

# Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY

VOLUME 16, NUMBER 1  
SATURDAY, JULY 1, 1989



## IN THIS ISSUE

Administrative Regulation Review Subcommittee, July Agenda.....	1
Regulation Review Procedure.....	3
Emergency Regulations Now In Effect:	
Corrections.....	3
As Amended:	
Department of Personnel.....	6
Embalmers and Funeral Directors.....	11
Fish and Wildlife Resources.....	11
Department of Education.....	12
Department for the Blind.....	13
Housing, Buildings and Construction.....	17
Amended After Hearing:	
Workers' Compensation Board.....	31
Human Resources.....	35
Proposed Amendments Received through June 15:	
Chiropractic Examiners.....	44
Fish and Wildlife Resources.....	46
Corrections.....	47
Department of Education.....	52
Financial Institutions.....	53
Housing, Buildings and Construction.....	55
Human Resources.....	85
Proposed Regulations Received Through June 15:	
Infrastructure Authority.....	89
Pharmacy.....	92
Chiropractic Examiners.....	93
Department of Education.....	98
Insurance.....	100
Housing, Buildings and Construction.....	104
Human Resources.....	105
June Minutes of the Administrative Regulation Review Subcommittee.....	110
Other Committee Reports.....	113

## CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	A2
KRS Index.....	A5
Subject Index.....	A6

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 July 5 and 6, 1989. See tentative agenda on pages 1-2 in this Administrative Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 1988 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

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**KENTUCKY ADMINISTRATIVE REGULATIONS** are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

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

#### **ADMINISTRATIVE REGISTER OF KENTUCKY**

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE  
TENTATIVE AGENDA  
July 5, 1989  
(Rm. 107, Capitol Annex @ 2 p.m.)

COUNCIL ON HIGHER EDUCATION

Public Educational Institutions

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

SECRETARY OF STATE

Corporations

30 KAR 1:010. Certificates of existence or authorization; status of good standing.

BOARD OF CLAIMS

Practice and procedure

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

GENERAL GOVERNMENT CABINET  
Department for Local Government

Boards

109 KAR 5:010. District boards; directors, terms.

Board of Barbering

201 KAR 14:051. Supervision of apprentice licensees.

Athletic Commission

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

TOURISM CABINET  
Department of Fish and Wildlife Resources

Game

301 KAR 2:111. Deer and turkey hunting on special areas.  
301 KAR 2:210. Antlerless deer permits.

CORRECTIONS CABINET

Kentucky Parole Board

501 KAR 1:030 & E. Determining parole eligibility.

Office of the Secretary

501 KAR 6:030. Kentucky State Reformatory.  
501 KAR 6:040. Kentucky State Penitentiary.  
501 KAR 6:050 & E. Luther Lockett Correctional Complex.  
501 KAR 6:120. Blackburn Correctional Complex.  
501 KAR 6:130 & E. Western Kentucky Farm Center.

TRANSPORTATION CABINET  
Department of Vehicle Regulation

Division of Motor Carriers

601 KAR 1:005. Safety regulations.

EDUCATION AND HUMANITIES CABINET  
Department of Education  
State Board for Elementary and Secondary Education  
Office of Administration and Finance

Pupil Transportation

702 KAR 5:040. District board's responsibilities.

Office of Instruction

Teacher Certification

704 KAR 20:005. Kentucky standards for preparation-certification of professional school personnel program approval.  
704 KAR 20:198. Director of special education.  
704 KAR 20:320. Beginning teacher internship program.  
704 KAR 20:550. Professional school certificate for college faculty.

State Board for Adult, Vocational Education and Vocational Rehabilitation  
Office of Vocational Education

Fiscal Management

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

**Office of Vocational Rehabilitation**

**Administration**

- 706 KAR 1:011. Repeal of 706 KAR 1:010.
- 706 KAR 1:012. General provisions for operation of the Office of Vocational Rehabilitation.
- 706 KAR 1:013. Order of selection and economic need test for vocational rehabilitation services.
- 706 KAR 1:014. Rehabilitation engineering services.
- 706 KAR 1:015. Carl D. Perkins Comprehensive Rehabilitation Center.
- 706 KAR 1:016. Office of Vocational Rehabilitation appeal procedures. (Repeals 706 KAR 1:050)
- 706 KAR 1:017. Admission and discharge from Colonial Inn Rehabilitation Facility, work training centers and community facilities.

**PUBLIC PROTECTION AND REGULATION CABINET  
Registry of Election Finance**

**Reports and Forms**

- 801 KAR 1:120. Repeal portions of 801 KAR Chapter 1. (Repeals 801 KAR 1:005; 801 KAR 1:010; 801 KAR 1:020; 801 KAR 1:030; 801 KAR 1:050; 801 KAR 1:060; 801 KAR 1:100)

**LABOR CABINET  
Department of Workers' Claims**

**Workers' Compensation Board**

- 803 KAR 25:090. Workers' compensation medical fee schedule. (Amended After Hearing)
- 803 KAR 25:100. Procedures for workers' compensation rehabilitation. (Amended After Hearing)

**PUBLIC PROTECTION AND REGULATION CABINET  
State Racing Commission**

**Thoroughbred Racing Rules**

- 810 KAR 1:001. Definitions. (Deferred from June meeting)
- 810 KAR 1:011. Pari-mutuel wagering. (Deferred from May and June meeting)
- 810 KAR 1:013. Entries, subscriptions and declarations. (Deferred from June meeting)
- 810 KAR 1:050. Steeplechase racing. (Deferred from June meeting)
- 810 KAR 1:099. Repeal of 810 KAR 1:022. (Deferred from May and June meeting)

**Harness Racing Commission**

**Harness Racing Rules**

- 811 KAR 1:085. Conduct of racing. (Deferred from June meeting)

**Quarter Horse, Appaloosa and Arabian Racing Rules**

- 811 KAR 2:065. Registration; racing requirements. (Deferred from June meeting)

**Department of Housing, Buildings and Construction**

**Plumbing**

- 815 KAR 20:020. Parts or materials list.

**Hazardous Materials**

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

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

**State Health Plan**

- 902 KAR 17:010 & E. State health plan. (Amended After Hearing)

**Office of Inspector General**

**Health Services and Facilities**

- 902 KAR 20:140. Operation and services; Hospice.

**Hazardous Substances**

- 902 KAR 47:010. Definitions.

**Department for Social Insurance**

**Public Assistance**

- 904 KAR 2:055. Hearings and appeals. (Amended After Hearing)

**Food Stamp Program**

- 904 KAR 3:060. Administrative disqualification hearings and penalties. (Amended After Hearing)
- 904 KAR 3:070. Fair hearings. (Amended After Hearing)

**Department for Medicaid Services**

**Medicaid Services**

- 907 KAR 1:026 & E. Dental services.
- 907 KAR 1:027 & E. Payments for dental services.
- 907 KAR 1:030. Home health agency services.
- 907 KAR 1:034. Early and periodic screening, diagnosis and treatment.
- 907 KAR 1:044. Mental health center services.
- 907 KAR 1:350. Coverage and payments for organ transplants.
- 907 KAR 1:439. Repeal of 907 KAR 1:438.
- 907 KAR 1:470 & E. Durable medical equipment.
- 907 KAR 1:472 & E. Payments for durable medical equipment.



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  
501 KAR 6:050E

In order to continue to operate the Luther Luckett Correctional Complex in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policy must be revised immediately to allow the Luther Luckett Correctional Complex to maintain compliance with standards set by the American Correctional Association and to ensure compliance with recent federal court decisions. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on May 15, 1989 in accordance with KRS Chapter 13A.

