation on acid waste only. Underground must be laid on six (6) inches of sand grillage. May be backfilled by hand and tamped six (6) inches around piping or may be surrounded by six (6) inches of sand grillage.

(8) [(9)] Floor drains, shower drains, urinal drains and clean-outs manufactured by Plastic Oddities, Inc.

(9) [(10)] Tubular plastic components conforming to ASTM F409-75, bathtub waste and

Coupling Systems is approved size for size on dissimilar materials on new or existing installations. Snap-All Increaser/Reducer transition bushings are approved only for repairs using dissimilar materials or sizes.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 11, 1989

FILED WITH LRC: May 12, 1989 at 10 a.m.

**PUBLIC HEARING:** A public hearing on this regulation shall be held on Friday, June 23, 1989 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. 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 received. 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: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by June 18, 1989, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Manufacturers of new products not yet made part of a national standard allowed by the Kentucky Plumbing Code.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings because the regulation only establishes acceptability of previously unapproved products. Provides ability of manufacturer to market his product in state.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): Enhances competition for products in state.

(b) Reporting and paperwork requirements: The paperwork requirements and recordkeeping needs remain the same; no costs or savings involved.

(2) Effects on the promulgating administrative body: Formalizes, with proper regulatory oversight, the procedures for acceptability of new products in the State Plumbing Code.

(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: Unchanged by this amendment.

(3) Assessment of anticipated effect on state and local revenues: No effect on revenues because the regulation merely identifies existing procedures in regulatory form.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The previous method of filing new parts or materials did not statutorily meet KRS Chapter 13A requirements.

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

conflict, overlapping, or duplication: This is the only known law or policy dealing with this product.

(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

#### PUBLIC PROTECTION & REGULATION CABINET Department of Housing, Buildings & Construction Office of State Fire Marshal (Proposed Amendment)

815 KAR 30:050. Fireworks; approval of exempted novelties.

RELATES TO: KRS Chapter 227

STATUTORY AUTHORITY: KRS 227.300, 227.740

NECESSITY AND FUNCTION: KRS 227.740 requires the State Fire Marshal to review samples of certain novelties allowed to be sold under the state fireworks law, approve their compliance with the provisions of KRS 227.702(1) and 227.704 and issue a certificate of compliance before the sale, offering for sale, possession, storing or use within the state of those exempted novelties. This regulation establishes the requirements necessary for submission and approval of those novelties including enforcement provisions. This amendment is necessary to satisfy the technical requirements of KRS Chapter 13A and to establish better procedural and substantive constraints for approving fireworks items in a timely fashion.

Section 1. Definitions. (1) "Approved fireworks" means the document published annually by the State Fire Marshal which lists the legal fireworks approved under this regulation for use in the calendar year in which the document specifies.

(2) "Approved name" means the name given to and labeled upon an item by a manufacturer or distributor which name has been submitted to the State Fire Marshal and approved by him for inclusion on the list of "approved fireworks."

Section 2. [1.] Submission of Samples and Analysis for Approval by Wholesalers/Distributors. (1) Prior to the sale, offering for sale, possessing, storing or use within this state of any items described in subsection (1) of KRS 227.702 and KRS 227.704, sufficient samples for inspection thereof shall be submitted by the wholesaler or distributor to the State Fire Marshal, U.S. 127 South, Frankfort, Kentucky 40601, for approval, along with a laboratory report from the manufacturer designating the chemical analysis of each sample item submitted.

(2) The laboratory report shall be a qualitative chemical analysis and specify every chemical and substance used in the manufacture of such fireworks along with amounts of substances by weight.

Section 3. [2.] Approval or Denial of Certificate of Compliance; Appeal. (1) Prior to September 1 of each year, every wholesaler or distributor shall submit to the State Fire Marshal for approval samples of each new item.

request for a transcript is received. 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: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by June 18, 1989, the hearing may be cancelled.

## REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: All manufacturers, wholesalers and distributors of fireworks in and to Kentucky.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings in dollars, only better efficiency and expediency in submission and approval or disapproval of fireworks.

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: These remain substantially the same as under the previous regulation.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There is no recognizable financial savings; however the method of approval creates certain planning and coordination in the program.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The reporting and paperwork requirements are not increased but merely better defined and explained. The "approved list" has been used for several years.

(3) Assessment of anticipated effect on state and local revenues: There is no effect on the state or local revenue based on this amended regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The previous alternative procedure was rejected because it was clumsy and unworkable for SFM personnel and inconvenient to distributors.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS 227.740(1)

(a) Necessity of proposed regulation if in conflict: The 10-day limitation for approval of samples was exceptionally burdensome if samples were submitted in winter or a few weeks before July 4.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: In this regulation, the SFM will receive all samples before September allowing him to plan so that the 10-day goal would be more easily achieved.

(6) Any additional information or comments: No TIERING: Was tiering applied? No. The statute requires all legal fireworks to be treated similarly. No logical reason to regulate the items differently.

**CABINET FOR HUMAN RESOURCES**  
Office of Inspector General  
(Proposed Amendment)

**902 KAR 20:140. Operation and services; hospices.**

RELATES TO: KRS 216B.010 to 216B.130, 216B.990(1), (2)

STATUTORY AUTHORITY: KRS 216B.042 [216B.040], 216B.105

NECESSITY AND FUNCTION: KRS 216B.042 [216B.040] and 216B.105 mandate that the Cabinet for Human Resources [Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board] regulate health facilities and health services. This regulation provides for the licensure requirements for the operation of a hospice and the services to be provided by a hospice.

[Section 1. Scope of Operation and Services. A hospice is a centrally administered program of palliative and supportive services, including skilled nursing services, to meet the physical, psychological, social, and spiritual needs of terminally ill persons and their families on a twenty-four (24) hour, seven (7) day a week, on-call basis. Services are provided in the home or in an inpatient setting by a medically supervised, interdisciplinary team of professional and lay personnel during the final stages of illness, at death, and through bereavement.]

Section 1. [2.] Definitions. (1) "Administrator" means a person who has served as a hospice administrator under a state approved hospice program or has at least a Bachelor of Arts or Bachelor of Science degree in a health care, human services, or administrative area or has equivalent administrative work experience in a health care facility.

(2) "Bereavement" means the period of time during which a person (or group of people) experiences, responds emotionally to and adjusts to the loss by death of another person.

(3) "Supplemental service" is a hospice service provided under the health care facility's existing license. ["Board" means the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board.]

(4) "Palliative care" means care directed at reducing or abating pain and other troubling symptoms of the disease process in order to achieve relief of distress.

(5) "Terminally ill" means a person who is experiencing an illness for which therapeutic strategies directed toward care and control of disease are no longer effective.

(6) "Volunteer" means a lay or professional person who contributes time and talent to the hospice program without economic remuneration (e.g., physician, concerned citizens, clergy).

Section 2. Scope of Operation and Services. A hospice is a centrally administered program of palliative and supportive services, including skilled nursing services, to meet the physical, psychological, social, and spiritual needs of terminally ill persons and their families on a twenty-four (24) hour, seven (7) days a week, on-call basis. Services are provided in the home or in an inpatient health care facility as a supplemental service by a medically supervised,

for planning and evaluation as well as for individual case management;

(d) Patient counseling and bereavement counseling of the family; and

(e) Education and training services for staff, volunteers, and family members.

(4) Skilled nursing services shall be provided directly or through contract as indicated by the patient's needs.

(5) The following services shall be provided directly, through contract, or through referral as indicated by the patient and family needs:

(a) Nutrition services.

(b) Homemaker, home health aide services.

(c) Physical therapy services.

(d) Occupational [Respiratory] therapy.

(e) Speech therapy.

(6) The hospice shall follow up on patients given referrals to determine whether services were provided and shall make appropriate entries into the patient's medical records for services provided on a referral basis.

(7) The patient's plan of care shall be reviewed by the attending physician in consultation with agency professional personnel at such intervals as the severity of the patient's illness requires, but in all cases, at least once every two (2) months. Verbal authorization to change the plan of care shall be reviewed and signed by the attending physician within seven (7) days after the order is issued.

(8) Original orders for drugs and changes in orders for drugs shall be signed by the physician and made a part of the patient's medical record. Verbal authorization by the physician to change drug orders shall be reviewed and signed by the physician within seven (7) days after the order is issued.

WILLIAM M. GARDNER, Inspector General

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 2, 1989

FILED WITH LRC: May 10, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 22, 1989 at 9 a.m. in the Health Services Auditorium, First Floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 17, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eric Friedlander

(1) Type and number of entities affected: 25 hospices.

(a) Direct and indirect costs or savings to those affected: There should be no additional costs associated with this amendment.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): This amendment should make the provision of hospice services easier to provide in inpatient settings.

(b) Reporting and paperwork requirements: No additional requirements.

(2) Effects on the promulgating administrative body: None. Annual surveys are already performed by this agency.

(a) Direct and indirect costs or savings: \$500 for printing new regulations and survey report forms.

1. First year: \$500 for printing costs.

2. Continuing costs or savings: None, costs of reprinting regulations built into continuing budget.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No additional requirements.

(3) Assessment of anticipated effect on state and local revenues: There should be no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment will allow for increased services to the Commonwealth.

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

(a) Necessity of proposed regulation if in conflict: No conflict exists.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: No conflict exists.

(6) Any additional information or comments:

TIERING: Was tiering applied? No. This is a licensure regulation and as such must apply to all hospices equally.

#### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 CFR Part 418 - Hospice Care.

2. State compliance standards. 902 KAR 20:140 - Hospice services.

3. Minimum or uniform standards contained in the federal mandate. Federal standards contain definitions, eligibility, administration, care services, other services, covered services, reimbursement methods, and coinsurance.

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

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standards are required.

#### CABINET FOR HUMAN RESOURCES Department for Health Services (Proposed Amendment)

#### 902 KAR 47:010. Definitions.

RELATES TO: KRS 217.650 to 217.710

STATUTORY AUTHORITY: KRS 194.050, 217.690

NECESSITY AND FUNCTION: The Kentucky Hazardous Substances Labeling Act, KRS 217.650 to 217.710, authorizes the Cabinet for Human Resources to regulate the control of hazardous substances in Kentucky. The purpose of this regulation is to provide definitions that are applicable to all other Cabinet for Human Resources regulations relating to hazardous substances, and to designate as hazardous substances any substance or mixture of substances which is a "strong sensitizer."

Section 1. Definitions. In addition to the



- (a) Direct and indirect costs or savings:
    - 1. First year:
    - 2. Continuing costs or savings:
    - 3. Additional factors increasing or decreasing costs:
      - (b) Reporting and paperwork requirements:
      - (3) Assessment of anticipated effect on state and local revenues: N/A
      - (4) Assessment of alternative methods; reasons why alternatives were rejected:
      - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
        - (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?

**CABINET FOR HUMAN RESOURCES**  
**Department for Medicaid Services**  
**(Proposed Amendment)**

**907 KAR 1:026. Dental services.**

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to dental services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Out-of-hospital Services. Payment for services is limited to those procedures listed in the cabinet's dental benefit schedule which are included in the following categories:

- (1) Diagnostic;
- (2) Preventive;
- (3) Oral surgery;
- (4) Endodontics;
- (5) Orthodontics;
- (6) Prosthetics;
- (7) Operative;
- (8) Crown; and
- (9) Other services.

Section 2. Limitations for those under Age Twenty-one (21). The following limitations shall be applicable with regard to services provided to eligible recipients of medical assistance who are under age twenty-one (21):

- (1) Dental prophylaxis, to include application of stannous fluoride, is limited to one (1) treatment per year.
- (2) Bitewing x-rays are limited to four (4) x-rays per patient per year per dentist.
- (3) Full mouth radiograph is limited to one (1) per patient per every two (2) years per dentist.
- (4) The following orthodontic procedures are limited per twelve (12) month period to any combination totaling two (2) per patient: fixed space maintainer, band type; removable space

maintainer, acrylic; removable appliance for tooth guidance; and fixed or cemented appliance for tooth guidance.

(5) The following prosthetic procedures are limited as specified for the individual procedure:

(a) Transitional appliance, includes one (1) tooth on appliance, upper appliance, is limited to one (1) per twelve (12) month period, per patient;

(b) Transitional appliance, includes one (1) tooth on appliance, lower appliance, is limited to one (1) per twelve (12) month period, per patient;

(c) Repair of fracture of transitional appliance and space maintainer is limited to three (3) per twelve (12) month period, per patient;

(d) Repair of fracture and replacement of one (1) broken tooth on a transitional appliance and space maintainer is limited to three (3) per twelve (12) month period, per patient;

(e) Repairing broken complete denture with no teeth damaged is limited to three (3) per twelve (12) month period, per patient; and

(f) Repairing broken complete denture and replacing one (1) broken tooth is limited to three (3) per twelve (12) month period, per patient.

(g) Relining upper denture (flask cured only) is limited to one (1) per twelve (12) month period per patient.

(h) Relining lower denture (flask cured only) is limited to one (1) twelve (12) month period per patient.

Section 3. Inpatient Hospital Services. (1) Payment shall be made for all hospital inpatient services rendered by oral surgeons subject to the general physician limitations shown in 907 KAR 1:009, Physicians' services.

(2) Payment shall be provided for services rendered by general dentists for hospital inpatient care for patients termed to be "medically a high risk," defined as:

- (a) Heart disease;
- (b) Respiratory disease;
- (c) Chronic bleeder;
- (d) Uncontrollable patient, i.e., retardate, emotionally disturbed;
- (e) Other, e.g., car accident, high temperature, massive infection.

Section 4. Coverage of Dental Benefits for Adults. The following named dental benefits only shall be covered for adults (eligible individuals aged twenty-one (21) or over), effective January 1, 1982 except as otherwise specified in this regulation.

(1) Oral surgery, as follows:

(a) Extraction, single tooth, with local anesthetic and including routine postoperative care, effective with regard to services provided on or after November 1, 1987;

(b) Extraction, each additional tooth, with local anesthetic and including routine postoperative care, effective with regard to services provided on or after November 1, 1987; and

(c) Root removal (but not payable on the same day the same tooth was extracted).

(2) Operative, as follows:

(a) Amalgam filling for one (1) surface cavity;

(b) Amalgam filling for two (2) surface cavity;

(c) Amalgam filling for cavity involving three

**CABINET FOR HUMAN RESOURCES  
Department for Medicaid Services  
(Proposed Amendment)**

**907 KAR 1:027. Payments for dental services.**

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050

**NECESSITY AND FUNCTION:** The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for dental services.

Section 1. Definitions. For purposes of determination of payment:

(1) "Usual and customary charge" refers to the uniform amount which the individual dentist charges in the majority of cases for a specific dental procedure or service.

(2) "Prevailing charge" refers to those charges which fall within the range of charges as computed by the use of a predetermined and established statistical percentile. Prevailing charges for each dental procedure are derived from the overall pattern existing within the state.

Section 2. [1.] Out-of-hospital Care. (1) The cabinet shall reimburse participating dentists for covered services rendered to eligible medical assistance recipients at rates based on the dentist's usual customary, reasonable, and prevailing charges.

[(2) Definitions. For purpose of determination of payment.]

[(a) "Usual and customary charge" refers to the uniform amount which the individual dentist charges in the majority of cases for a specific dental procedure or service.]

[(b) "Prevailing charge" refers to those charges which fall within the range of charges as computed by the use of a predetermined and established statistical percentile. Prevailing charges for each dental procedure are derived from the overall pattern existing within the state.]

[(2) [(3)] Method and source of information on charges.

(a) Effective with fee revisions December 1, 1974 and after, individual fee profiles for participating dentists shall [will] be generated from historical data accumulated from charges submitted and processed by the Medical Assistance Program during all of the calendar year preceding the start of the fiscal year in which the determination is made.

(b) Effective with revisions December 1, 1974 and after, Title XIX prevailing fee maximums shall [will] be generated from the same historical data as referenced in paragraph (a) of this subsection.

(c) Effective with revisions December 1, 1974 and after, when applicable, Title XVIII, Part B current aggregate prevailing charge data shall [will] be utilized by the Medical Assistance Program.

(d) Percentile. The Title XIX prevailing charges were established by utilizing the

statistical computation of the 50th and 75th percentile.

(4) Maximum reimbursement for covered procedures. Reimbursement for covered procedures shall be limited to the lowest of the following:

(a) The actual charge for services rendered as submitted on the billing statement.

(b) The dentist's median charge for a given service derived from claims processed during all of the calendar year preceding the start of the fiscal year in which the determination is made.

(c) The Title XIX prevailing fee maximum for a given service, derived from claims processed as described in paragraph (b) of this subsection.

Section 3. [2.] Hospital Inpatient Care. (1) Hospitalized inpatient care, which is paid in the same manner as shown in Section 1 of this regulation with the exception that the same inpatient hospital rate reduction applied to physicians shall [will] also be applied to general dentists, refers to those services provided inpatients. It does not include dental services provided in the outpatient, extended care or home health units of hospitals. Any dentist submitting a claim for hospital inpatient care benefits must agree to accept payment in full for services rendered that patient during that admission.

(2) A general dentist may submit a claim for hospital inpatient services for the patient termed "medically a high risk." Medically high risk is defined as a patient in one (1) of the following classifications:

- (a) Heart disease;
- (b) Respiratory disease;
- (c) Chronic bleeder;
- (d) Uncontrollable patient (retardate, emotionally disturbed); or
- (e) Other (car accident, high temperature, massive infection, etc.).

Section 4. Reimbursement Exceptions. Effective with regard to services provided on or after May 1, 1989, the procedures specified in this section shall not be paid in accordance with Sections 2 and 3 of this regulation but shall be paid at the lower of the provider's usual and customary actual billed charge or the fixed fee (i.e., fee upper limits) specified in this section. The procedures and fixed fees are as follows:

(1) Alveoplasty (alveoloplasty) in conjunction with extractions per quadrant, \$54;

(2) Apicoectomy (per tooth) - first root, \$60;

(3) Apicoectomy (per tooth) each additional root, \$74;

(4) Gingivectomy or gingivoplasty - per quadrant, \$168;

(5) Gingivectomy or gingivoplasty - per tooth, \$66;

(6) Biopsy - excision of benign tumor - lesion diameter up to 1.25 cm., \$37;

(7) Frenulectomy (frenotomy or frenectomy - separate procedure), \$47;

(8) Suture of recent small wounds up to five (5) cm., \$57;

(9) Incision and drainage - intraoral soft tissue, \$39;

(10) Incision and drainage - extraoral soft tissue, \$31;

(11) Removal of foreign body, skin, or subcutaneous areolar tissue, \$109;

(12) Hospital call, \$30;

(13) Emergency call (intermediate level of

use in the home; and be necessary, appropriate and reasonable for treatment of an illness or injury or to improve the functioning of a malformed body member. This definition includes, but is not limited to, such items as wheelchairs, crutches, walkers, intermittent positive pressure breathing machines, braces, artificial limbs, and oxygen (when such oxygen supply can be maintained, replaced or resupplied at all times). The Medicare Program will be used as a guide for determining the appropriateness for coverage, where applicable. Not included within the above guidelines are: Items of equipment and/or appliances which would appropriately be considered for coverage only through other sections or components of the Medical Assistance Program, for example, lens and frames, hearing aids and pacemakers; items such as orthopedic shoes, contact lens and dentures; equipment used primarily and customarily for a nonmedical purpose, for example, air conditioners and humidifiers; physical fitness equipment; and equipment which basically serves comfort and convenience functions, for example, elevators.]

ROY BUTLER, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 7, 1989

FILED WITH LRC: May 12, 1989 at 3 p.m.

**PUBLIC HEARING:** A public hearing on this administrative regulation shall be held on June 22, 1989 at 9 a.m. in 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 June 17, 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: Roy Butler

(1) Type and number of entities affected: All home health agencies participating in the Medicaid program.

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

1. First year:  
2. Continuing costs or savings:  
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None  
(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None\*  
1. First year:  
2. Continuing costs or savings:  
3. Additional factors increasing or decreasing

costs:

(b) Reporting and paperwork requirements: None  
(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives 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:  
\*Durable medical equipment is being made a separate service component in the Medicaid Program. It is anticipated that any cost savings will be offset by an equivalent increase of cost in the durable medical equipment component.

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

#### CABINET FOR HUMAN RESOURCES Department for Medicaid Services (Proposed Amendment)

**907 KAR 1:034. Early and periodic screening, diagnosis and treatment.**

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050

**NECESSITY AND FUNCTION:** The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to the early and periodic screening, diagnosis and treatment service for which payment shall be made by the Medical Assistance Program in behalf of both categorically needy and medically needy children under age twenty-one (21).

Section 1. Definition. For the purpose of this regulation, "periodicity" means the frequency with which an individual may be screened or rescreened.

Section 2. [1.] Participation Requirements. Any health care provider meeting the requirements set forth below may be eligible to participate in the Kentucky Medical Assistance (Medicaid) Program as a screening provider:

(1) A physician shall [must] be duly-licensed in the state of Kentucky;

(2) Any early and periodic screening clinic or other organization qualified to provide screening services, including local health departments, shall be under the direction of a duly-licensed physician or registered professional nurse currently licensed by the state of Kentucky who shall be responsible for assuring that the requirements of participation are met and that the procedure established by the Medicaid Program are carried out;

(3) Screening clinics conducted under the

situated providers be treated in a similar manner.

**CABINET FOR HUMAN RESOURCES  
Department for Medicaid Services  
(Proposed Amendment)**

**907 KAR 1:044. Mental health center services.**

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to services provided by Mental Health Centers for which payment shall be made by the Medical Assistance Program to both the categorically needy and the medically needy.

Section 1. Definition of Psychiatric Nurse.

(1) For the purpose of providing Medical Assistance Program reimbursable services, registered nurses employed by participating mental health centers shall be considered psychiatric or mental health nurses when they meet any of the following criteria:

(a) Master of Science in Nursing (MSN) with specialty in psychiatric/mental health nursing; additional experience is not required; or

(b) Graduate of a four (4) year nursing educational program, with a Bachelor of Science in Nursing (BSN) and with a minimum of one (1) year of experience in a mental health setting; or

(c) Graduate of a three (3) year nursing educational program (diploma graduate), and with a minimum of two (2) years of experience in a mental health setting; or

(d) Graduate of a two (2) year nursing educational program, with an Associate Degree in Nursing (ADN) and with a minimum of three (3) years of experience in a mental health setting; or

(e) Effective July 1, 1989, any level of education with American Nursing Association (ANA) certification as a psychiatric and mental health nurse.

(2) Notwithstanding the preceding, any registered nurse employed by a participating mental health center in Kentucky on June 30, 1981 shall be considered a psychiatric nurse so long as their employment with the center continues, for the purpose of providing Medical Assistance Program reimbursable services.

Section 2. [1.] Covered Services. The following services provided by participating mental health centers shall be considered covered when rendered within Kentucky Medical Assistance Program guidelines:

(1) Inpatient services, as defined in 902 KAR 20:091 [20:090], when a center based psychiatrist renders the service, or when the psychologist, psychiatric nurse, master degree social worker, or individuals with equivalent professional education (as determined by the cabinet) to provide therapy for the patient.

(2) Outpatient services, as defined in 902 KAR

20:091 [20:090], but not including the uncovered services listed in this section and Section 3 [services excluded from coverage under other provisions] of this regulation, if rendered by a mental health professional from one (1) of the four (4) principal disciplines (psychiatrist, psychologist, psychiatric nurse, or master degree social worker), or individuals with equivalent professional education (as determined by the cabinet). Services rendered by a staff member other than one of the above shall be covered only if the service is delivered in accordance with a plan of treatment approved by the psychiatrist when delivered under the supervision of a mental health professional from one (1) of the four (4) principal disciplines or an individual with equivalent professional education (as determined by the cabinet).

(3) Partial hospitalization, as defined in 902 KAR 20:091 [20:090], if:

(a) The psychiatrist is present in the partial hospitalization unit on a regularly scheduled basis and assumes clinical responsibility for all patients; and

(b) The program has direct supervision by a psychiatrist, psychologist, psychiatric nurse, master degree social worker, or individuals with equivalent professional education (as determined by the cabinet).

(4) Home visits, defined as visits by center staff to recipients in their homes, if:

(a) Certified as a medical necessity by the psychiatrist or if the patient is homebound; and

(b) Provided by a mental health professional from one (1) of the four (4) principal disciplines, or individuals with equivalent professional education (as determined by the cabinet), and in accordance with an approved treatment plan.

(5) Detoxification services, when rendered by a center based psychiatrist in a detoxification unit.

(6) Psychological testing, if the tests are administered and evaluated by a certified clinical psychologist.

(7) Emergency services, as defined in 902 KAR 20:091 [20:090], if the eligible recipient is seen in an emergency situation by any professional or paraprofessional member of the mental health staff.

(8) Personal care home services, if rendered by a mental health professional from one (1) of the four (4) principal disciplines (psychiatrist, psychologist, psychiatric nurse, or master degree social worker) or individuals with equivalent professional education (as determined by the cabinet) to eligible recipients in personal care homes, and including resocialization and/or remotivation services rendered to personal care home groups, if such group services are rendered.

(9) Diagnosis deferred, diagnostic category, only if provided by the psychiatrist or psychologist.

(10) Speech disturbance, diagnostic category, only if provided by a psychiatrist or psychologist.

[Section 2. Definition of Psychiatric Nurse.

(1) For the purpose of providing Medical Assistance Program reimbursable services, registered nurses employed by participating mental health centers shall be considered psychiatric or mental health nurses when they meet any of the following criteria:]

the transplant will be successful and result in prolonged life of quality and dignity. [there must be some likelihood that the transplant will achieve its purpose. For purposes of this determination, the prognosis must be that there is a reasonable expectation the patient's health or condition will be improved by the transplant.]

(2) The hospital and physician performing the transplant must be recognized by the Medicaid Program as being competent to perform the transplant. A staffed and functioning unit at the hospital designed for and/or accustomed to performing transplants of the nature envisioned, recognized as competent by the medical community, will ordinarily be considered competent by the program.

Section 2. Reimbursement for Organ Transplants. Hospital payments for organ transplants will be set at eighty (80) percent of actual usual and customary charges with total payments not to exceed \$75,000 per transplant without regard to usual program limits on hospital length-of-stay. An exception to the maximum payment limit may be made by the Commissioner, Department for Medicaid Services, on a case-by-case basis when the maximum payment limit restricts or prohibits the availability of the needed transplant procedure or service. Physician payments for organ transplants will be at the usual Medicaid Program rates.

Section 3. Application of Organ Transplants Policy. It is the intent of the Department for Medicaid Services that the organ transplant policy be applied uniformly and consistently so that similarly situated individuals will be treated alike. To accomplish this goal the department will use the methodology specified in this section in receiving and processing requests for coverage and payments for organ transplants.

(1) All requests for authorization for organ transplants must be sent to the Commissioner, Department for Medicaid Services.

(2) The commissioner will assign the request to appropriate staff for investigation, report and recommendation. The report shall [must] show whether the person requesting the transplant is Medicaid eligible (or approximately when the person will become eligible); the type of transplant requested; the name of the facility (and physician if considered necessary) where the transplant is to be performed; any fee arrangement that has been made with the facility and/or physician (or a statement as to whether there is a disagreement with regard to fees); the proposed date of the transplant; the prognosis; a finding as to whether the facility/physician is considered qualified for the transplant being considered; and a finding as to whether program criteria for coverage is met.

(3) After consideration of the report and recommendation the commissioner will determine whether the general coverage criteria are [is] met and payments for the transplant may [should] be made. If the decision is to provide coverage, Medicaid program staff will assist the recipient with necessary arrangements for the transplant. If the decision is negative, the recipient will be notified of the manner in which the request does not meet agency guidelines.