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

CORRECTIONS CABINET

501 KAR 6:050E. Luther Luckett Correctional Complex.

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

EFFECTIVE: May 16, 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 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 18-03-03	Inmate Visiting (DSU/ASU)
LLCC 08-01-01	Offender Records	LLCC 20-01-01	Personal Property Control
LLCC 08-04-01	Storage of Expunged Records	LLCC 20-02-01	Authorized Inmate Personal Property
LLCC 08-05-01	Psychological and Psychiatric Reports	LLCC 20-03-01	Unauthorized Items
LLCC 10-03-09	Duties and Responsibilities of Building 1 and 2 Officer	LLCC 20-04-02	Inmate Canteen
LLCC 11-03-01	LLCC Population Categories	LLCC 20-05-01	Inmate Control of Personal Funds
LLCC 11-07-01	Adjustment Procedures for Minor Rule Violations	LLCC 20-05-02	Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
LLCC 11-09-01	Rules and Regulations of the Unit	LLCC 20-06-01	Procedure for Sending Appliances to Outside Dealers for Repair
LLCC 11-13-01	Inmate Dress and Use of Access Areas	LLCC 21-02-01	Classification/Security Levels
LLCC 11-15-01	Postparole Furloughs	LLCC 21-03-01	Classification Process
LLCC 11-16-01	Restoration of Forfeited Good Time	LLCC 22-01-01	OJT/Job Assignments
LLCC 11-18-02	Use of Monitor Telephone	LLCC 23-01-01	Academic School
LLCC 11-19-01	Unit Shakedowns/Control of Excess Property	LLCC 26-01-01	Religious Services
LLCC 11-20-01	Program Services for "Special Needs"/Mentally Ill Inmates	LLCC 28-01-01	Privileged Trips
LLCC 12-01-01	Special Management Inmates	LLCC 28-03-01	Temporary Release/Community Center Release
LLCC 12-01-02	Disciplinary Segregation Time Calculation (WTR)	LLCC 28-04-01	Preparole Progress Report
LLCC 12-04-01	Guidelines for (7E) PC Unit/General Living Conditions	LLCC 28-04-02	Parole Eligibility Dates
LLCC 13-01-01	Dining Room Guidelines	JOHN T. WIGGINTON, Secretary APPROVED BY AGENCY: May 15, 1989 FILED WITH LRC: May 16, 1989 at 4 p.m.	
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	STATEMENT OF EMERGENCY 501 KAR 6:130E	
LLCC 13-06-01	Food Service: Inspections and Sanitation		
LLCC 13-07-01	Food Service: Purchasing, Storage and Farm Products	In order to continue to operate the Western Kentucky Farm Center in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be revised immediately to allow the Western Kentucky Farm Center to maintain compliance with standards set by the American Correctional Association and to ensure compliance with recent administrative changes. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on May 15, 1989 in accordance with KRS Chapter 13A.	
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	WALLACE G. WILKINSON, Governor JOHN T. WIGGINTON, Secretary	
LLCC 15-06-03	Emergency Medical/Dental Care Services		
LLCC 15-06-04	First Aid/CPR Training Program	CORRECTIONS CABINET 501 KAR 6:130E. Western Kentucky Farm Center.	
LLCC 15-06-05	Suicide Prevention and Intervention Program		
LLCC 15-07-01	Health Records	RELATES TO: KRS Chapters 196, 197, 439 STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640 EFFECTIVE: May 16, 1989 NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590 and 439.640 authorizes the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. This regulation is in conformity with those provisions.	
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	Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on May 15 [March 14], 1989 and hereinafter should be referred to as Western Kentucky Farm Center Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.	
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 - 5

WKFC 01-09-01	Duty Officers, External and Internal Inspections, and Staff Tours	WKFC 13-01-01	Use of Pharmaceutical Products
WKFC 02-01-01	Inmate Funds	WKFC 13-02-01	Health Care Services
WKFC 02-00-03	Invoice/Voucher Processing	WKFC 14-00-01	Inmate Rights and Responsibilities
WKFC 02-00-06	Purchasing Procedures <u>(Amended 5/15/89)</u>	WKFC 14-04-01	Legal Services Program
WKFC 02-01-01	Inmate Funds	WKFC 14-06-01	Inmate Grievance Procedure
WKFC 02-02-01	Agency Funds and Accounting Procedures	WKFC 15-01-01	Hair and Grooming Standards
WKFC 02-08-01	Property Receipt and Inventory Procedures	WKFC 15-03-01	Meritorious Good Time
WKFC 04-01-01	Travel Reimbursement for Official Business in Attendance at Professional Meetings	WKFC 15-05-01	Restoration of Forfeited Good Time
WKFC 04-02-01	Employee Training and Development [(Amended 3/14/89)]	WKFC 16-01-01	Visiting Policy and Procedures <u>(Amended 5/15/89)</u> [(Amended 3/14/89)]
WKFC 04-04-01	Educational Assistance Program	WKFC 16-02-01	Inmate Correspondence
WKFC 05-01-01	Research, Consultants, and Student Interns	WKFC 16-03-01	Inmate Access to Telephones
WKFC 06-00-01	Offender Records and Information Access <u>(Amended 5/15/89)</u>	WKFC 16-04-01	Inmate Packages <u>(Amended 5/15/89)</u>
WKFC 06-00-02	Court Orders, Orders of Appearance, Warrants, Detainers, Etc. <u>(Amended 5/15/89)</u>	WKFC 17-01-01	Inmate Personal Property <u>(Amended 5/15/89)</u>
WKFC 09-00-01	Drug Abuse Testing	WKFC 17-02-01	Inmate Reception and Orientation
WKFC 10-02-01	Special Management Inmate(s)	WKFC 18-01-01	Structure, Guidelines, and Functions of the Classification Committee
WKFC 11-00-02	Food Service Inmate Work Responsibilities, Evaluations, and Health Requirements	WKFC 18-13-01	Meritorious Housing
WKFC 11-00-03	Food Service Inspections, Sanitation, Purchasing, Storage, and Corrections Cabinet Farm Products	WKFC 19-03-01	Inmate Wage Program [(Amended 3/14/89)]
WKFC 11-02-01	Food Service General Guidelines	WKFC 19-04-01	Work/Program Assignments [(Amended 3/14/89)]
WKFC 11-02-02	Food Service Security	WKFC 20-04-01	Academic Education Program(s)
WKFC 11-03-01	Food Service Meals, Menus, Nutrition and Special Diets	WKFC 20-03-01	Vocational Education Program(s)
WKFC 12-01-01	Inmate Clothing	WKFC 22-00-01	Inmate Recreation and Leisure Time Activities
WKFC 13-00-01	Special Health Programs	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: May 16, 1989 at 4 p.m.

## REGULATIONS AS AMENDED BY ADMINISTRATIVE BODY AND REVIEWING SUBCOMMITTEE

**COMPILER'S NOTE:** The following two (2) regulations were amended by the promulgating agency and the Interim Joint Committee on State Government, and became effective on June 14, 1989.

**DEPARTMENT OF PERSONNEL  
(As Amended)**

**101 KAR 2:100. Leave regulations.**

RELATES TO: KRS 18A.030, 18A.110  
STATUTORY AUTHORITY: KRS Chapter 18A, 18A.030, 18A.110

**NECESSITY AND FUNCTION:** KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations, consistent with KRS Chapter 18A, which govern annual leave, sick leave, special leaves of absence, and for other conditions of leave. This regulation is necessary to comply with these statutory requirements.

Section 1. Annual Leave. (1) Each full-time employee in the state service, except seasonal, temporary, per diem, and emergency employees, and each part-time employee who works at least 100 hours a month shall accumulate annual leave with pay at the following rate:

Months of Service	Annual Leave Days
0-59 months	1 leave day per month; 12 per year
60-119 months	1 1/4 leave days per month; 15 per year
120-179 months	1 1/2 leave days per month; 18 per year
180 months and over	1 3/4 leave days per month; 21 per year

A full-time employee must have worked more than half of the workdays in a month to qualify for annual leave. Each employee shall be credited with additional leave upon the first day of the month following the month in which the leave is earned. In computing months of total service for the purpose of earning annual leave, only those months for which an employee earned annual leave shall be counted or in the case of a part-time employee, only those months in which the employee worked at least 100 hours shall be counted. In those cases where an employee is changed from part time to full time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Former employees who have been rehired and who have been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS 18A.140, 18A.145, or 18A.990. In those cases where an employee is changed from full time to part time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing months of total service. Employees serving on a part-time basis who work less than 100 hours a month shall not be entitled to annual leave.

(2) Annual leave may be accumulated and carried forward from one (1) calendar year to

the next not to exceed the following maximum amounts:

Months of Service	Maximum Amount
0-59 months	Thirty (30) workdays
60-119 months	Thirty-seven (37) workdays
120-179 months	Forty-five (45) workdays
180-239 months	Fifty-two (52) workdays
240 months and over	Sixty (60) workdays

However, leave in excess of the above maximum amounts shall be converted to sick leave at the end of the calendar year, or upon retirement. Months of service for the purpose of determining the maximum amount of annual leave which may be accumulated and the amount to be converted to sick leave shall be computed as provided in subsection (1) of this section. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

(3) Absence due to sickness, injury, or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(4) Accumulated annual leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the request of employees. An employee who makes a timely request for annual leave shall be granted annual leave by the appointing authority, during the calendar year, up to at least the amount of time he earned that year.

(5) Employees are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

(6) Annual leave shall accrue only when an employee is working or on authorized leave with pay. Annual leave shall not accrue when an employee is on educational leave with pay.

(7) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated annual leave in the receiving agency.

(8) Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he must have used or have been paid for any accumulated annual leave unless he has requested to retain up to ten (10) days of accumulated annual leave.

(9) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 18A shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) When an employee is unable to work, and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a

month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits.

(d) Any employee who leaves state government in the middle of the month, before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contribution for life insurance and health benefits in the following month.

(10) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in Section 2(2) of this regulation, when separated by proper resignation or retirement. In the case of layoff, the employee shall be paid in a lump sum for all accumulated leave. An employee in the unclassified service who reverts to the classified service or an employee who resigns one day and is employed the next day shall retain his accumulated leave in the receiving agency unless he is appointed at a lower salary; in this case the employee has the option to be paid for accumulated annual leave at the higher rate. The effective date of the separation shall be the last workday. A pay voucher shall be submitted on accumulated annual leave.

(11) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts set forth in Section 2(2) of this regulation.

(12) Upon the death of an employee, his estate shall be entitled to receive pay for the unused portion of the employee's accumulated annual leave.

(13) Absence for a fraction or part of a day that is charged to annual leave shall be charged in hours or increments of one-quarter (1/4) hours.

Section 2. Sick Leave. (1) Each employee in the state service, except emergency, per diem and part-time employees who work less than 100 hours a month, shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the workdays in a month to qualify for sick leave with pay. Each employee shall be credited with additional sick leave upon the first day of the month following the month in which the sick leave is earned. Employees serving on a part-time basis who work at least 100 hours a month shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. Each employee shall be credited with additional sick leave upon the first day of the month following the month in which the sick leave is earned.

(2) Full-time employees completing 120 months of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of 120 months of service. In computing months of total service for the purpose of crediting ten (10) additional days of sick leave, only those months for which an employee earned sick leave shall be used. In those cases where an employee is changed from part time to full time, those months in which

the employee worked at least 100 hours as a part-time employee shall be counted in computing months of total service. Part-time employees who work at least 100 hours a month completing 120 months of total service with the state shall be credited with ten (10) additional sick leave days upon the first day of the month following the completion of 120 months of service. In computing months of total service for part-time employees who work at least 100 hours a month for the purpose of crediting ten (10) additional sick leave days, only those months in which the employee worked at least 100 hours shall be used. In those cases where an employee is changed from full time to part time, those months for which the employee earned sick leave as a full-time employee shall be counted in computing years of total service. The total service must be verified before the leave is credited to the employee's record. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from the violation of KRS 18A.140, 18A.145, or 18A.990.

(3) Unused sick leave may be accumulated with no maximum on accumulation.

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay. Sick leave shall not accrue when an employee is on educational leave with pay.

(5) An appointing authority shall grant accrued sick leave with pay when an employee:

(a) Receives medical, dental or optical examination or treatment;

(b) Is disabled by sickness, injury or pregnancy. The appointing authority may require a doctor's statement attesting to the inability to perform his/her duties;

(c) Is required to care for a sick or injured member of his immediate family for a reasonable period of time. The appointing authority may require a doctor's statement supporting the need for care;

(d) Would jeopardize the health of others at his duty post, because of exposure to a contagious disease;

(e) Has lost by death a parent, child, brother or sister, or the spouse of any of them, or any persons related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(6) At the termination of sick leave with pay not exceeding six (6) months, the appointing authority shall return the employee to his former position. At the termination of sick leave with pay exceeding six (6) months, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit.

(7) An appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy, and the total continuous leave does not exceed one (1) year. The appointing authority may require periodic doctor's statements during the year attesting to the continued inability to perform his/her duties. When the employee has given notice of his ability to resume his duties, the appointing authority shall return the employee to a position for which he is

qualified and which resembles his former position as closely as circumstances permit; if there is no such position available, the regulations pertaining to layoff apply. An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of such sick leave, shall be dismissed by the appointing authority. An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(8) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 18A shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee in within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) When an employee is unable to work, and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits.

(d) Any employee who leaves state government in the middle of the month, before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contribution for life insurance and health benefits in the following month.

(9) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours or increments of one-quarter (1/4) hours.

(10) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated sick leave in the receiving agency.

(11) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay. Former employees who are reinstated or reemployed shall have unused sick leave balances revived upon appointment and placed to their credit.

(12) In cases of absence due to illness or injury for which Workers' Compensation benefits are received, accumulated sick leave may be used in order to maintain regular full salary. If paid sick leave is used, Workers' Compensation pay benefits shall be assigned back to the state for whatever period of time an employee received paid sick leave. The employee's sick leave shall be immediately reinstated to the extent that Workers Compensation Benefits were assigned.

(13) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental or optical

examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(14) Supporting evidence.

(a) An appointing authority may require an employee to supply supporting evidence in order to receive sick leave. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment. An appointing authority shall grant sick leave when the application is supported by acceptable evidence.

(b) An appointing authority may place on sick leave an employee whose health might be jeopardized by job duties, whose health might jeopardize others, or whose health prevents performance of duties and responsibilities, and who, on request, fails to produce a satisfactory medical certificate.

Section 3. Court Leave. An employee shall be entitled to leave of absence from duties during his scheduled working hours, without loss of time or pay for that amount of time necessary to comply with subpoenas by any court, or administrative agency or body of the federal or state government or any political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party plaintiff. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 4. Compensatory Leave. (1) It shall be the responsibility of the appointing authorities to administer the overtime and compensatory leave provisions of the Fair Labor Standards Act. An employee who is authorized to work in excess of the prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis, subject to the provisions of the Fair Labor Standards Act and Kentucky Labor Laws. Compensatory leave may be accumulated or taken off in one-quarter (1/4) hour increments. The maximum amount of compensatory leave that may be accumulated shall be 200 hours.