Section 4. Scope of Coverage. This organ

transplant policy is applicable with regard to the following types of transplant: heart, lung, bone marrow and liver. Other types of transplants will also be covered under this policy upon identification and request except when special treatment of the transplant services is not considered necessary (i.e., usual program coverage and reimbursement is considered adequate), or when the transplant is considered by the Department for Medicaid Services to be experimental in nature. The Medicaid Program will not cover experimental transplants, i.e., those which have not previously been proven effective in resolving the health problems for which the transplant is the proposed preferable treatment mode.

ROY BUTLER, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 26, 1989

FILED WITH LRC: May 2, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 22, 1989 at 9 a.m. in 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 June 17, 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: Roy Butler

(1) Type and number of entities affected: Prospective organ transplant recipients under Medicaid.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None\*

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

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

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

PROPOSED REGULATIONS RECEIVED THROUGH MAY 15, 1989

**GENERAL GOVERNMENT CABINET**  
**Board of Barbering**

**201 KAR 14:051. Supervision of apprentice licensees.**

RELATES TO: KRS 317.450(1)(c)

STATUTORY AUTHORITY: KRS 314.440

NECESSITY AND FUNCTION: This regulation precisely defines the responsibilities of the shop owner and apprentice with respect to the supervision requirement for apprentice barbers.

Section 1. Any person employed as an apprentice barber shall, at all times, work under the immediate and continuous supervision of a licensed barber.

Section 2. The owner of a shop in which any such apprentice is employed shall be responsible for insuring that the requirements of this regulation are fully met with respect to that shop.

DOUGLAS CLAPPER, Administrator

APPROVED BY AGENCY: May 9, 1989

FILED WITH LRC: May 10, 1989 at noon

PUBLIC HEARING: A public hearing on this proposed regulation will be held on June 26, 1989 at the hour of 10 a.m. at the offices of the Kentucky Board of Barbering, 400 Sherburn Lane, Suite 405, Louisville, Kentucky 40207. Any person interested in commenting on this regulation at that hearing should contact: Mr. Douglas Clapper, Administrator, Kentucky Board of Barbering, 400 Sherburn Lane, Suite 405, Louisville, Kentucky 40207 in writing by June 21, 1989.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Douglas Clapper

(1) Type and number of entities affected: 1,300 barber shop owners and 250 apprentices.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: Minimal

(2) Effects on the promulgating administrative body: Assists in enforcing statute.

(a) Direct and indirect costs or savings: Minimal

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Minimal

(3) Assessment of anticipated effect on state and local revenues: Minimal

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable, this is merely a clarification of current statute and practice.

(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, because there is only one class of person to which the regulation applies.

**EDUCATION AND HUMANITIES CABINET**  
**Department of Education**  
**Office of Instruction**

**704 KAR 20:550. Professional school certificate for college faculty.**

RELATES TO: KRS 161.020, 161.025, 161.030

STATUTORY AUTHORITY: KRS 161.030

NECESSITY AND FUNCTION: KRS 161.020, 161.025 and 161.030 require that teachers and other professional personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board for Elementary and Secondary Education. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for issuing of a professional school certificate for a college faculty member.

Section 1. (1) The professional school certificate for college faculty shall be issued for a specific teaching or administrative assignment in a school district for a period not exceeding one (1) year to college faculty on recommendation of the local school district superintendent and the president of the institution of higher education at which the faculty member is employed. Only regular, tenure-track faculty at an institution of higher education approved by the State Board for Elementary and Secondary Education, with at least one (1) year of teaching experience at the college level shall be eligible for such certification.

(2) The local school district in which the faculty member is to serve shall determine the appropriate academic qualifications and any additional specialized training that would be required of the faculty member being recommended.

(3) The faculty member certified under the provision of this regulation shall not be employed in the place of a fully certified teacher who is available for the assignment.

(4) The building principal or other appropriate administrator in the local district in which the faculty member serves shall supervise and evaluate the certified faculty member.

Section 2. For purposes of the Foundation Program, the salary rank of the college faculty certified under this regulation shall be determined in accordance with KRS 157.390.

Section 3. The professional school certificate for college faculty may be renewed upon

June 17, 1989. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

# REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kathy Williams

(1) Type and number of entities affected: Applicants and clients of the Office of Vocational Rehabilitation.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs or savings to affected entities because this administrative regulation repeals material that was formerly incorporated by reference and is not designated by KRS Chapter 13A as regulatory in nature.

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: The only reporting and paperwork requirements are those needed to promulgate this regulation.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There is no additional paperwork other than that needed to promulgate this regulation.

(3) Assessment of anticipated effect on state and local revenues: There should be no impact on state and local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered. Counsel has advised that this regulation should be repealed and that policies and procedures should be repromulgated as separate administrative regulations.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no additional information or comment.

TIERING: Was tiering applied? Yes

# FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 361 revised by Federal Register (52 FR 44366) November 18, 1987.

2. State compliance standards. This regulation repeals 706 KAR 1:010 which contains material not regulatory in nature.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate requires states to adopt and revise such policies and procedures as is necessary for the administration of the vocational rehabilitation program.

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.

# EDUCATION & HUMANITIES CABINET

Department for Education

Office of Vocational Rehabilitation

706 KAR 1:012. General provisions for operation of the Office of Vocational Rehabilitation.

RELATES TO: KRS 163.120, 163.130, 163.140, 163.160, 34 CFR 361

STATUTORY AUTHORITY: KRS 163.140

NECESSITY AND FUNCTION: KRS 163.120 to 163.160 agree to apply with federal vocational rehabilitation acts, provide for a state rehabilitation agency, set eligibility criteria for vocational rehabilitation services, and direct the State Board for Adult, Vocational Education and Vocational Rehabilitation Services to promulgate regulations governing services, personnel, and administration of the state rehabilitation agency. This regulation prescribes general criteria for the provision of rehabilitation services and is necessary in order to distribute limited funds available for such purpose.

Section 1. Definitions. (1) "Client" means an individual who has been determined by an appropriate state unit staff member to meet the basic conditions of eligibility for vocational rehabilitation services as defined in 34 CFR 361.31(b), which is adopted without change.

(2) "Applicant" means an individual who has requested rehabilitation services on agency prescribed forms, but for whom no eligibility or ineligibility determination has been made, as defined in 34 CFR 361.31(b), which is adopted without change.

(3) "Agency" means the Kentucky Department of Education, Office of Vocational Rehabilitation, and its appropriate staff members who are authorized under state law to perform the functions of the state regarding the state plan and its supplement.

(4) "Relative" means an individual related to another individual by blood, marriage, or adoption, including spouses, parents, grandparents, brothers, sisters, sons, daughters, grandchildren, aunts, uncles, nieces, nephews and first cousins.

(5) "Visual impairment" means an individual has a condition of the eye which constitutes or results for the individual in a substantial handicap to employment, as defined by KRS 163.460.

(6) "Legally blind" means an individual has a visual acuity of 20/200 or less in the better eye with correction or a visual field of twenty (20) degrees or less, as defined by KRS 163.460.

Section 2. Comparable Benefits. Except as provided in 706 KAR 1:013, the following shall apply:

(1) Comparable benefits application shall be required as follows:

(a) Full consideration shall be given to any comparable benefits available under any other program to an individual with a handicap to meet, in whole or in part, the cost of physical and mental restoration services and maintenance, unless it would significantly delay the



for which it is being provided and shall not be further released to the involved individual;

(b) The Office of Vocational Rehabilitation may release personal information if required by federal law;

(c) The Office of Vocational Rehabilitation may release personal information in response to investigations in connection with law enforcement, fraud, abuse (except where expressly prohibited by federal or state laws or regulations), and in response to judicial order; and

(d) The Office of Vocational Rehabilitation may also release personal information in order to protect the individual or others when the individual poses a threat to his safety or to the safety of others.

**Section 4. Employability Evaluation.** Substantial physical restoration services (i.e., surgery or physical therapy) shall not be provided in employability evaluation. Major or extensive restoration services shall not be provided to determine if the applicant meets the reasonable expectation criteria of eligibility.

**Section 5. Employees' Application for Services.** (1) In order to provide agency employees fair and equal access to agency services and to avoid the appearance of impropriety or conflict of interest, an applicant who is an agency employee and the agency shall adhere to the following procedures when such an employee wishes to apply for rehabilitation services:

(a) The employee shall contact the regional administrator and inform him of the intent to apply.

(b) The regional administrator shall select a counselor to take the application. Whenever practicable, the counselor shall be located in an adjacent district.

(2) The employee shall be informed of his eligibility or ineligibility for services.

(3) If the employee-applicant is dissatisfied with any action or inaction, he may appeal pursuant to 706 KAR 1:016.

**Section 6. Employees' Relatives' Applications for Services.** An employee shall not take an application or provide vocational rehabilitation services to a relative. The relative shall be referred to the branch manager. The branch manager shall assign a staff member who is not a relative to take the application and to provide services as deemed appropriate.

**Section 7. Legal Fees.** The agency shall not be responsible for any fees incurred by an applicant or client for legal services.

**Section 8. Maintenance.** The agency shall not subsidize a client's home through payment of any type of maintenance to parents, wives, relatives, or friends.

**Section 9. Payment Rates for Purchased Services.** (1) The Office of Vocational Rehabilitation shall maintain, in accessible form, information on current rates of payment for services provided by the agency. A written record of the effective date of adoption of fee schedules or rates of payment shall be maintained.

(2) The Office of Vocational Rehabilitation

shall ensure that physicians or other vendors of services agree not to charge or accept from the applicant or client or his family any payment for services unless the amount of such charge or payment is previously known to and, where applicable, approved by the agency.

(3) The establishment, maintenance, and revision of fee schedules and rates of payment for services shall be guided by: review of existing Medicaid, Medicare, or private health care insurance fee schedules; review and consultation with other state rehabilitation agencies; review and consultation with Veteran's Administration or other federal agencies that maintain rate schedules; or consultation with physicians and other vendors of services. Consultation for the purpose of establishing rates of payment may be secured on a fee for service basis.

(4) The rates of payment shall not exceed the maximum established by the agency. A lesser rate may be negotiated between the agency with the service provider.

(5) The agency shall not approve payment for services provided to an individual when the agency has made no prior authorization.

**Section 10. Physical or Mental Restoration.** Physical or mental restoration services shall be authorized to out-of-state vendors only as follows:

(1) In geographical areas routinely used for the convenience of the individual; or

(2) When it will be economically beneficial to the agency.

(3) If particular procedure or mode of treatment is not available in state, the schedule of payment shall be governed by the rates established by the vocational rehabilitation agency in the state where services are to be provided.

**Section 11. Placement.** The agency shall not pay for job placement services from a private for profit employment or placement agency.

**Section 12. Postemployment Services.** (1) The expenses of treating acute conditions during postemployment services shall not be borne by the agency.

(2) Postemployment services shall not be provided solely to upgrade a client's financial status.

(3) Support services such as maintenance, transportation, and attendant care shall be provided only in conjunction with other rehabilitation services and shall not be provided to solely support an individual in employment.

(4) If postemployment services are initiated and it becomes obvious that the client cannot or will not remain in or return to employment, the case shall be terminated. The case shall not be reopened for postemployment services.

**Section 13. Potentially Terminal Illness.** (1) Services shall not be provided to individuals with a potentially terminal illness unless:

(a) There is a favorable medical prognosis for recovery; and

(b) There is a prospect of survival for a reasonable period of time, allowing a return to work for at least twelve (12) months (work life expectancy).

(2) The following guidelines shall be followed

services in the agency sponsored attendant care program at the University of Kentucky.

(2) On-the-job training may be provided pursuant to this subsection.

(a) On-the-job training for unskilled and semiskilled labor positions shall not exceed three (3) months in duration.

(b) On-the-job training for skilled occupations shall not exceed six (6) months in duration.

(c) The vendor or employer shall have made a written commitment to hire the client-trainee upon successful completion of the on-the-job training.

(d) The client in on-the-job training may be paid the legal minimum wage for occupations covered by such statute or the prevailing rate for occupations not covered.

(e) The client in on-the-job training shall receive the compensation coverage, privileges, and other benefits that accrue to other employees.

(f) The agency shall not pay in excess of the legal minimum wage for occupations covered by such statute or the prevailing rate for occupations not covered in on-the-job training.

(3) Correspondence training may be provided to clients subject to the provision of this subsection.

(a) Correspondence training may be provided if it is the only method by which the client can receive the necessary training.

(b) The agency shall not sponsor correspondence courses in subjects such as heavy equipment operation, truck driving, depot agent, detective, or airline employee if practical experience is not provided.

(4) Training outside the contiguous United States may be provided to clients pursuant to this subsection.

(a) Training institutions located outside the contiguous United States shall be considered only if all of the following conditions are met:

1. The client is enrolled in a program in the contiguous United States that requires study abroad to satisfy degree requirements for graduation;

2. The study abroad does not lengthen the total program;

3. The client maintains full-time student status while studying abroad;

4. The client is in good academic standing; and

5. The client's successful achievement of the vocational goal is contingent on participation in the study abroad as a part of the approved curriculum.

(b) If the preceding conditions are met, the agency may provide financial assistance only up to the amount normally authorized for in-state training, excluding transportation costs.

Section 21. Transplants or Implants. Transplant or implant procedures which are experimental or which do not have a consistent record of significant improvement in vocational functioning in better than fifty (50) percent of the subjects shall not be provided by the agency.

Section 22. Visual Impairments. (1) Pursuant to KRS 163.160, individuals with a reported or diagnosed primary disability of visual impairment or who are legally blind shall not be served by the Office of Vocational Rehabilitation.

(2) Clients with a secondary disability of

visual impairment may be served. Agency staff shall secure, in all cases of visual impairment, an evaluation of visual loss provided by a physician skilled in the diseases of the eye or by an optometrist.

(3) The agency staff shall secure, in all cases of blindness, a screening for hearing loss from a physician skilled in the diseases of the ear or from an audiologist licensed or certified in accordance with state laws or regulations.

(4) Individuals with deaf-blindness shall be served by the agency that can most appropriately meet the specific and individual needs of the applicant or client who is deaf-blind.

GEORGE R. SIEMENS, JR., Chairman

APPROVED BY AGENCY: April 25, 1989

FILED WITH LRC: May 10, 1989 at 4:30 p.m.