(2) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his compensatory leave in the receiving agency.

(3) Upon separation from state service, employees will be paid for all unused compensatory leave at the greater of their regular hourly rate of pay or at the average regular rate of pay for the final three (3) years of employment.

(4) An employee who has accrued compensatory leave shall be permitted by the appointing authority or his designee to take such time off when practicable. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing an employee's compensatory leave, an appointing authority or his designee may direct an employee to take accumulated compensatory time off from work. Notice must be in writing specifying the number of hours to be taken.

(5) An employee deemed to be "nonexempt" shall

be paid one and one-half (1 1/2) times his regular hourly rate of pay for all hours worked in excess of forty (40) per week.

(6) An employee except one who is in policy making position, may, after accumulating 151 hours of compensatory leave, request that he be paid for fifty (50) hours at his regular rate of pay. An employee's leave balance shall be reduced accordingly.

(7) All employees, except those who are in policy making positions, shall be paid for fifty (50) hours at their regular hourly rate of pay upon accumulating 200 hours of compensatory leave. The employee's leave balance shall be reduced accordingly.

(8) All employees whose prescribed hours of duty are normally less than forty (40) per week and who have not exceeded the maximum amount of compensatory time shall receive compensatory leave on an hour-for-hour basis until the total hours worked in that week reaches forty (40).

(9) Compensatory leave used during the same workweek it is earned does not constitute "hours worked" for computing paid overtime.

Section 5. Military Leave. Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his civil duties upon request therefor, to serve under orders on training duty without loss of his regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and any such absence shall not be charged to leave. Absence in excess of this amount will be charged as annual leave, compensatory leave or leave without pay. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave. An appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of such duty not to exceed six (6) years. All accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

Section 6. Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, four (4) hours, for the purpose of voting. Such absence shall not be charged against leave. Employees who are not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. Employees who are permitted to work in lieu of voting leave shall be granted compensatory leave on an hour-for-hour basis.

Section 7. Special Leave of Absence. (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.

(2) An appointing authority, with approval of the commissioner, may grant leave of absence when requested by an employee for a period not to exceed twenty-four (24) months, with or without pay for assignment to and attendance at college, university, vocational or business school for the purpose of training in subjects

related to the work of the employee and which will benefit the state service.

(3) An appointing authority, with approval of the commissioner, may grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes other than specified in this regulation that are deemed in the best interest of the state.

(4) An appointing authority, with approval of the commissioner, may place an employee on leave without pay for a period not to exceed thirty (30) working days pending an investigation into allegations of employee misconduct. The employee shall be notified in writing by the appointing authority that he is being placed on leave without pay and of the reasons therefor. If such investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of such leave and all records relating to the investigation will be purged from agency and Department of Personnel files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken, including those cases where the employee voluntarily resigns in the interim.

(5) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 18A shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) When an employee is unable to work, and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits.

(d) Any employee who leaves state government in the middle of the month, before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contribution for life insurance and health benefits in the following month.

Section 8. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefor to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action.

THOMAS C. GREENWELL, Commissioner

APPROVED BY AGENCY: February 15, 1989

FILED WITH LRC: February 15, 1989 at noon

DEPARTMENT OF PERSONNEL  
(As Amended)

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

RELATES TO: KRS 18A.155

STATUTORY AUTHORITY: KRS Chapter 13A, 18A.155

NECESSITY AND FUNCTION: KRS 18A.155 requires the Commissioner of Personnel to submit to the Governor proposed administrative regulations for persons in positions enumerated in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (u) and (v). KRS 18A.155 further provides that these regulations shall be approved by the Governor. Nothing herein shall be construed to preclude the optional use of regulations promulgated under this section on behalf of employees enumerated in paragraphs (a), (b), (d), (e) and (q) of subsection (1) of KRS 18A.155 and on behalf of members of state boards and commissions who work on a full-time, salaried basis. This regulation complies with and implements this statutory provision.

Section 1. Classification Plan. (1) The commissioner shall, after consultation with the appointing authorities, prepare and recommend to the Governor a classification plan for adoption. The plan shall be based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. Each position shall be allocated to its proper class in the classification plan after consultation with appointing authorities. The classification plan shall include for each class of position an appropriate title, description of duties and responsibilities, and the required education, experience and other qualifications.

(2) The principles and provisions of 101 KAR 2:020 shall apply to positions in the unclassified service.

Section 2. Compensation Plan. (1) After consultation with appointing authorities and the Secretary of the Finance and Administration Cabinet, develop a pay plan for all aforementioned employees in the unclassified service, taking into account such factors as:

(a) The relative levels of duties and responsibilities of various classes of positions;

(b) Rates paid for comparable positions elsewhere; and

(c) The state's financial resources.

Such pay plan shall become effective only after it has been approved by the Governor after submission to him by the commissioner through the Secretary of the Department of Finance. Amendments to the pay plan may be made in the same manner. Each employee shall be paid at one (1) of the rates set forth in the pay plan for the position in which he is employed.

(2) With the exception of the provision relating to probationary increments, the principles and provisions of 101 KAR 2:030 shall apply to employees and positions in the unclassified service. An employee in the unclassified service who completes the initial six (6) month period following appointment with satisfactory performance may be granted a statutory increment at the beginning of the month following completion of such period.

(3) Salary adjustments.

(a) An employee who was eligible for but did not receive a five (5) percent salary advancement as the result of any of the following actions: promotional increase, reallocation, or class grade changes, on or after January 3, 1986, may have his salary adjusted upon request by the appointing authority and approval by the commissioner. In no case may the salary adjustment be made retroactive to the original effective date but shall be granted on the first of the month following approval of the increase.

(b) Subject to approval by the commissioner, an appointing authority may request a salary adjustment not to exceed ten (10) percent when standards of internal equity justify such an adjustment.

(c) Inasmuch as the appointing authority has the option of not providing salary increases under this section, an eligible employee whose salary is not adjusted is not considered to have been penalized and therefore shall have no basis for appeal.

(4) Physicians, employed as such and pursuant to KRS 64.655, are exempted from the provisions of 101 KAR 2:030, Section 2, and may be appointed to any rate within the pay range when justified in writing by the appointing authority and approved by the commissioner.

Section 3. Educational Achievement Award. Upon request of the appointing authority and subject to the approval of the commissioner:

(1) A [permanent] full-time employee may receive one (1) lump sum educational achievement award per fiscal year for satisfactorily completing 260 classroom hours (or the equivalent as determined by the commissioner) of job related instruction in approved courses. Approved courses, must have been completed after an employee initially served six (6) months in state government. Employees shall not receive approval toward an educational achievement award for hours taken while on educational leave, for hours paid for by the agency through tuition assistance, or for hours which previously counted toward an educational achievement award. The lump sum educational achievement award shall be ten (10) percent of the employee's annual base salary. The lump sum payment shall be granted only if the 260 classroom hours (or equivalent) have been completed within the past five (5) years prior to the effective date of the increase; or

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

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

(b) Completed college course work on the



undergraduate or graduate level.

(3) To apply for an educational achievement award an employee shall submit supporting documentation to the appointing authority or his designee. For 260 classroom hours or its equivalent, this documentation shall include the educational achievement request DPT Form-10 (or its equivalent). In compliance with the standards set forth in Section 6 of this regulation, the appointing authority may recommend the application for approval and may forward the documentation to the Commissioner of the Department of Personnel for final approval. A lump sum educational achievement award shall not be added to the employee's base salary or wages.