PUBLIC HEARING: A public hearing has been scheduled on June 22, 1989 at 10 a.m. (EDT) in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, to review the regulation adopted by the State Board for Adult, Vocational Education and Vocational Rehabilitation at its February meeting. Those persons wishing to attend and testify shall contact in writing: Audrey T. Carr, Secretary, State Board for Adult, Vocational Education and Vocational Rehabilitation, 2013 Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 17, 1989. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kathy Williams

(1) Type and number of entities affected: All applicants and clients of the Office of Vocational Rehabilitation.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect cost or savings. This regulation is a continuation of a previous regulation which was repealed.

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: The only reporting requirements are those needed to promulgate this regulation.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There is no additional paperwork other than that needed to promulgate this regulation.

(3) Assessment of anticipated effect on state and local revenues: There should be no additional impact on state and local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Counsel has advised that the material is restrictive and is designated by KRS Chapter 13A as regulatory in nature.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute regulation or policy which is in

be served. If the priority category is closed, the individual's case shall be held in accepted status until such time as the priority category assigned is opened or the order of selection is lifted.

(6) The order of selection system shall have six (6) priority categories as follows:

(a) Priority Category I - eligible clients with a severe handicapping condition.

(b) Priority Category II - eligible public service officers with a nonsevere handicap whose handicapping condition arose from disability sustained in the line of duty.

(c) Priority Category III - eligible clients with a nonsevere handicap whose disability results in permanent functional limitations and who will have a vocational objective of competitive employment.

(d) Priority Category IV - eligible clients with a nonsevere handicap whose disability limits or if not treated will limit one (1) or more major functional capacities, and who will have a vocational objective of competitive employment.

(e) Priority Category V - eligible clients with a nonsevere handicap whose disability results in permanent functional limitations.

(f) Priority Category VI - any other eligible clients whose handicap is nonsevere.

GEORGE R. SIEMENS, JR., Chairman

APPROVED BY AGENCY: April 25, 1989

FILED WITH LRC: May 10, 1989 at 4:30 p.m.

PUBLIC HEARING: A public hearing has been scheduled on June 22, 1989 at 10 a.m. (EDT) in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, to review the regulation adopted by the State Board for Adult, Vocational Education and Vocational Rehabilitation at its February meeting. Those persons wishing to attend and testify shall contact in writing: Audrey T. Carr, Secretary, State Board for Adult, Vocational Education and Vocational Rehabilitation, 2013 Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 17, 1989. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kathy Williams

(1) Type and number of entities affected: All applicants and clients of the Office of Vocational Rehabilitation.

(a) Direct and indirect costs or savings to those affected: There are no identifiable cost savings. Any savings realized would be redistributed in the form of services to a larger population of citizens with disabilities. This regulation is a continuation of a previous regulation which was repealed in order to remove informational material which is not identified as regulatory in KRS Chapter 13A.

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: The only reporting requirements are those needed to promulgate this regulation.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There is no additional paperwork other than that needed to promulgate this regulation.

(3) Assessment of anticipated effect on state and local revenues: There should be no additional impact on state and local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered. Counsel has advised that the material is restrictive and is designated by KRS Chapter 13A as regulatory in nature.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, regulation or policy which is in conflict, overlaps or duplicates this regulation.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no additional information or comment.

TIERING: Was tiering applied? Yes

#### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 361 revised by Federal Register (52 FR 44366) November 18, 1987.

2. State compliance standards. This administrative regulation details the agency standards for an economic needs test and an order of selection for vocational rehabilitation services.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate permits a state to restrict access to services based on reasons of economic need; an order of selection is required when sufficient funds are not available to serve all eligible individuals.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The Office of Vocational Rehabilitation is financially unable to provide services for all the eligible individuals. An economic needs test and an order of selection must be imposed which will allow available limited funds to be distributed while assuring adequate services will be available to serve persons with severe disabilities.

#### EDUCATION & HUMANITIES CABINET Department for Education Office of Vocational Rehabilitation

706 KAR 1:014. Rehabilitation engineering services.

RELATES TO: KRS 163.140

STATUTORY AUTHORITY: KRS 163.140

NECESSITY AND FUNCTION: KRS 163.140 directs the State Board for Adult, Vocational Education and Vocational Rehabilitation Services to prescribe rules and regulations governing the

allowable expenditure if such is necessary to effect vocational rehabilitation of the individual. The individual shall meet financial need qualifications. The counselor shall make every attempt to utilize recoverable, nonpermanent modifications if possible or cost effective.

(a) For modifications costing \$500 or less, the counselor may plan and authorize such modifications.

(b) For modifications costing between \$501 and \$1,000, branch manager approval is required.

(c) For modifications costing \$1,001 to \$6,000, bid processes must be followed in addition to branch manager approval.

(2) The agency may provide essential services necessary to alter or adapt the work situation to enable the client to obtain employment or to insure continuation of employment, including but not limited to the building of a permanent ramp for a wheelchair, modification of machinery to enable the individual to use that particular machine, or a specially designed safety device.

(a) For modifications costing \$500 or less, the counselor may plan and authorize such modifications.

(b) For modifications costing between \$501 and \$1,000, branch manager approval is required.

(c) For modifications costing \$1,001 to \$6,000, bid processes must be followed in addition to branch manager approval.

(3) Property modifications over \$6,000 shall not be allowed.

GEORGE R. SIEMENS, JR., Chairman

APPROVED BY AGENCY: April 25, 1989

FILED WITH LRC: May 10, 1989 at 4:30 p.m.

PUBLIC HEARING: A public hearing has been scheduled on June 22, 1989 at 10 a.m. (EDT) in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, to review the regulation adopted by the State Board for Adult, Vocational Education and Vocational Rehabilitation at its February meeting. Those persons wishing to attend and testify shall contact in writing: Audrey T. Carr, Secretary, State Board for Adult, Vocational Education and Vocational Rehabilitation, 2013 Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 17, 1989. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Audrey Carr

(1) Type and number of entities affected: All applicants and clients of the Office of Vocational Rehabilitation.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect cost or savings. This regulation is a continuation of a previous regulation which was repealed.

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: The only reporting requirements are those needed to promulgate this regulation.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings.

1. First year: None  
2. Continuing costs or savings: None  
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There is no additional paperwork other than that needed to promulgate this regulation.

(3) Assessment of anticipated effect on state and local revenues: There should be no additional impact on state and local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Counsel has advised that the material is restrictive and is designated by KRS Chapter 13A as regulatory in nature.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute regulation or policy which is in conflict, overlaps or duplicates this regulation.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no additional information or comment.

TIERING: Was tiering applied? Yes

#### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 361 revised by Federal Register (52 FR 44366) November 18, 1987.

2. State compliance standards. This administrative regulation details the agency standards for rehabilitation engineering services.

3. Minimum or uniform standards contained in the federal mandate. Federal regulations mandate that rehabilitation engineering services be made available.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The Office of Vocational Rehabilitation is unable to provide for all requested services. Since available funds are limited, some parameters must be established which will allow resources to be distributed consistently.

#### EDUCATION & HUMANITIES CABINET

Department for Education

Office of Vocational Rehabilitation

706 KAR 1:015. Carl D. Perkins Comprehensive Rehabilitation Center.

RELATES TO: KRS 163.140

STATUTORY AUTHORITY: KRS 163.140

NECESSITY AND FUNCTION: KRS 163.140 directs the State Board for Adult, Vocational Education and Vocational Rehabilitation Services to prescribe rules and regulations governing the services and administration of the Office of Vocational Rehabilitation. This regulation establishes the criteria for admission to and withdrawal of services by the Carl D. Perkins Comprehensive Rehabilitation Center.

dissatisfied with admissions decisions may request an administrative review of the decision pursuant to 706 KAR 1:016.

Section 3. Discharge Policy. (1) The decision to provide further services after an applicant or client has completed a CDPCRC program shall be based upon the following:

(a) Further programs are requested by the referral source, or any CDPCRC professional believes that the applicant or client requires further services; and

(b) The program requested for the applicant or client is available.

(2) The applicant or client may be voluntarily discharged from the CDPCRC for the following reasons:

(a) He has completed a program of services, and is not qualified for another CDPCRC program;

(b) He does not desire further services from CDPCRC;

(c) His medical condition requires treatment away from the CDPCRC for an extended period of time; or

(d) He wishes to leave CDPCRC and cannot be convinced to stay.

(3) An applicant or client may be involuntarily discharged from CDPCRC for the following reasons:

(a) He fails to make progress in his program of services and efforts to resolve the problem have been unsuccessful;

(b) His condition becomes such that he is no longer qualified for the program in which he is enrolled and no other program can meet his needs;

(c) His behavioral condition deteriorates to the point that he becomes a risk to the safety of others;

(d) He has been unexcused, absent from class or tardy more than five (5) days in a three (3) month training program or more than ten (10) days in a training program exceeding three (3) months duration;

(e) He is expelled for cause.

(4) When a decision is made to discharge an applicant or client for failure to make progress for medical, psychological, behavioral, or personal reasons, these procedures shall be followed:

(a) The decision to discharge from a particular program shall be made by the program manager, with documentation and participation by staff within his department. Discharge from a particular program does not necessarily imply discharge from the facility.

(b) Should the reason for discharge necessitate services outside the facility (e.g., medical, psychological), the applicant or client may be readmitted when the problem is resolved.

(5) The applicant or client may be discharged from CDPCRC without prior notice if necessary to prevent harm to persons or property, or to prevent serious disruption of CDPCRC programs.

Section 4. Suspension and Expulsion Policy. The director of CDPCRC or his designee may suspend or expel applicants or clients from CDPCRC when it has been determined that the applicant's or client's behavior has upset the order of the institution, or has endangered the safety of others, or indicates that the applicant or client is persistently unwilling to comply with the lawful regulations for the governance of CDPCRC.

(1) Suspension.

(a) An applicant or client may be suspended or expelled for any of the following specific reasons:

1. Physical abuse of another person;

2. The threat or use of violence;

3. The possession or use of alcohol or a controlled substance on CDPCRC grounds, or while attending a CDPCRC-sponsored activity;

4. Stealing, destruction of, or defacing of CDPCRC or private property;

5. The carrying or use of weapons;

6. Documented, persistent refusal to participate in a planned program of services; or

7. Flagrant violations of CDPCRC regulations that upset the order of the institution.

(b) If the applicant or client is under the age of eighteen (18) or has been adjudged legally disabled, for whom CDPCRC serves in the capacity of a caretaker, the causes for suspension shall apply regardless of whether or not the offense occurs on CDPCRC property.

(c) Suspension shall mean a dismissal from CDPCRC for a period not to exceed twenty (20) class days.

(d) An applicant or client shall not be suspended until after the following due process procedures have been followed:

1. The applicant or client, or his parent or guardian if he is under eighteen (18) years of age or legally disabled, and the referring counselor, shall be given oral or written explanation of the charges against the applicant or client;

2. The applicant or client shall be given an explanation of the evidence on which the charges are based; and

3. The applicant or client shall be given an opportunity to present his version of the facts relating to the charges;

(e) Due process procedures shall precede any suspension from CDPCRC, except when immediate removal of the applicant or client from CDPCRC is necessary, in the judgment of the director or his designee, to protect persons or property or to prevent disruption of CDPCRC programs. In such cases, the due process procedures shall follow the suspension as soon as possible, but in no case later than five (5) class days following the effective date of the suspension.

(2) Expulsion.

(a) The CDPCRC director or his designee may expel an applicant or client under the following conditions:

1. The applicant or client has been convicted of a felony or misdemeanor committed on CDPCRC property, or while he was under the CDPCRC's jurisdiction;

2. The offense is a repeat of an earlier offense for which the applicant or client was suspended;

3. The offense is an instance of a history of persistent misconduct, and efforts to cause a change in the applicant's or client's behavior have been unsuccessful;

4. The offense involves violence, and in the opinion of the director or designee, others are likely to be harmed if the applicant or client remains at CDPCRC; or

5. The offense is a flagrant and willful violation of CDPCRC regulations, and in the opinion of the director or his designee, there is little likelihood that efforts to deter the applicant or client from committing similar offenses will be successful.

(b) No expulsion shall occur until the

comply with federal vocational rehabilitation acts; and KRS 163.140 sets forth rule-making authority with respect to the state vocational rehabilitation agency. This regulation establishes necessary appeals procedures.

Section 1. Definitions. (1) "Client" means an individual who has been determined by an appropriate state unit staff member to meet the basic conditions of eligibility for vocational rehabilitation services as defined in 34 CFR 361.31(b), which is adopted without change.

(2) "Applicant" means an individual who has requested rehabilitation services on agency prescribed forms, but for whom no eligibility or ineligibility determination has been made, as defined in 34 CFR 361.31(b), which is adopted without change.

(3) "Agency" means the Kentucky Department of Education, Office of Vocational Rehabilitation, and its appropriate staff members who are authorized under state law to perform the functions of the state regarding the state plan and its supplement.

Section 2. Right of Appeal and Information. An applicant or client who is dissatisfied with any action concerning the furnishing or denial of vocational rehabilitation services shall have the right to appeal that action. All applicants or clients shall be informed of entitlements available under this regulation, including the names and addresses of such individuals with whom an appeal shall be filed.

Section 3. Client Assistance Program. The Office of Vocational Rehabilitation shall advise all applicants and clients of the existence of the Client Assistance Program, the services provided by the program, and how to contact the program representatives.

Section 4. Notification of Appeal Rights Regarding Eligibility. The Office of Vocational Rehabilitation shall provide each applicant or client with written notification of any agency decision concerning eligibility or ineligibility for services, the basis for and the effective date of that decision, and the specific means of appealing that decision through an administrative review or impartial hearing.

Section 5. Notification of Appeal Rights Regarding an Individualized Written Rehabilitation Program. The Office of Vocational Rehabilitation shall provide each client with an Individualized Written Rehabilitation Program (IWRP), including notification of the specific means for appealing any IWRP decisions through an administrative review or impartial hearing.

Section 6. Choice of Appeal Procedures. (1) Applicants or clients may initially request an administrative review as a means to resolve issues of dissatisfaction.

(2) The applicant or client may request an expedited administrative review during which time disputed agency services shall continue.

(3) The administrative review or expedited administrative review shall not delay an impartial hearing and its time frames, unless both the agency and the applicant or client agree to the delay.

(4) Upon written notice of the administrative review decision or the expedited administrative

review decision, the applicant or client may request an impartial hearing if still dissatisfied.

(5) An applicant or client who is dissatisfied with any determination made by agency staff concerning the furnishing or denial of services may request a review of that determination before an impartial hearing officer by contacting the Associate Superintendent for Vocational Rehabilitation.

Section 7. Procedures for an Administrative Review. The following procedures shall be followed in an administrative review:

(1) The regional administrator shall designate a branch manager from a district not involved in the action in question to conduct the administrative review. The director of Carl D. Perkins Comprehensive Rehabilitation Center (CDPCRC) shall designate the review officer for reviews involving CDPCRC.

(2) The administrative review shall be held within fifteen (15) working days of receipt of the request.

(3) When practicable, the review shall be at a time and place convenient to the applicant or client requesting the review, and the individual shall be notified in writing as to the time and place of the review and the right to be represented at the review by counsel or a designated advocate.

(4) A report of the findings of the review shall be sent to the involved individual within fifteen (15) working days from the completion date of the review.

Section 8. Expedited Administrative Review. When there is an agency-initiated change resulting in a discontinuation of a service set forth in an IWRP, the following procedures shall be observed:

(1) The client shall be notified in writing at least ten (10) working days before the effective date of the proposed change; and

(2) The client's request for a review shall be made before the effective date of the proposed change. Should the client request an expedited administrative review, services shall continue until the review determination is received in writing, but in any case, no longer than thirty (30) days from the effective date of the proposed change.

Section 9. Hearing. Should an applicant or client be dissatisfied with any determinations made by the agency staff concerning the furnishing or denial of services or the findings and decision of an administrative review, the affected applicant or client may request a hearing by contacting the Association Superintendent for Vocational Rehabilitation. The following procedures shall be followed:

(1) An impartial hearing officer who has a background and experience in, and knowledge of, the delivery of vocational rehabilitation services; who has not taken part in the action under consideration; who is not an employee of the Office of Vocational Rehabilitation; and who has no personal or financial investment in the outcome of the hearing shall conduct a formal hearing.

(2) The hearing shall be held within forty-five (45) days after receipt of the initial request for appeal. Reasonable time extensions may be made for good cause shown by a

those affected: There are no direct or indirect cost or savings. This regulation is a continuation of a previous regulation which was repealed.

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: Reporting and paperwork requirements cannot be anticipated since those requirements will be contingent on the number of appeals. The only other reporting requirements are those needed to promulgate this regulation.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings that can be anticipated. Cost will relate to the number of hearings requested.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Reporting and paperwork requirements cannot be anticipated since those requirements will be contingent on the number of appeals. The only other additional paperwork is that needed to promulgate this regulation.

(3) Assessment of anticipated effect on state and local revenues: There should be no additional impact on state and local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered. Counsel has advised that the material is designated by KRS Chapter 13A and by federal regulation as regulatory in nature.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, regulation or policy which is in conflict, overlaps or duplicates this regulation.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no additional information or comment.

TIERING: Was tiering applied? Yes

#### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 361 revised by Federal Register (52 FR 44366) November 18, 1987.

2. State compliance standards. This administrative regulation establishes procedures for client appeals as required in the federal mandate.

3. Minimum or uniform standards contained in the federal mandate. State agencies are required to adopt such policies and procedures as is necessary to assure clients an administrative avenue for resolving disputes.

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.

#### EDUCATION & HUMANITIES CABINET Department for Education Office of Vocational Rehabilitation

706 KAR 1:017. Admission and discharge from Colonial Inn Rehabilitation Facility, work training centers and community facilities.

RELATES TO: KRS 163.140

STATUTORY AUTHORITY: KRS 163.140

NECESSITY AND FUNCTION: KRS 163.140 directs the State Board for Adult, Vocational Education and Vocational Rehabilitation Services to prescribe rules and regulations governing the services and administration of the Office of Vocational Rehabilitation. This regulation establishes criteria for the provision of services by the Colonial Inn Rehabilitation Facility, work training centers, and community facilities.

Section 1. Definitions. (1) "Client" means an individual who has been determined by an appropriate state unit staff member to meet the basic conditions of eligibility for vocational rehabilitation services as defined in 34 CFR 361.31(b), which is adopted without change.

(2) "Applicant" means an individual who has requested rehabilitation services on agency prescribed forms, but for whom no eligibility or ineligibility determination has been made, as defined in 34 CFR 361.31(b), which is adopted without change.

Section 2. Colonial Inn Rehabilitation Facility Admissions. (1) Applicants or clients admitted to the Colonial Inn Rehabilitation Facility shall meet the following conditions:

(a) They shall have been determined eligible for rehabilitation services, or eligible for employability evaluation, by the Office of Vocational Rehabilitation; and

(b) They shall continue to be served by Central State Hospital, by Seven Counties Mental Health, or by another public or private vendor of mental health services.

(2) No applicant or client admitted for services at the Colonial Inn Rehabilitation Facility shall be considered a permanent resident of that facility.

(3) No applicant or client shall be admitted to the Colonial Inn Rehabilitation Facility if any of the following conditions exist:

(a) The applicant's or client's medical or behavioral condition is such that he represents a risk to the health or safety of himself or others;

(b) The applicant or client is unable, for reasons of physical or mental health, to perform routine activities of daily living or to engage in job-search activities; or

(c) The applicant or client is unable to administer his own medication.

(4) Applicants or clients admitted to the Colonial Inn Rehabilitation Facility shall be assessed for room and board in accordance with the following schedule:

(a) Those applicants or clients who receive ten (10) dollars or less per week in income shall not be charged for room and board.

(b) Those applicants or clients who receive more than ten (10) dollars per week in income shall be charged seventy (70) percent of the amount exceeding ten (10) dollars, up to a maximum of twenty-one (21) dollars.



been received by that date, the above regulation will be removed from the agenda.

# REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kathy Williams

(1) Type and number of entities affected: All applicants and clients of the Office of Vocational Rehabilitation.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect cost or savings. This regulation is a continuation of a previous regulation which was repealed.

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: The only reporting requirements are those needed to promulgate this regulation.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There is no additional paperwork other than that needed to promulgate this regulation.

(3) Assessment of anticipated effect on state and local revenues: There should be no additional impact on state and local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered. Counsel has advised that the material is restrictive and is designated by KRS Chapter 13A as regulatory in nature.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, regulation or policy which is in conflict, overlaps or duplicates this regulation.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no additional information or comment.

TIERING: Was tiering applied? Yes

## FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 361 revised by Federal Register (52 FR 44366) November 18, 1987.

2. State compliance standards. This administrative regulation establishes standards for admission to and discharge from agency operated facilities.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate requires states to adopt such policies and procedures as is necessary for the administration of the Office of Vocational Rehabilitation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the

stricter standard, or additional or different responsibilities or requirements. No federal standards exist for the governance of state owned and operated facilities. This regulation sets standards for admission and discharge which are necessary for service delivery at state operated facilities.

## PUBLIC PROTECTION AND REGULATION CABINET Kentucky Registry of Election Finance

801 KAR 1:120. Repeal of portions of 801 KAR Chapter 1.

RELATES TO: KRS Chapter 121

STATUTORY AUTHORITY: KRS 121.120(3)

NECESSITY AND FUNCTION: Portions of 801 KAR Chapter 1 does not meet the criteria established by KRS 13A.224(d), effective July 15, 1988. Therefore, this regulation is being promulgated to repeal all regulations contained in that chapter.

Section 1. 801 KAR 1:005, Campaign treasurer; 801 KAR 1:010, Executive committee's report of receipts and expenditures; 801 KAR 1:020, Campaign committee's report of receipts and expenditures; 801 KAR 1:030, Candidate report of receipts and expenditures; 801 KAR 1:050, Political issues committee report of receipts and expenditures; 801 KAR 1:060, Permanent committee report of receipts and expenditures; 801 KAR 1:100, Unopposed candidate are hereby repealed.

RAYMOND E. WALLACE, Executive Director

APPROVED BY AGENCY: May 12, 1989

FILED WITH LRC: May 12, 1989 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1989 at 9 a.m. in 1604 Louisville Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 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: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

## REGULATORY IMPACT ANALYSIS

Agency Contact Person: Connie Whitehouse

(1) Type and number of entities affected: Candidates for public office, their campaign committees, permanent, issues and executive committees.

(a) Direct and indirect costs or savings to those affected: Maximum \$8,000.

1. First year: There will be no direct or indirect costs or savings.

Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to durable medical equipment services (including medical supplies) for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and medically needy.

Section 1. Conditions for Coverage and Limitations on Durable Medical Equipment and Medical Supplies. Durable medical equipment and medical supplies are covered only in accordance with the following conditions:

(1) The equipment or supplies which are covered shall be limited to those covered in the Medicare Program unless separately specified for coverage by the cabinet. Any equipment with a cost of \$150 or more must be preauthorized by the cabinet.

(2) The equipment or supplies shall be ordered by the physician as required in the treatment of the patient.

(3) The equipment or supplies shall be suitable for the patient to use in the home.

(4) The recipients utilizing the equipment or supplies shall be Medicaid eligible, and the durable medical equipment providers shall be required to participate as providers in both the Medicare and Medicaid programs.

(5) Coverage for an item of durable medical equipment shall be in accordance with the following guidelines: that the item shall be durable in nature and able to stand repeated use; serve a medical purpose; generally be not useful to a person in the absence of illness or injury; be appropriate for use in the home; and be necessary, appropriate and reasonable for treatment of an illness or injury or to improve the functioning of a malformed body member. This definition includes but is not limited to wheelchairs, crutches, walkers, intermittent positive pressure breathing machines, braces, artificial limbs, and oxygen (when such oxygen supply can be maintained, replaced, or resupplied at all times). The Medicare Program will be used as a guide for determining the appropriateness for coverage, where applicable.

Section 2. Equipment Not Covered Under Durable Medical Equipment. Equipment which would appropriately be considered for coverage only through other sections or components of the Medical Assistance Program, for example, lens and frames, hearing aids and pacemakers; items such as orthopedic shoes, contact lens and dentures; equipment used primarily and customarily for a nonmedical purpose, for example, air conditioners and humidifiers; physical fitness equipment; and equipment which basically serves comfort and convenience functions (for example, elevators) are not covered under the durable medical equipment component of the Medicaid Program.

Section 3. The provisions of this regulation shall be effective with regard to services provided on and after May 1, 1989.

ROY BUTLER, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 26, 1989

FILED WITH LRC: May 1, 1989 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 22, 1989 at 9 a.m. in 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 June 17, 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: Roy Butler

(1) Type and number of entities affected: Durable medical equipment providers.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None\*

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives 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: \*Any increased program cost will be offset by equivalent reductions in administrative costs of home health agencies which previously provided the durable medical equipment.

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

**ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE**  
**Minutes of the May 2, 1989 Meeting**

The May meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, May 2, 1989 at 10 a.m. in Room 107. Representative Mark D. O'Brien, Chairman, called the meeting to order, and the secretary called the roll. On motion of Senator Quinlan, seconded by Representative Bruce, the minutes of the April 10, 1989 meeting were approved.

**Present May 2, 1989 were:**

**Members:** Representative Mark D. O'Brien, Chairman; Senators Gene Huff and Bill Quinlan; Representatives Jim Bruce, Ronny Layman and Tom Kerr.

**Guests:** Scott Akers, Daniel C. Wilson, Revenue Cabinet; John Merchant, Finance Cabinet; David Nicholas, Board of Examiners for Speech-Language Pathology and Audiology; Connie Malone, Ellen Tharpe, Corrections Cabinet; Sandra G. Pullen, Transportation Cabinet; Jewell Deene Ellis, Department of Education; Robert B. Kinnaird, Pam Spears, KY Historical Society; Jayne M. Arnold, Roy Butler, Barbara Coleman, Karen Doyle, Ked R. Fitzpatrick, Cathy G. Mobley, Anita Moore, Edsel Moore, Richard Owen, Cabinet for Human Resources; John Hinkle, Ky Retail Federation; Joseph C. Roche, Prestress Services of Kentucky, Inc.; David E. Boswell, Governor's Office; Marie Alagia Cull, KY Association of Health Care Facilities.

**LRC Staff:** Susan Wunderlich, Joe Hood, Gregory Karambellas and Carla Arnold.

The Administrative Regulation Review Subcommittee met on May 2, 1989, and submits this report:

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

**Transportation Cabinet: Department of Highways: Traffic**

603 KAR 5:075 (Overweight and overdimensional permits.) Agency personnel submitted a technical amendment to include the word "feet" in a sentence relating to measurement that was inadvertently omitted. The Regulations Compiler had already made the correction prior to publication in the Administrative Register.

**Cabinet for Human Resources: Department for Medicaid Services: Medicaid Services**

907 KAR 1:004 (Resource and income standard of medically needy.) This administrative regulation was amended to adopt federal options permitted the agency in the determination of eligibility of grandchildren and stepchildren for Medicaid services.

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

**Legislative Research Commission: Administrative Regulations**

1 KAR 1:011 (Repeal of 1 KAR 1:010.)

**Revenue Cabinet: Department of Professional and Support Services: Selective Excise Tax; Motor Fuels**

103 KAR 43:121 (Repeal of 103 KAR 43:120.)

**Finance and Administration Cabinet: Kentucky Educational Savings Plan Trust**  
200 KAR 16:010 (General rules.)

**General Government Cabinet: Board of Examiners for Speech-Language Pathology and Audiology**

201 KAR 17:030 (License fees.)  
201 KAR 17:090 (Continuing education requirements.)

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

**Corrections Cabinet: Office of the Secretary**

501 KAR 6:030 (Kentucky State Reformatory.)  
501 KAR 6:040 (Kentucky State Penitentiary.)  
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.)