THOMAS C. GREENWELL, Commissioner  
APPROVED BY AGENCY: March 17, 1989  
FILED WITH LRC: April 5, 1989 at 2 p.m.

**COMPILER'S NOTE:** The following regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee on June 1 and 2, 1989, and, as of June 15, 1989, had not yet gone into effect.

**GENERAL GOVERNMENT CABINET**  
**Board of Embalmers and Funeral Directors**  
(As Amended)

**201 KAR 15:010. Definitions.**

RELATES TO: KRS 316.010, 316.040, 316.090  
STATUTORY AUTHORITY: KRS 316.210(4)

NECESSITY AND FUNCTION: Defines terms used throughout KRS Chapter 316 and the regulations governing the Kentucky Board of Embalmers and Funeral Directors.

Section 1. Definitions. [(1)] "All his working hours" means [as used in KRS 316.040 and 316.090, is defined as] regular employment in a licensed funeral establishment in this state. [Said] Regular employment shall [must] involve at least forty (40) working hours per week to [which may] be accumulated [in any manner] under actual working conditions and under the personal supervision of a licensed embalmer and licensed funeral director holding a valid Kentucky license. [Said] employment shall be regular and steady employment and shall not be secondary to any other [another] employment or educational pursuit.

[(2)] "Branch establishments" is defined to mean any place apart from their main establishment which is used for conducting any part of a funeral service, and such branch establishment must operate under the constant supervision of a licensed funeral director and licensed embalmer who devotes his regular working hours to this branch establishment.]

DONALD M. BUTLER, President  
APPROVED BY AGENCY: April 10, 1989  
FILED WITH LRC: April 13, 1989 at 1 p.m.

**TOURISM CABINET**  
**Department of Fish & Wildlife Resources**  
(As Amended)

**301 KAR 4:090. Buying and selling of inedible wildlife parts.**

RELATES TO: KRS 150.010, 150.025, 150.175, 150.180, 150.183, 150.304, 150.330, 150.370, 150.411, 150.990

STATUTORY AUTHORITY: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: The commissioner, with the concurrence of the commission, finds it necessary to regulate the buying and selling of inedible wildlife parts in order to assure the trade is limited to legally taken animals. The purpose of this regulation is to detail procedures and responsibilities for taxidermists and others involved in storing, labeling and mounting wildlife, buying and selling inedible wildlife parts and the buying and selling of mounted wildlife specimens and products manufactured from processed wildlife.

Section 1. Definitions. (1) "Licensed taxidermist" means any person, partnership, firm or corporation that engages in the business and accepts remuneration for the mounting of skins or other inedible wildlife parts or wildlife and who holds a license under the provisions of KRS Chapter 150.175.

(2) "Federally protected wildlife" means any federal threatened or endangered species and any native migratory bird.

(3) "Mounting" means to arrange processed wildlife for the purpose of display.

Section 2. Licenses Required. (1) Any person, partnership, firm or corporation engaged in the business and accepting remuneration for mounting skins or other inedible parts of wildlife shall possess a taxidermist license. Such licenses are available by writing: Division of Fiscal Control, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601. The license shall be openly displayed at the place of business and shall be open, along with all records pertaining to the business and all wildlife specimens or wildlife parts, to inspection during normal business hours by any properly authorized agent of the department.

(2) Individuals or businesses engaged in the selling of garments or manufactured products comprised of legally taken processed wildlife are not required to possess a license from the Department of Fish and Wildlife Resources.

(3) In addition to the appropriate state license, all taxidermists who mount federally protected species must have a federal taxidermist license. Federal permit application information is available by writing: U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 4839, Atlanta, Georgia 30302.

Section 3. Labeling Requirements. (1) All licensed taxidermists shall keep records of the name, address and phone number of the owner and the date killed of all wildlife or wildlife parts in their possession and shall tag each specimen or part to identify its owner. Inedible parts of wildlife so tagged may be possessed year round by a licensed taxidermist.

(2) Deer heads harvested in Kentucky or other parts separated from the carcass for mounting by a taxidermist shall have the hunter's portion of the official game check card properly filled out and attached to the separated part. Parts of deer taken out of state shall be accompanied with proof of legal harvest.

Section 4. 301 KAR 4:040, Sale of abandoned mounts, and 301 KAR 4:080, Taxidermy requirements, are hereby repealed.

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

APPROVED BY AGENCY: March 6, 1989

FILED WITH LRC: April 14, 1989 at noon

**EDUCATION AND HUMANITIES CABINET**  
Department of Education  
Office of Instruction  
(As Amended)

704 KAR 3:360. Parenting and family life skills.

RELATES TO: KRS 158.747

STATUTORY AUTHORITY: KRS 156.070, 158.797

NECESSITY AND FUNCTION: KRS 158.797 requires the State Board for Elementary and Secondary Education to adopt regulations as it deems necessary for the implementation of "parenting education and family life skills" in the public elementary and secondary schools. This regulation implements that statutory mandate.

Section 1. Definitions. (1) "Certified personnel" - persons holding a Kentucky Department of Education teaching certificate (standard, provisional, or certificate of eligibility) appropriate for the grade level of students to be taught.

(2) "Specialized in-service training" - training for the purpose of providing personnel with specific skills necessary to teach specific subjects.

(3) "Department of Education approved trainers" - persons deemed to have specific skills in a subject area and qualified to provide in-service training in that specific area.

(4) "Professional resource personnel" - teachers, school guidance counselors, school psychologists, school social workers, school nurses, representatives of health and mental health agencies, law enforcement officials, and other appropriate personnel.

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

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

(1) Assist in assessing local needs and resources;

(2) Provide a forum for expression of community opinion;

(3) Adopt guidelines for developing and

implementing the local plan for providing parenting and family life skills education;

(4) Develop the local plan;

(5) Develop procedures for dealing with controversial issues;

(6) Review print and audio visual materials; and

(7) Assist in the evaluation of the program.

Section 3. (1) The district plan for parenting education and family life skills shall be reviewed and approved by the local superintendent, adopted by the local board of education, and submitted to the Kentucky Department of Education for approval by August 5, [July 1,] 1989.

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

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

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

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

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

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

(a) Developing positive self-esteem and self-concept;

(b) Determining values, setting goals, decision making, communication skills and conflict resolution;

(c) Peer pressure;

(d) Substance abuse prevention;

(e) Personal safety and prevention of family violence;

(f) Human growth and development;

(g) Human sexuality;

(h) Responsible sexual behavior emphasizing premarital abstinence;

(i) Sexually transmitted diseases including the human immunodeficiency virus (HIV) and other viruses linked to the acquired immune deficiency syndrome (AIDS); and

(j) Parenting and family life skills.

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

advantages of premarital abstinence and the development of skills with which to practice premarital abstinence.

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

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

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

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

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

Section 9. At the beginning of the 1989-90 school year, each local school district shall survey a sample of the students in grade nine (9) and grade twelve (12) relating to sexual activity, utilizing a uniform survey developed and to be analyzed by the Department of Education. The survey shall be readministered at the beginning of the 1994-95 school year. The 1989-90 survey data, along with public health data on sexually transmitted diseases and premarital teenage pregnancies, shall be used to establish baselines for measuring the effectiveness of the curriculum. The 1994-95 data shall be used to determine progress in meeting the Kentucky Department of Education's goal of a statewide decrease of five (5) percent in reported sexual activity, reported cases of sexually transmitted diseases, and in reported teenage pregnancies.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: March 8, 1989

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

**EDUCATION AND HUMANITIES CABINET**  
**Department for the Blind**  
**(As Amended)**

**720 KAR 1:030. Scope and nature of services.**

RELATES TO: KRS 163.450 to 163.470, 29 U.S.C., 701 et. seq., 34 CFR 361

STATUTORY AUTHORITY: KRS 163.470, 29 U.S.C., 701 et. seq., 34 CFR 361.42

NECESSITY AND FUNCTION: KRS 163.470(6) requires the Department for the Blind to implement policies and procedures for carrying out programs of services for persons of the Commonwealth who are blind or visually impaired. Under its State Plan for Vocational Rehabilitation authorized under Title I of the Rehabilitation Act of 1973, as amended, the department is required to establish and maintain written policies and procedures covering the scope and nature of the services it provides and the conditions, criteria, and procedures under which each service is provided.

Section 1. Evaluation of Vocational Rehabilitation Potential. In determining the eligibility of an individual or in determining the scope and nature of services needed by an individual, the department may obtain a second opinion from a specialist qualified and skilled in diagnosis and treatment and licensed in accordance with state laws and regulations.

Section 2. Vocational Goal. Services shall be provided in accordance with an individualized written rehabilitation program which emphasizes primarily the determination and achievement of a vocational goal which shall be consistent with the abilities and capacities of the client.

Section 3. Vocational Training at Institutions of Higher Education. (1) Services provided at institutions of higher education are subject to Section 17 of this regulation on comparable benefits.

(2) The amount paid by the department for tuition shall not exceed the highest rate for tuition charged by an in-state public institution of higher education, unless the client is in a degree program not offered by an in-state public institution.

(3) The department may pay for fees associated with attendance at an educational institution only if such fees are required for all individuals who attend the institution.

(4) Client need for books, supplies, tools and other materials may vary according to the school and course work, but the amount the department may pay shall not exceed the need analysis made by the student financial aid office of the institution the client attends, or if such analysis is not available, then the department shall pay only for actual costs of materials needed for each course.

(5) The client shall maintain full-time status as defined by the institution, unless a status of less than full-time is needed to graduate in the current year.

(6) By the end of the second term or semester, a client must have achieved an overall "C" grade average or such standing required for admission, licensure or certification and must maintain this standing for each subsequent term or semester.

(7) Exceptions may be granted to subsections

(5) and (6) of this section, but only according to the following criteria:

(a) The client shall have temporary circumstances, such as sudden severe illness, which renders the client unable to maintain the standards in subsections (5) and (6) of this section;

(b) The client shall notify the counselor of the temporary circumstances prior to any change of standing at the institution;

(c) The temporary circumstances shall be supported by documented evidence; and

(d) Any exception shall not be extended beyond one (1) year.

(8) The client shall provide the counselor with a copy of course grades as soon as possible after the end of each term or semester.

(9) The counselor shall terminate services at an institution of higher education for a client who does not maintain the standards of subsections (5), (6), (7) and (8) of this section, and shall simultaneously notify the client of appeal procedures available under 720 KAR 1:040.

(10) Services terminated under subsection (9) of this section, may be reinstituted if the outcome of the client's appeal of the counselor's decision through administrative regulation 720 KAR 1:040 so directs or if the client meets the standard under which services were terminated through his own initiative.

Section 4. On-the-job-training. On-the-job-training provided in private or public employment other than within the department shall be subject to the following conditions:

(1) The client may be sponsored for on-the-job training not to exceed three (3) months for nonskilled positions or six (6) months for skilled or professional positions;

(2) The client shall receive at least minimum wage;

(3) The employer shall be responsible for the provision of benefits and privileges that accrue to other employees;

(4) Prior to the training, a written agreement shall be completed by the counselor between the department and the employer giving a description of goals and objectives of the training, including, the length of training, the skills taught, wages earned and an understanding that the client shall be hired as a permanent employee after successful completion of the training program;

(5) The client shall make satisfactory progress as documented by training reports provided by the employer; and

(6) The agreement for on-the-job training may be terminated by the department, the employer, or the client if the conditions of this section are not met.

Section 5. Work Experience/Work Adjustment. Programs of work experience in private or public employment other than within the department shall be provided according to the following conditions:

(1) The individual may be sponsored for a period not to exceed 520 total hours of work experience;

(2) A written agreement shall be completed by the counselor between the department and the employer or provider of services to designate the length of the work experience, the number of

hours to be worked each week, and payment that the individual will receive, and any payment to the provider by the department;

(3) The employer or provider must monitor the performance of the individual in work experience and make periodic reports to the counselor; and

(4) The work experience contract may be terminated by the department at anytime if it is determined that the work experience is not beneficial to the individual.

Section 6. Physical and Mental Restoration.

(1) An applicant or client shall have freedom of choice of any specialist qualified and skilled in an appropriate field of restoration practice providing the specialist is licensed in accordance with state laws and regulations and agrees to provide services according to established state laws and regulations.

(2) Restoration services shall not be provided outside the Commonwealth of Kentucky, unless:

(a) The services is provided in a nearby out-of-state area routinely used for the convenience of the department;

(b) The out-of-state service may be cost saving;

(c) The service is not provided in state; or

(d) The provision of an in-state service would delay service to a client at extreme medical risk.

Section 7. Maintenance. (1) Maintenance may be provided only when necessary to support and derive the full benefit of other services being provided.

(2) Maintenance may begin at any time after other services have begun, but shall cease thirty (30) days after the client has achieved suitable employment.

(3) The amount the department may pay for room and board for a client enrolled in an institution of higher education shall not exceed the highest rate for campus residence room and board charged by an in-state public institution.

(4) Room and board shall not be provided for a client who attends an institution of higher education in the home community of the client, unless:

(a) Transportation is not available; or

(b) The cost of transportation exceeds the rate of on-campus residence and board at the institution.

(5) Lodging and meals provided in support of services other than at an institution of higher education shall be limited in cost to:

(a) For a period less than thirty (30) days may not exceed the per diem rates established for state employees by the Kentucky Finance and Administration Cabinet; and

(b) For a period more than thirty (30) days may not exceed eight (8) dollars per day for food and twelve (12) dollars per day for lodging.

(6) The department shall not provided for maintenance identified only as personal expenses or miscellaneous expenses.

Section 8. Transportation. (1) Public transportation by common carrier shall be at a cost that is economically most prudent and feasible to the department.

(2) Private transportation by private vehicle shall be at the mileage rate established for state employees by the Kentucky Finance and Administration Cabinet.

(3) Lodging and meals necessary during travel

shall not exceed the per diem rates established for state employees by the Kentucky Finance and Administration Cabinet.

(4) The total cost of transportation allowed for commuting between home and campus for a client who attends an institution of higher education shall not exceed the rate of on-campus residence and board at the institution.

(5) Transportation for a client who resides on campus at an institution of higher education shall be limited annually to six (6) round trips between the client's home and the campus.

(6) Transportation may include relocation and moving expenses when necessary for a client to achieve placement in employment.

Section 9. Interpreter Services. Interpreter services may be provided only in conjunction with other services and only if sign language is a necessary means of communication for the individual.

Section 10. Services to Family Members. Services to members of a client's family may be provided only when necessary for the vocational rehabilitation of the client.

Section 11. Reader Services. Reader services may be provided for individuals who are blind only in conjunction with other services and only when recordings of printed materials are not readily available through the volunteer recording services of the department.

Section 12. Assistive Technology. (1) Assistive technology that has the capacity to improve low vision shall be provided by individualized prescriptions and fittings performing by individuals licensed to fill such prescriptions and licensed to perform such fittings.