**Education and Humanities Cabinet: Department of Education: Office of Vocational Education: Fiscal Management**

705 KAR 2:130 (Distribution of federal funds for local school district consumer and homemaking programs.)

**Cabinet for Human Resources: Department for Health Services: Commission for Health Economics Control in Kentucky**

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

**Radiology**

902 KAR 100:175 (Tanning facilities.)

**Department for Social Insurance: Public Assistance**

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

**Department for Medicaid Services**

907 KAR 1:061 (Payments for medical transportation.)

The promulgating agency withdrew the following administrative regulations:

**Education and Humanities Cabinet: Kentucky Historical Society: Cemeteries**

730 KAR 1:010 (Repeal of 730 KAR 1:005.)

The Subcommittee deferred the following regulation at the request of the promulgating administrative body:

**Education and Humanities Cabinet: Department of Education: Office of Instruction: Instructional Services**

704 KAR 3:360 (Parenting and family life skills.)

**Public Protection and Regulation Cabinet: State Racing Commission: Thoroughbred Racing Rules**

810 KAR 1:011 (Pari-mutuel wagering.)  
810 KAR 1:099 (Repeal of 810 KAR 1:022.)

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 HEALTH & WELFARE**  
Meeting of April 19, 1989

The Interim Joint Committee on Health and Welfare met on Wednesday, April 19, 1989, and submits this report.

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

905 KAR 1:230 & E  
906 KAR 1:050  
906 KAR 1:060  
907 KAR 1:022 & E  
907 KAR 1:460

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

**INTERIM JOINT COMMITTEE ON  
AGRICULTURE AND NATURAL RESOURCES**  
Meeting of April 26, 1989

The Interim Joint Committee on Agriculture and Natural Resources met Wednesday, April 26, 1989, and submits this report:

The committee determined that the following administrative regulations comply with KRS Chapter 13A: 302 KAR 37:010 and 304 KAR 1:040.

At the request of the Department for Surface Mining Reclamation and Enforcement, the following administrative regulations were deferred: 405 KAR 8:010, 405 KAR 8:020, 405 KAR 8:030, 405 KAR 8:040, and 405 KAR 24:040.

The committee adjourned at 2:35 p.m., April 26, 1989.

**TASK FORCE ON ECONOMIC DEVELOPMENT & TOURISM**  
Meeting of April 28, 1989

The Task Force on Economic Development and Tourism met on April 28, 1989, and submits this report:

The Task Force determined that the following regulation complied with KRS Chapter 13A and furthermore, the Task Force did not have any objections to the emergency regulation as filed:

307 KAR 1:011 & E

The Task Force adjourned at 2:55 p.m.

**INTERIM JOINT COMMITTEE ON TRANSPORTATION**  
Meeting of May 2, 1989

The Interim Joint Committee on Transportation met on Tuesday, May 2, 1989, and submits this report:

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

603 KAR 5:070; and  
601 KAR 1:025, as amended in Committee in Section 2, subsection 1 by changing the effective date from April 1 to May 2 due to a change in the federal regulation.

The Committee adjourned at 2:25 p.m.

**INTERIM JOINT COMMITTEE ON  
BUSINESS ORGANIZATIONS AND PROFESSIONS**  
Meeting of May 4, 1989

The Interim Joint Committee on Business Organizations and Professions met on Thursday, May 4, 1989, and submits this report:

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

Board of Speech-Language Pathology & Audiology  
201 KAR 17:030  
201 KAR 17:090  
201 KAR 17:091

The Committee adjourned at 1:45 p.m.

**INTERIM JOINT COMMITTEE ON STATE GOVERNMENT**  
Meeting of May 10, 1989

The Interim Joint Committee on State Government met May 10, 1989, and submits this report.

The Committee determined that the following administrative regulation complies with KRS Chapter 13A:

1 KAR 1:011 (form of administrative regulations; Administrative Register, codification)

The Committee and the Department of Personnel agreed to defer the following administrative regulation until the June meeting of the Interim Joint Committee on State Government:

101 KAR 2:100 (leave regulation)

**ADMINISTRATIVE REGISTER - L1**

**CUMULATIVE SUPPLEMENT**

<b>Locator Index - Effective Dates.....</b>	<b>L2</b>
<b>KRS Index.....</b>	<b>L14</b>
<b>Subject Index to Volume 14.....</b>	<b>L24</b>



# ADMINISTRATIVE REGISTER - L3

Emergency Regulation	15 Ky.R. Page No.	Effective Date	Emergency Regulation	15 Ky.R. Page No.	Effective Date
501 KAR 9:120E	155	6-20-88	902 KAR 10:021E		4-15-88
Replaced	959	9-13-88	Replaced	17	6-22-88
501 KAR 9:130E	156	6-20-88	902 KAR 10:081E	186	7-13-88
Replaced	734	9-13-88	Replaced	619	9-21-88
501 KAR 9:140E	156	6-20-88	902 KAR 10:085E	194	7-13-88
Replaced	735	9-13-88	Replaced	628	9-21-88
501 KAR 9:150E	158	6-20-88	902 KAR 10:130E		4-15-88
Replaced	960	9-13-88	Replaced	17	6-22-88
600 KAR 1:080E	161	7-1-88	902 KAR 17:010E	214	7-6-88
Replaced	44	9-2-88	Expired		9-7-88
600 KAR 2:020E	161	7-1-88	Resubmitted	1220	9-21-88
Replaced	532	10-4-88	Replaced	1296	12-13-88
600 KAR 3:010E	2213	3-27-89	Resubmitted	2388	4-17-89
601 KAR 1:005E	9	6-1-88	902 KAR 20:016E	926	9-15-88
Withdrawn		8-15-88	Expired		11-4-88
Resubmitted	785	8-15-88	Resubmitted	1440	11-15-88
Replaced	816	10-4-88	Replaced	1583	1-18-89
Resubmitted	1758	12-20-88	902 KAR 45:120E		4-15-88
Replaced	2072	3-7-89	Replaced	258	8-3-88
601 KAR 13:020E	162	7-15-88	902 KAR 50:120E	214	7-15-88
Replaced	541	10-4-88	Replaced	987	9-21-88
603 KAR 5:072E	11	6-14-88	903 KAR 5:260E	11	5-20-88
Replaced	806	9-2-88	Replaced		8-5-88
Resubmitted	1761	1-10-89	903 KAR 5:270E	218	6-20-88
Replaced	1915	3-7-89	Replaced	93	8-5-88
603 KAR 5:230E	1394	10-26-88	903 KAR 5:290E	2214	4-10-89
Replaced	2020	3-7-89	904 KAR 2:006E	2388	4-18-89
702 KAR 7:065E	1220	9-23-88	904 KAR 2:015E	1639	12-13-88
Replaced	1153	1-7-89	Replaced	2069	3-15-89
704 KAR 5:060E	1220	9-23-88	904 KAR 2:016E	219	7-1-88
Replaced	1194	12-2-88	Withdrawn		8-9-88
705 KAR 5:140E	164	7-15-88	Resubmitted	795	8-11-88
Replaced	744	10-7-88	Replaced	869	11-4-88
707 KAR 1:110E	165	7-15-88	Resubmitted	2392	4-18-89
Withdrawn		7-25-88	904 KAR 2:022E	800	7-25-88
Resubmitted	787	7-25-88	Replaced	875	11-4-88
Replaced	1104	11-4-88	Resubmitted	2214	3-15-89
803 KAR 25:011E		4-19-88	904 KAR 2:110E	1221	10-6-88
Replaced	250	8-5-88	Replaced	1300	12-13-88
803 KAR 25:025E	791	7-25-88	904 KAR 2:116E	224	7-13-88
Replaced	1471	12-2-88	Replaced	658	9-21-88
803 KAR 25:080E	169	7-13-88	Resubmitted	1223	10-10-88
Expired		11-3-88	Replaced	1303	1-7-89
806 KAR 4:010E	174	7-15-88	904 KAR 3:020E	1451	10-31-88
Replaced	1113	11-4-88	Expired		12-15-88
806 KAR 13:110E	175	7-15-88	Resubmitted	1762	12-22-88
Replaced	755	10-7-88	Replaced	1705	3-15-89
806 KAR 17:065E	1629	11-23-88	904 KAR 3:060E	937	9-14-88
901 KAR 5:110E	176	7-13-88	Replaced	1475	11-16-88
Replaced	757	9-21-88	905 KAR 1:230E	1765	12-28-88
902 KAR 2:110E	794	7-15-88	Replaced	2158	4-19-89
Replaced	1115	11-4-88	906 KAR 1:040E	804	7-15-88
902 KAR 2:120E	794	7-15-88	Replaced	767	11-4-88
Replaced	1115	11-4-88	907 KAR 1:004E	227	7-1-88
902 KAR 3:060E	177	6-20-88	Replaced	664	9-21-88
Replaced	54	8-31-88	Resubmitted	1226	10-7-88
902 KAR 3:075E	178	6-20-88	Replaced	1308	12-13-88
Replaced	57	8-31-88	Resubmitted	1766	1-4-89
902 KAR 3:115E	179	6-20-88	Replaced	1953	3-15-89
Replaced	60	8-31-88	907 KAR 1:006E	1773	1-4-89
902 KAR 3:205E	181	6-20-88	Replaced	2156	3-15-89
Replaced	62	8-31-88	907 KAR 1:008E	233	7-1-88
902 KAR 3:210E	182	7-1-88	Replaced	670	9-21-88
Replaced	63	8-31-88	907 KAR 1:009E	1233	10-7-88
902 KAR 3:225E	184	6-20-88	Replaced	1315	12-13-88
Replaced	66	8-31-88	907 KAR 1:010E	1234	10-7-88
902 KAR 3:250E	185	6-20-88	Expired		12-6-88
Replaced	69	8-31-88	Resubmitted	1642	12-6-88
902 KAR 4:050E	926	9-15-88	Replaced	1710	3-15-89
Replaced	1156	11-16-88	907 KAR 1:011E	1235	10-7-88
			Replaced	1318	12-13-88
			Resubmitted	1774	1-4-89
			Replaced	1961	3-15-89



# ADMINISTRATIVE REGISTER - L5

Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
101 KAR 2:010			103 KAR 43:060		
Amended	2077		Amended	1666	
Withdrawn		4-10-89	Withdrawn		2-14-89
101 KAR 2:020			103 KAR 43:070		
Amended	2077		Amended	1667	
Withdrawn		4-10-89	Withdrawn		2-14-89
101 KAR 2:030			103 KAR 43:080		
Amended	819		Amended	1667	3-23-89
As Amended	1247	10-12-88	103 KAR 43:090		
Amended	2079		Amended	1668	3-23-89
Withdrawn		4-10-89	103 KAR 43:100		
101 KAR 2:040			Amended	1669	3-23-89
Amended	2083		103 KAR 43:110		
Withdrawn		4-10-89	Amended	1670	3-23-89
101 KAR 2:050			103 KAR 43:120		
Amended	2085		Amended	1671	
Withdrawn		4-10-89	Withdrawn		2-14-89
101 KAR 2:060			103 KAR 43:121	2194	
Amended	2087		103 KAR 43:130		
Withdrawn		4-10-89	Amended	1672	3-23-89
101 KAR 2:070			103 KAR 43:140		
Amended	2089		Amended	1674	3-23-89
Withdrawn		4-10-89	103 KAR 43:150		
101 KAR 2:090			Repealed	1332	12-22-88
Amended	822		103 KAR 43:160		
As Amended	1250	10-12-88	Repealed	1332	12-22-88
101 KAR 2:100			103 KAR 43:170		
Amended	824		Repealed	1332	12-22-88
As Amended	1457	11-9-88	103 KAR 43:230		
Amended	2090		Amended	1675	3-23-89
As Amended	2220		103 KAR 43:250	96	8-25-88
101 KAR 2:110			103 KAR 43:260	96	*(No eff. date)
Amended	829	11-9-88	*Since statement of consideration was not received by 15th day following hearing, regulation must be refiled (KRS 13A.280)		
101 KAR 2:115	2124		103 KAR 43:270	890	10-27-88
Withdrawn		4-10-89	103 KAR 43:280	1332	12-22-88
101 KAR 2:120			103 KAR 43:290	1333	12-22-88
Amended	830	10-12-88	103 KAR 43:300	1334	
101 KAR 2:140	886	10-12-88	As Amended	1645	12-22-88
101 KAR 2:150	888	10-12-88	103 KAR 44:030	1613	
101 KAR 2:160	889	10-12-88	Withdrawn		12-12-88
101 KAR 3:010			105 KAR 1:010		
Amended	833		Amended	31	8-10-88
As Amended	1461	11-9-88	106 KAR 1:020		
Amended	2095		Repealed	1986	3-8-89
Withdrawn		4-10-89	106 KAR 1:021	1986	3-8-89
101 KAR 3:030			106 KAR 1:030		
Amended	2100		Repealed	1465	11-9-88
Withdrawn		4-10-89	106 KAR 1:060	1182	
101 KAR 3:040	2240		As Amended	1465	11-9-88
101 KAR 3:050			106 KAR 1:070	1615	1-11-89
Amended	2101	4-10-89	107 KAR 1:050	97	8-17-88
Withdrawn			108 KAR 1:010		
103 KAR 5:140	1331		Amended	2415	
As Amended	1644	12-22-88	109 KAR 5:010		
103 KAR 8:100	1612		Amended	2416	
Withdrawn		12-12-88	200 KAR 3:045		
103 KAR 16:100			Amended	1126	
Amended	271	9-22-88	As Amended	1467	12-2-88
103 KAR 16:110			200 KAR 6:021	2327	
Amended	272	9-22-88	200 KAR 6:035		
103 KAR 16:130			Repealed	2149	3-8-89
Amended	273	9-22-88	200 KAR 12:010		
103 KAR 16:145	691	9-22-88	Repealed	2149	3-8-89
103 KAR 35:030	1724	3-23-89	200 KAR 12:030	1986	
103 KAR 43:010			As Amended	2149	3-8-89
Amended	1661	3-23-89	200 KAR 15:010	2125	5-11-89
103 KAR 43:020			200 KAR 16:010	2195	
Amended	1662		201 KAR 2:130		
As Amended	2010	3-23-89	Amended	837	
103 KAR 43:030			201 KAR 8:400	99	10-14-88
Amended	1663	3-23-89	201 KAR 8:410	99	10-14-88
103 KAR 43:050					
Amended	1665	3-23-89			



# ADMINISTRATIVE REGISTER - L7

Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
401 KAR 5:085			401 KAR 63:050	1341	
Amended	289		Amended	1654	
Amended	1010		As Amended	2011	1-25-89
As Amended	1259	10-26-88	405 KAR 7:015		
401 KAR 6:015			Amended	390	12-13-88 ✓
Amended	292		405 KAR 7:020		
Amended	1012	10-26-88	Amended	392	
401 KAR 6:030			Amended	1041	12-13-88 ✓
Implied repeal		7-15-88	405 KAR 7:030		
401 KAR 6:040			Amended	402	12-13-88 ✓
Amended	309		405 KAR 7:090		
Amended	1028	10-26-88	Amended	404	
401 KAR 6:300			Amended	1049	12-13-88
Amended	314		405 KAR 8:010		
Amended	1032		Amended	414	
As Amended	1261	10-26-88	Amended	1057	12-13-88
401 KAR 30:010			Amended	1855	
Amended	315	10-26-88	405 KAR 8:020		
401 KAR 31:010			Amended	428	12-13-88
Amended	327	10-26-88	Amended	1867	
401 KAR 31:020			405 KAR 8:030		
Amended	337	10-26-88	Amended	1870	
401 KAR 32:010			405 KAR 8:040		
Amended	339	10-26-88	Amended	1883	
401 KAR 32:040			405 KAR 8:050		
Amended	341	10-26-88	Amended	432	12-13-88
401 KAR 34:090			405 KAR 10:010		
Amended	343	10-26-88	Amended	438	12-13-88
401 KAR 35:070			405 KAR 10:020		
Amended	351	10-26-88	Amended	441	12-13-88
401 KAR 35:090			405 KAR 10:030		
Amended	358	10-26-88	Amended	443	
401 KAR 39:010			Amended	1070	12-13-88
Amended	365	10-26-88	405 KAR 10:040		
401 KAR 39:020			Amended	447	
Amended	367		As Amended	2016	1-25-89
Amended	1033		405 KAR 10:050		
As Amended	1261	10-26-88	Amended	451	
401 KAR 39:030			Amended	1073	12-13-88
Amended	369		405 KAR 16:010		
Amended	1033		Amended	453	12-13-88
As Amended	1262	10-26-88	405 KAR 16:070		
401 KAR 39:060			Amended	455	12-13-88
Amended	371		405 KAR 16:080		
Amended	1034		Amended	457	
As Amended	1263	10-26-88	Amended	1074	12-13-88
401 KAR 39:070			405 KAR 16:100		
Amended	372		Amended	460	
Amended	1034		Amended	1076	12-13-88
As Amended	1263	10-26-88	405 KAR 16:110		
401 KAR 39:080			Amended	464	
Amended	374	10-26-88	Amended	1078	12-13-88
401 KAR 39:090			405 KAR 16:120		
Amended	375		Amended	466	12-13-88
Amended	1035		405 KAR 16:150		
As Amended	1264	10-26-88	Amended	471	12-13-88
401 KAR 39:110			405 KAR 16:190		
As Amended	1265	10-26-88	Amended	473	
401 KAR 39:120			Amended	1080	12-13-88
Amended	1036		405 KAR 18:010		
As Amended	1265	10-26-88	Amended	478	12-13-88
401 KAR 47:060			405 KAR 18:070		
Amended	377		Amended	480	12-13-88
Amended	1037		405 KAR 18:080		
As Amended	1266	10-26-88	Amended	482	
401 KAR 50:015			Amended	1083	12-13-88
Amended	379	10-26-88	405 KAR 18:100		
401 KAR 50:036			Amended	485	
Amended	384		Amended	1085	12-13-88
Amended	1038		405 KAR 18:110		
As Amended	1267	10-26-88	Amended	489	
401 KAR 63:045			Amended	1088	12-13-88
Amended	1651	1-25-89			



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Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
600 KAR 1:080			603 KAR 7:030		
Amended	44	9-2-88	Repealed	1553	1-27-89
600 KAR 2:020			603 KAR 8:010		
Amended	532	10-4-88	Amended	848	
600 KAR 3:010			Withdrawn		10-31-88
Amended	1152	12-2-88	605 KAR 1:020	1350	1-7-89
Amended	2269		701 KAR 5:060		
600 KAR 4:010			Amended	1554	
Amended	534	10-4-88	Amended	1847	
601 KAR 1:005			As Amended	2067	3-23-89
Amended	45		702 KAR 3:020		
Amended	816	10-4-88	Amended	1916	4-1-89
Amended	1695		702 KAR 5:030		
Amended	2072	3-7-89	Amended	1557	2-3-89
Amended	2435		702 KAR 5:040		
601 KAR 1:015			Amended	2438	
Amended	2116		702 KAR 5:080		
Amended	2235		Amended	1558	2-3-89
601 KAR 1:016	2130		702 KAR 6:045	1989	4-1-89
Amended	2237		702 KAR 7:065		
601 KAR 1:025			Amended	1153	1-7-89
Amended	538	10-4-88	702 KAR 7:090		
Amended	2118		As Amended	1270	11-4-88
As Amended	2402	5-2-89	Amended	1917	4-1-89
601 KAR 1:150	1728	3-7-89	704 KAR 3:345		
601 KAR 9:013			Amended	1561	
Repealed	1501	1-27-89	Amended	1849	3-23-89
601 KAR 9:074			704 KAR 3:355		
Amended	1498	1-27-89	Amended	1919	4-1-89
601 KAR 9:090			704 KAR 3:360	2196	
Amended	540	10-4-88	704 KAR 5:060	1194	12-2-88
601 KAR 9:110			704 KAR 7:080	1616	
Repealed	161	7-1-88	As Amended	1799	2-3-89
601 KAR 9:130			704 KAR 10:022		
Amended	1501	1-27-89	Amended	1564	2-3-89
Amended	2271		Amended	2170	
601 KAR 9:140	741	10-4-88	704 KAR 15:010		
601 KAR 13:020			Amended	553	10-7-88
Amended	541	10-4-88	704 KAR 15:080		
601 KAR 13:050			As Amended	1271	11-4-88
Amended	1503	1-27-89	704 KAR 20:005		
601 KAR 14:010			Amended	554	10-7-88
Amended	543	10-4-88	Amended	1565	
603 KAR 3:051			Amended	1852	3-23-89
Amended	544	10-4-88	Amended	2439	
603 KAR 5:070			704 KAR 20:015		
Amended	549		Amended	555	10-7-88
As Amended	963	10-4-88	704 KAR 20:020		
Amended	2119	5-2-89	Amended	556	10-7-88
603 KAR 5:072	101	9-2-88	704 KAR 20:025		
As Amended	806	3-7-89	Amended	558	10-7-88
Amended	1915		704 KAR 20:120		
603 KAR 5:075			Amended	560	10-7-88
Amended	1505		704 KAR 20:145		
Withdrawn		12-13-88	Amended	561	10-7-88
Amended	2122		704 KAR 20:146		
Amended	2238		Amended	562	10-7-88
603 KAR 5:110			704 KAR 20:150		
Amended	2272		Amended	563	10-7-88
603 KAR 5:115			704 KAR 20:175		
Amended	551		Amended	1566	2-3-89
Amended	1092	11-1-88	704 KAR 20:198		
603 KAR 5:200			Amended	1567	
Repealed	161	7-1-88	Withdrawn		1-6-89
603 KAR 5:210			Amended	2440	
Repealed	1394	10-26-88	704 KAR 20:240		
603 KAR 5:230			Amended	564	
Amended	1507		Amended	1092	11-4-88
Amended	1802		704 KAR 20:310		
As Amended	2020	3-7-89	Amended	1923	4-1-89
603 KAR 7:020			704 KAR 20:320		
Amended	1553	1-27-89	Amended	2442	



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Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
815 KAR 30:050			902 KAR 6:020		
Amended	2449		Recodified to 908		3-7-89
815 KAR 45:070	2132	5-11-89	902 KAR 6:030		
901 KAR 5:110	757	9-21-88	Recodified to 908		3-7-89
902 KAR 2:110	758		902 KAR 6:040		
Amended	1115	11-4-88	Recodified to 908		3-7-89
902 KAR 2:120	759		902 KAR 6:050		
Amended	1115	11-4-88	Recodified to 908		3-7-89
902 KAR 3:055			902 KAR 6:060		
Recodified to 908		3-7-89	Recodified to 908		3-7-89
902 KAR 3:060			902 KAR 8:020		
Amended	54	8-31-88	Amended	71	8-31-88
Recodified to 908		3-7-89	902 KAR 8:030		
902 KAR 3:065			Amended	73	8-31-88
Recodified to 908		3-7-89	902 KAR 10:021		
902 KAR 3:070			As Amended	17	6-22-88
Recodified to 908		3-7-89	902 KAR 10:081		
902 KAR 3:075			Amended	619	9-21-88
Amended	57	8-31-88	902 KAR 10:085		
Recodified to 908		3-7-89	Amended	628	9-21-88
902 KAR 3:080			902 KAR 10:130		
Amended	58	8-31-88	As Amended	17	6-22-88
Recodified to 908		3-7-89	902 KAR 12:020		
902 KAR 3:085			Amended	860	
Recodified to 908		3-7-89	Amended	1283	
902 KAR 3:090			As Amended	1647	12-13-88
Recodified to 908		3-7-89	Recodified to 908		3-7-89
902 KAR 3:095			902 KAR 12:030		
Recodified to 908		3-7-89	Recodified to 908		3-7-89
902 KAR 3:100			902 KAR 12:040		
Recodified to 908		3-7-89	Recodified to 908		3-7-89
902 KAR 3:105			902 KAR 12:050		
Recodified to 908		3-7-89	Recodified to 908		3-7-89
902 KAR 3:110			902 KAR 12:060		
Recodified to 908		3-7-89	Recodified to 908		3-7-89
902 KAR 3:115			902 KAR 12:070		
Amended	60	8-31-88	Recodified to 908		3-7-89
Recodified to 908		3-7-89	902 KAR 12:080		
902 KAR 3:120			Amended	74	8-31-88
Recodified to 908		3-7-89	902 KAR 13:050		
902 KAR 3:205			Amended	1699	3-15-89
Amended	62	8-31-88	902 KAR 13:080		
Recodified to 908		3-7-89	Amended	1294	12-13-88
902 KAR 3:210			902 KAR 17:010		
Amended	63	8-31-88	Amended	80	
Recodified to 908		3-7-89	Amended	818	
902 KAR 3:215			Withdrawn		9-7-88
Recodified to 908		3-7-89	Amended	1296	12-13-88
902 KAR 3:220			Amended	2302	
Recodified to 908		3-7-89	902 KAR 20:006		
902 KAR 3:225			Amended	82	8-31-88
Amended	66	8-31-88	902 KAR 20:016		
Recodified to 908		3-7-89	Amended	1157	*(No eff. date)
902 KAR 3:230			*Since statement of consideration was not received by 15th day following hearing, regulation must be refiled (KRS 13A.280)		
Amended	67	8-31-88	Amended	1583	1-18-89
Recodified to 908		3-7-89	902 KAR 20:126		
902 KAR 3:235			Amended	88	8-31-88
Recodified to 908		3-7-89	902 KAR 20:127		
902 KAR 3:240			Amended	89	8-31-88
Recodified to 908		3-7-89	902 KAR 20:132		
902 KAR 3:245			Amended	92	8-31-88
Recodified to 908		3-7-89	Amended	2176	
902 KAR 3:250			902 KAR 20:135		
Amended	69	8-31-88	Amended	93	8-31-88
Recodified to 908		3-7-89	902 KAR 20:140		
902 KAR 3:255			Amended	2451	
Recodified to 908		3-7-89	902 KAR 45:120		
902 KAR 3:260			Amended	258	8-3-88
Recodified to 908		3-7-89	902 KAR 47:010		
902 KAR 4:050			Amended	2453	
Amended	1156	11-16-88			
902 KAR 6:010					
Recodified to 908		3-7-89			