(2) Assistive technology may be provided only when there is evidence that the client has ability and capacity to successfully use assistive technology.

(3) Exotic and expensive assistive technology may be provided only after it has been determined that less expensive and more traditional aids and devices for the client are not feasible.

(4) Should it be determined that assistive technology is no longer needed for the purpose for which it is provided, the client shall be responsible to return such to the department.

(5) Assistive technology shall be provided in a new or like new condition, and if such becomes defective, worn out, or obsolete during the course of a client's individualized written rehabilitation program, it shall be repaired or replaced by the department.

(6) After a client has been determined to be rehabilitated, the client shall have the responsibility to repair or replace defective, worn out or obsolete assistive technology unless such repair or replacement is allowable under postemployment services.

Section 13. Self-employment. Subject to the following conditions, the department may participate in a program of self-employment for a client:

(1) The client, and the proposed self-employment enterprise, shall undergo appropriate and significant evaluation to determine the feasibility of the enterprise and

the client's abilities and capacities to successfully manage the enterprise of self-employment;

(2) The client shall obtain the required licenses, permits, certificates, and leases, and in all instances operate the enterprise by in conformity with all federal, state, and local laws and regulations, including Wages and Hour Laws, Civil Rights Act of 1964 as amended, and Occupational Safety and Health Act Standards, as amended;

(3) The department shall have the option to review the proposed recordkeeping system prior to the establishment of the enterprise and periodically for a period not to exceed five (5) years; and

(4) The department's financial participation in a self-employment enterprise for a client shall not exceed \$5,000, unless there is a strong likelihood that the department may recover the cost of its participation from another source.

Section 14. Tools and Equipment. Tools, equipment and supplies that have been provided to a client will be recovered by the department if the client ceases to use such for the pursuit and practice for which they were provided.

Section 15. Recordings of Printed Materials. (1) Cassette recording of textbooks and other vocational materials shall be made available through the department's volunteer recording program.

(2) Since services provided by the volunteer recording program are subject to Section 17 of this administrative regulation on comparable benefits, each client requesting recorded materials shall also make application and use as a primary resource:

(a) "Recordings for the blind;" and  
(b) "The Kentucky Library Services for the Blind and Physically Handicapped," the Regional Program of the Library of Congress.

Section 16. Postemployment Services. The provision of postemployment services shall be subject to the following conditions:

(1) Services shall be necessary to assist the individual in maintaining or regaining employment;

(2) Services shall be a relatively simple and one (1) time service that relates to a handicapping condition previously identified in a eligibility determination and individualized written rehabilitation program of the individual;

(3) Services shall not be provided solely to upgrade an individual's financial status nor to provide physical restoration for acute conditions resulting from accidents or sudden illness;

(4) Postemployment services shall be subject to Section 17 of this administrative regulation regarding comparable benefits and Section 18 of this administrative regulation regarding participation of the individual in the cost of services.

Section 17. Comparable Benefits. (1) Comparable benefits shall be utilized as a first source to meet the cost of services to be provided under an individualized written rehabilitation program.

(2) Except for conditions listed in subsections (3) and (4) of this section, if a

client refuses to apply for or utilize comparable benefits, then the department cannot provide for the cost of such services.

(3) The requirements of subsection (2) of this section shall not apply to the following services:

- (a) Evaluation of rehabilitation potential;
- (b) Counseling, guidance, and referral;
- (c) Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, that are not provided in institutions of higher education;
- (d) Placement; and
- (e) Rehabilitation engineering.

(4) The requirements of subsection (2) of this section shall not apply if the determination of the availability of comparable benefits under any other program shall delay the provision of services to any client who is at extreme medical risk.

(5) If a client is provided training services at an institution of higher education, the client shall annually apply for comparable benefits made available through the financial aid office of the institution.

(6) The department shall maintain cooperative agreements with the Kentucky Association of Student Financial Aid Administrators and the Kentucky Higher Education Assistance Authority for improved coordination of comparable benefits for clients who are enrolled in institutions of higher education.

(7) Grant assistance, meaning gifts, endowments, or scholarships (but not student loans, work-study funds or other aid termed self-help) provided as financial assistance for clients who are enrolled in institutions of higher education, shall be considered comparable benefits.

(8) Guaranteed student loans, national direct or student loans, work-study payments and other aid termed self-help provided as financial assistance for client who are enrolled in institutions of higher education shall not be considered as comparable benefits.

(9) The department shall not be bound by any determination of a client's need of service or the cost of service as identified by the financial aid office of an institution of higher education, but rather shall determine such need and the allowable cost of services according to the Rehabilitation Act and state laws and regulations.

(10) Comparable benefits awarded for purposes of higher education shall be applied for the services designated by the granting authority. Where there is no clear designation, such as in the case of a Pell grant, the award shall be pro-rated by percentage to pay in part for each expense of tuition and fees, books and supplies, room and board, personal expenses, and transportation that was used as the basis of the award. The percentage used for distribution shall be the amount of the award divided by the total of all expenses for tuition and fees, books and supplies, room and board, personal expenses, and transportation that was used as the basis of the award.

Section 18. Participation of Individual in the Costs of Services. [(1)] There is no requirement by the department that the financial need of an individual with a handicap be considered in the provision of services [other

than postemployment services]. However, each individual who is determined to be eligible for services [other than postemployment purposes] shall be asked to voluntarily participate to help pay the costs associated with the individualized written rehabilitation program. No services [other than postemployment services] shall be denied to an individual who does not have the available resources or who refuses to participate.

[(2) The financial need of an individual shall be considered in the provision of all postemployment services except the following:]

[(a) Evaluation to determine needed services;]

[(b) Counseling, guidance and referrals;]

[(c) Rehabilitation engineering, but not including the cost of assistive technology;]

[(d) Services provided by the Kentucky Rehabilitation Center for the Blind; and]

[(e) Job placement.]

[(3) Each individual requesting postemployment services shall complete at the time of the initiation of an individualized written rehabilitation program for postemployment services a statement of financial need which lists from verification, such as a payroll receipt, the total monthly income of the individual from the following sources:]

[(a) Wages and salaries after federal, state, and local taxes;]

[(b) Receipts from self-employment after business deductions and federal, state, and local taxes;]

[(c) Social Security cash benefits; and]

[(d) Pensions.]

[(4) The total monthly income of an individual in excess of \$1,000 shall be used before any payment of the department to pay in whole or part for the cost of services identified in the individualized written rehabilitation program for postemployment services. Contribution from an employer or another private source may be used to meet the individual's financial obligation in the payment of services.]

[(5) The Director of the Division of Client Services of the department may exempt an individual from participation in the cost of postemployment services under the following conditions:]

[(a) The individual shall have written documentation that there is financial hardship such as emergency expenses due to reasons of medical expenses, higher education expenses of household members, or expenses resulting from marital separation or divorce; or]

[(b) Payment for postemployment services by the individual would adversely affect an individual whose goal is a plan to maintain consecutive employment at monthly wages defined by the Social Security Administration as substantial gainful activity.]

Section 19. Purchase of Services. (1) The department shall establish and maintain written rates of payment for all purchased services.

(2) The cost of any services may not exceed the written rates of payment established by the department. An individual who wishes a service in excess of the established rates of payment shall pay any excess cost.

(3) Services purchased by the department shall be made by written authorization of a counselor or other designated staff either before or at

the same time as the purchase of services.

(4) In an emergency situation, a counselor or other designated staff may make an oral authorization to purchase services but there must be prompt documentation and the authorization shall be confirmed in writing and forwarded to the provider of the services.