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Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
907 KAR 1:045			908 KAR 1:070		
Amended	1980	3-15-89	Recodified from 902		3-7-89
907 KAR 1:054			908 KAR 1:080		
Amended	1324	12-13-88	Recodified from 902		3-7-89
907 KAR 1:055			908 KAR 1:090		
Amended	1326	12-13-88	Recodified from 902		3-7-89
Amended	1981	3-15-89	908 KAR 1:100		
907 KAR 1:061			Recodified from 902		3-7-89
Amended	2190		908 KAR 1:110		
907 KAR 1:080			Recodified from 902		3-7-89
Amended	1328	12-13-88	908 KAR 1:120		
907 KAR 1:082			Recodified from 902		3-7-89
Amended	1329	12-13-88	908 KAR 1:130		
907 KAR 1:170			Recodified from 902		3-7-89
Amended	689	9-21-88	908 KAR 1:140		
907 KAR 1:210			Recodified from 902		3-7-89
Amended	1712		908 KAR 1:150		
As Amended	2071	3-15-89	Recodified from 902		3-7-89
907 KAR 1:250			908 KAR 1:160		
Repealed	1353	12-13-88	Recodified from 902		3-7-89
907 KAR 1:251	1353	12-13-88	908 KAR 1:170		
907 KAR 1:330			Recodified from 902		3-7-89
Amended	1983	3-15-89	908 KAR 1:180		
907 KAR 1:350			Recodified from 902		3-7-89
Amended	2462		908 KAR 1:190		
907 KAR 1:360	768	10-21-88	Recodified from 902		3-7-89
907 KAR 1:370	1354	12-13-88	908 KAR 1:200		
907 KAR 1:372	1355	12-13-88	Recodified from 902		3-7-89
907 KAR 1:374	1356	12-13-88	908 KAR 1:210		
907 KAR 1:376	1357	12-13-88	Recodified from 902		3-7-89
907 KAR 1:378	1358	12-13-88	908 KAR 1:220		
907 KAR 1:380	1359	12-13-88	Recodified from 902		3-7-89
907 KAR 1:382	1747	3-15-89	908 KAR 1:230		
907 KAR 1:400	1360	12-13-88	Recodified from 902		3-7-89
907 KAR 1:402	1361	12-13-88	908 KAR 1:240		
907 KAR 1:404	1362	12-13-88	Recodified from 902		3-7-89
907 KAR 1:406	1363	12-13-88	908 KAR 1:250		
907 KAR 1:408	1364	12-13-88	Recodified from 902		3-7-89
907 KAR 1:410	1365	12-13-88	908 KAR 1:260		
907 KAR 1:412	1366	12-13-88	Recodified from 902		3-7-89
907 KAR 1:414	1367	12-13-88	908 KAR 2:010		
907 KAR 1:416	1368	12-13-88	Recodified from 902		3-7-89
907 KAR 1:418	1369	12-13-88	908 KAR 2:020		
907 KAR 1:420	1370	12-13-88	Recodified from 902		3-7-89
907 KAR 1:422	1371	12-13-88	908 KAR 2:030		
907 KAR 1:424	1372	12-13-88	Recodified from 902		3-7-89
907 KAR 1:426	1373		908 KAR 2:040		
Withdrawn		11-18-88	Recodified from 902		3-7-89
907 KAR 1:427	1748	3-15-89	908 KAR 2:050		
907 KAR 1:428	1374	12-13-88	Recodified from 902		3-7-89
907 KAR 1:430	1375	12-13-88	908 KAR 2:060		
907 KAR 1:432	1376	12-13-88	Recodified from 902		3-7-89
907 KAR 1:434	1377	12-13-88	908 KAR 3:010		
907 KAR 1:436	1378	12-13-88	Recodified from 902		3-7-89
907 KAR 1:438	1379	12-13-88	908 KAR 3:020		
907 KAR 1:439	2484		Recodified from 902		3-7-89
907 KAR 1:440	1380	12-13-88	908 KAR 3:030		
907 KAR 1:460	1995		Recodified from 902		3-7-89
Amended	2160	4-19-89	908 KAR 3:040		
907 KAR 1:470	2484		Recodified from 902		3-7-89
907 KAR 1:472	2486		908 KAR 3:050		
908 KAR 1:010			Recodified from 902		3-7-89
Recodified from 902		3-7-89	908 KAR 3:060		
908 KAR 1:020			Recodified from 902		3-7-89
Recodified from 902		3-7-89	908 KAR 3:070	2356	
908 KAR 1:030			908 KAR 3:080	2356	
Recodified from 902		3-7-89	908 KAR 3:090	2357	
908 KAR 1:040			908 KAR 3:100	2358	
Recodified from 902		3-7-89	908 KAR 3:110	2359	
908 KAR 1:050			908 KAR 3:120	2360	
Recodified from 902		3-7-89	908 KAR 3:130	2361	
908 KAR 1:060			908 KAR 3:140	2361	
Recodified from 902		3-7-89	908 KAR 3:150	2362	
			908 KAR 3:160	2363	
			908 KAR 3:180	2364	



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KRS Section	Regulation	KRS Section	Regulation
146.250	401 KAR 4:100	150.170 (cont'd)	301 KAR 2:170
	401 KAR 4:110		301 KAR 2:210
146.260	401 KAR 4:110		301 KAR 2:220
146.270	401 KAR 4:110		301 KAR 2:240
	401 KAR 4:120		301 KAR 3:030
	401 KAR 4:130	150.175	301 KAR 1:085
	401 KAR 4:140		301 KAR 1:146
146.280	401 KAR 4:140		301 KAR 1:150
146.290	401 KAR 4:110		301 KAR 2:045
	401 KAR 4:120		301 KAR 2:047
	401 KAR 4:130		301 KAR 2:111
	401 KAR 4:140		301 KAR 2:140
146.310	401 KAR 4:110		301 KAR 2:170
	401 KAR 4:120		301 KAR 2:210
146.350	401 KAR 4:110		301 KAR 2:220
	401 KAR 4:120		301 KAR 3:021
	401 KAR 4:140		301 KAR 4:080
146.360	401 KAR 4:110		301 KAR 4:090
146.990	401 KAR 4:140	150.176	301 KAR 2:140
Chapter 147A	109 KAR 5:010	150.180	301 KAR 1:085
Chapter 148	304 KAR 1:040		301 KAR 1:171
150.010	301 KAR 1:085		301 KAR 2:045
	301 KAR 1:146		301 KAR 2:047
	301 KAR 1:150		301 KAR 2:170
	301 KAR 1:171		301 KAR 2:240
	301 KAR 1:200		301 KAR 4:031
	301 KAR 2:044		301 KAR 4:070
	301 KAR 2:045		301 KAR 4:080
	301 KAR 2:047		301 KAR 4:090
	301 KAR 2:111	150.183	301 KAR 2:240
	301 KAR 2:140		301 KAR 4:031
	301 KAR 2:170		301 KAR 4:070
	301 KAR 2:210		301 KAR 4:080
	301 KAR 2:220		301 KAR 4:090
	301 KAR 2:240	150.190	301 KAR 1:085
	301 KAR 3:030	150.225	301 KAR 3:021
	301 KAR 4:070	150.235	301 KAR 2:220
	301 KAR 4:080	150.237	301 KAR 3:021
	301 KAR 4:090	150.240	301 KAR 2:220
150.015	301 KAR 2:044		301 KAR 3:021
	301 KAR 2:220	150.275	301 KAR 4:031
150.025	301 KAR 1:085		301 KAR 4:070
	301 KAR 1:146	150.280	301 KAR 3:021
	301 KAR 1:150	150.290	301 KAR 3:021
	301 KAR 1:171	150.300	301 KAR 2:044
	301 KAR 1:200		301 KAR 2:045
	301 KAR 2:044		301 KAR 2:047
	301 KAR 2:045		301 KAR 2:240
	301 KAR 2:047	150.304	301 KAR 4:031
	301 KAR 2:111		301 KAR 4:090
	301 KAR 2:140	150.305	301 KAR 2:044
	301 KAR 2:170		301 KAR 2:045
	301 KAR 2:210		301 KAR 2:111
	301 KAR 2:220		301 KAR 2:140
	301 KAR 2:240		301 KAR 2:170
	301 KAR 3:021		301 KAR 2:210
	301 KAR 3:030		301 KAR 2:220
	301 KAR 4:031		301 KAR 2:240
	301 KAR 4:070		301 KAR 4:070
	301 KAR 4:080		301 KAR 4:080
	301 KAR 4:090	150.320	301 KAR 2:044
150.105	301 KAR 2:210		301 KAR 2:140
150.110	301 KAR 1:085	150.330	301 KAR 2:044
150.120	301 KAR 1:146		301 KAR 2:111
	301 KAR 1:150		301 KAR 2:140
150.170	301 KAR 1:085		301 KAR 2:170
	301 KAR 1:146		301 KAR 2:210
	301 KAR 1:150		301 KAR 2:220
	301 KAR 2:044		301 KAR 2:240
	301 KAR 2:045		301 KAR 3:030
	301 KAR 2:047		301 KAR 4:080
	301 KAR 2:111		301 KAR 4:090
	301 KAR 2:140		



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KRS Section	Regulation	KRS Section	Regulation
161.025	704 KAR 15:010	164.740-164.766	11 KAR 3:060
	704 KAR 20:005		11 KAR 5:110
	704 KAR 20:145	164.748	11 KAR 5:120
	704 KAR 20:146		11 KAR 5:170
	704 KAR 20:150	164.753	11 KAR 5:120
	704 KAR 20:175		11 KAR 5:170
	704 KAR 20:198	164.780	11 KAR 5:010
	704 KAR 20:240		11 KAR 5:030
	704 KAR 20:340		11 KAR 5:120
	704 KAR 20:490		11 KAR 5:130
	704 KAR 20:500		11 KAR 5:140
	704 KAR 20:510		11 KAR 5:150
	704 KAR 20:520		11 KAR 5:160
	704 KAR 20:550		11 KAR 5:170
161.027	704 KAR 20:460		11 KAR 5:180
161.030	704 KAR 15:010		11 KAR 5:190
	704 KAR 20:005	164.785	11 KAR 5:010
	704 KAR 20:020		11 KAR 5:030
	704 KAR 20:120		11 KAR 5:120
	704 KAR 20:145		11 KAR 5:130
	704 KAR 20:146		11 KAR 5:140
	704 KAR 20:150		11 KAR 5:150
	704 KAR 20:175		11 KAR 5:160
	704 KAR 20:198		11 KAR 5:170
	704 KAR 20:240		11 KAR 5:180
	704 KAR 20:310		11 KAR 5:190
	704 KAR 20:320	164A.300-164A.380	200 KAR 16:010
	704 KAR 20:340	167.150	707 KAR 1:110
	704 KAR 20:460	171.313	730 KAR 1:010
	704 KAR 20:490	Chapter 174	600 KAR 4:010
	704 KAR 20:500	174.400-174.435	601 KAR 1:025
	704 KAR 20:510	175.450	600 KAR 2:020
	704 KAR 20:520	175.470	600 KAR 2:020
	704 KAR 20:550	175.520	600 KAR 2:020
161.044	702 KAR 7:090	Chapter 176	600 KAR 4:010
161.100	704 KAR 20:120		603 KAR 8:010
161.180	702 KAR 7:090	Chapter 177	600 KAR 4:010
162.080-162.100	702 KAR 3:020	177.905-177.950	603 KAR 3:051
162.120-162.290	702 KAR 3:020	177.977	603 KAR 5:115
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**RESTRICTED CUSTODY CENTERS**

(See Justice)

**RETIREMENT**

**KERS**

Contributions, interest rates; 105 KAR 1:010

**REVENUE**

(See also Taxation)  
Ad Valorem Tax  
Administration; 103 KAR Chapter 5  
State assessment; 103 KAR Chapter  
Excise Tax, Selective  
Motor fuels; 103 KAR Chapter 43  
Motor vehicle usage; 103 KAR Chapter 44  
Income Tax  
Corporations; 103 KAR Chapter 16  
Severance tax; 103 KAR Chapter 35

**SECRETARY OF STATE**

Corporations  
Certificates; 30 KAR 1:010

**SOCIAL INSURANCE**

Food Stamp Program  
Administrative disqualification hearings, penalties; 904 KAR 3:060 & E  
Eligibility requirements; 904 KAR 3:020 & E  
Fair hearings; 904 KAR 3:070  
Public Assistance  
AFDC standards; 904 KAR 2:016 & E  
AFDC technical requirements; 904 KAR 2:006 & E  
Aged, blind, disabled programs; 904 KAR 2:015 & E  
Appeals, hearings; 904 KAR 2:055  
Child support; 904 KAR 2:020; 904 KAR 2:022 & E  
LIHEAP; 904 KAR 2:116 & E  
Reference materials; 904 KAR 2:170  
Refugee assistance; 904 KAR 2:110 & E  
Repealer; 904 KAR 2:202  
Supplementary policies; 904 KAR 2:140



## VOCATIONAL EDUCATION

### Fiscal Management

Area, local voc. ed. centers; 705 KAR 2:120  
Consumer and homemaking programs; 705 KAR 2:130

### Instructional Programs

General standards; 705 KAR 4:010

### State-Operated Schools

Student insurance; 705 KAR 5:140 & E

## VOCATIONAL REHABILITATION

Appeal procedures; 706 KAR 1:016; 706 KAR 1:050  
Carl D. Perkins Comp. Rehab Center; 706 KAR 1:015  
Colonial Inn rehab facility; 706 KAR 1:017  
Operation of state office; 706 KAR 1:012  
Rehab engineering services; 706 KAR 1:014  
Repealer; 706 KAR 1:011  
Selection, need test for services; 706 KAR 1:013

## WASTE MANAGEMENT

### Facilities; Interim Status Standards

Closure financial requirements; 401 KAR 35:090  
& E

Closure, postclosure; 401 KAR 35:070 & E

### Facilities; Owners, Operators

Closure financial requirements; 401 KAR 34:090  
& E

### Hazardous Waste Fees

Delisting, exemption; 401 KAR 39:020  
Generator registration; 401 KAR 39:010  
Marketer, burner registration; 401 KAR 39:110  
Modification; 401 KAR 39:070  
Part A; 401 KAR 39:120  
Part B; 401 KAR 39:030  
Postclosure; 401 KAR 39:090  
Recycling; 401 KAR 39:080  
Short term; 401 KAR 39:060

### General Administrative Procedures

Definitions; 401 KAR 30:010 & E

### Generators of Hazardous Waste

General provisions; 401 KAR 32:010  
Recordkeeping, reporting; 401 KAR 32:040 & E

### Identification, Listing of Hazardous Waste

General provisions; 401 KAR 31:010  
Identifying criteria; 401 KAR 31:020 & E

### Solid Waste Facilities;

Permit fees; 401 KAR 47:060

## WATER

### Quality

KPDES discharge permit, fees; 401 KAR 5:085  
Operator certification; 401 KAR 5:010  
Permits to discharge; 401 KAR 5:005

### Resources

Definitions; 401 KAR 4:110  
Wild rivers administration & management; 401 KAR 4:120  
Wild rivers boundaries; 401 KAR 4:100  
Wild rivers change of use permit procedures; 401 KAR 4:130  
Wild rivers change of use permit standards; 401 KAR 4:140

### Sanitary Engineering

Distribution, treatment; 401 KAR 6:040  
Public, semipublic; 401 KAR 6:015  
Water well drillers; 401 KAR 6:300

## WORKERS' COMPENSATION

Joint self-insurers; 803 KAR 25:025 & E  
Medical fee schedule; 803 KAR 25:090  
Procedures; 803 KAR 25:011 & E  
Rehabilitation procedures; 803 KAR 25:100