(5) Any vendor providing services authorized by the department shall agree not to make any charge to or accept any payment from an applicant or client unless the amount of the charge or payment is previously known and approved by the department.

Section 20. Emergency Denial of Services. The department may immediately suspend or terminate any services provided to an individual if during the course of those services the conduct of the individual poses a threat to personal safety or the safety of others.

CHARLES W. McDOWELL, Executive Director

APPROVED BY AGENCY: April 13, 1989

FILED WITH LRC: April 14, 1989 at 9 a.m.

PUBLIC PROTECTION & REGULATION CABINET  
Department of Housing, Buildings & Construction  
Office of State Fire Marshal  
(As Amended)

815 KAR 4:010. Elevators, dumbwaiters, escalators and moving walks standards.

RELATES TO: KRS 198B.400-198B.540

STATUTORY AUTHORITY: KRS 198B.470, 198B.490

NECESSITY AND FUNCTION: KRS 198B.490 requires [336.620 authorizes] the commissioner to make rules and regulations exclusively for the safety and inspection of passenger elevators as defined by KRS 198B.400(1) and (2). The function of this regulation is to adopt safety standards which will insure that such passenger [all] elevators are installed and maintained to provide reasonable safety when [reasonably safe for] used by the citizens of this Commonwealth. This amendment is needed to update the standards for annual inspection to the latest edition of the applicable codes.

Section 1. Adoption of Code. The commissioner hereby adopts and incorporates by reference the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, American Society of Mechanical Engineers [(ANSI) A17.1-1987 [1984 and supplements ANSI/ASME A17.1B-1985; and A17.1C-1986] (with the exception of rules 102.2.(c)(4) and 700.4b, 700.5, 700.7b, 700.10b, 707.4) and the safety standard for conveyors and related equipment which is [(ANSI/ASME B20.1-1984), both of which are] published by and available from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017, which specifically details the equipment, materials, weights, gauges, lengths, widths, and quality of construction that will make elevators, escalators, and any other lifting or lowering device reasonably safe. Copies are also available to be inspected at the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky, Monday through Friday between 8 a.m. and 4:30 p.m.

Section 2. New Elevators. All new elevators and equipment covered by Section 1 of this regulation shall be constructed in accordance with the standards set forth in this regulation and the Kentucky Building Code. Fees shall be paid as set forth in 815 KAR 4:025. [Freight Elevators and Electric Powered Dumbwaiters. Application and specifications for freight elevators and electric powered dumbwaiters shall continue to be submitted to the department for approval. Freight elevators and electric powered dumbwaiters will be inspected upon completion of their installation. Nothing in this regulation shall require the annual inspection of freight elevators or electric powered dumbwaiters now in existence.]

Section 3. Annual Inspection of Passenger Elevators and Escalators. Annual inspections of passenger elevators and escalators shall be conducted in accordance with the codes adopted in Section 1 of this regulation. Fees charged are as set forth in 815 KAR 4:025.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: April 13, 1989

FILED WITH LRC: April 14, 1989 at 11 a.m.

PUBLIC PROTECTION & REGULATION CABINET  
Department of Housing, Buildings & Construction  
Division of Building Codes Enforcement  
(As Amended)

815 KAR 7:020. Building code.

RELATES TO: KRS Chapter 198B

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

NECESSITY AND FUNCTION: The Kentucky Board of Housing, Buildings and Construction is required by KRS 198B.040(7) to adopt and promulgate a mandatory uniform state building code, which establishes standards for construction of buildings in the state. This regulation establishes the Kentucky Building Code basic provisions relating to new construction, including general building limitations, special use and occupancy, light, ventilation and sound transmission control, means of egress, structural and foundation loads and stresses, acceptable materials and tests, fire resistive construction and fire protection systems, safety during building operations, mechanical systems, energy conservation and electrical systems. This amendment is necessary to update to the newest technology by citing the latest edition in reference materials for elevators and to recognize acceptability of specially designed wheelchair lifts. [This amendment is needed to clarify the intent of the code as it relates to building size limitations of Table 501 and to recognize the jurisdiction of the Division of Water over any buildings to be constructed in flood prone areas.]

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

- (1) "Basement": As defined by KRS 198B.010(3).
- (2) "Building": As defined by KRS 198B.010(4).
- (3) "Construction": As defined by KRS 198B.010(12).
- (4) "Equipment": As defined by KRS 198B.010(15).



(5) "Reconstruction: The process of reproducing by new construction the exact form and detail of a vanished building, structure or object or part thereof as it appeared at a specific period of time."

(6) "Rehabilitation: The process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use of while preserving those portions or features of the property which are significant to historical, architectural and cultural values."

(7) "Restoration: The process of accurately recovering the form and details of the property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work."

(8) "Stabilization: The process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists."

(9) "Story": As defined by KRS 198B.010(22).

(10) "TIA or Tentative Interim Amendment: means a publication of the National Fire Protection Association Standards Council which is a tentative amendment of the National Electrical Code referenced in Section 2 of this regulation because it has not been processed through the entire standards-making process; and it is interim because it shall be effective only between editions of the standard. As used in this regulation, it shall be a permanent provision until otherwise amended."

Section 2. The Kentucky Building Code shall include the National Electrical Code, 1987 Edition, N.F.P.A. #70, published by and copies available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. The National Electrical Code is hereby adopted by reference. Copies are available to be inspected at the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky, between 8 a.m. and 4:30 p.m., Monday through Friday.

Section 3. The Kentucky Building Code shall include the "BOCA National Building Code/1987," Tenth Edition, published by and copies available from Building Officials and Code Administrators International, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60477. Copies of the Kentucky Building Code are also available at the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky, Monday through Friday between 8 a.m. and 4:30 p.m. That code, including all standards listed in Appendices A through D is hereby adopted by reference on June 18, 1987, with the additions, exceptions and deletions set forth in this regulation, including the following amendments:

(1) Delete Article 1 in its entirety. All requirements for the administration and enforcement of this regulation are set forth in 815 KAR 7:010 with fees established by 815 KAR 7:013.

(2) Amend subsection 309.5 to read as follows: "309.5 Use group R-4 Structures: This use group shall include all detached one (1) or two (2) family dwellings not more than three (3) stories in height, and their accessory

structures as indicated in the Appendix B Standard, One (1) and Two (2) family Dwelling Code. All such structures shall be designed and built in accordance with the requirements of this code for use group R-3 structures or shall be designed and built in accordance with all the requirements of the one (1) and two (2) family dwelling code as listed in Appendix B, except that the requirements of the state plumbing code (Article 28) shall supersede those conflicting requirements of the one (1) and two (2) family dwelling code. This choice shall be made by the builder at the time of plans submission. Nevertheless, any builder may use exception #3 of Section 809.4 to determine minimum size of egress windows."

(3) Amend subsection 505.1 to read as follows: "505.1 Alteration Limitations: These provisions shall not be deemed to prohibit alterations within the limitations of Sections 106 and 505.2 provided an unlawful change of use is not involved."

(4) Delete Sections 512.1 through 512.4.1 and insert in lieu thereof the following: "512.1" Requirements for accessibility of the handicapped: Please see 815 KAR 7:060 for construction requirements providing accessibility to the handicapped, Article 33 of this Code.

(5) Amend Article 32 as follows:

(a) Amend Section 3202.1 to read as follows: "The provisions in the following Section 3202.1.1 through 3202.1.5 shall apply to existing buildings that will continue to be, or are proposed to be, in Use Groups A, B, E, F, M, R and S. These provisions shall not apply to historic buildings as provided for in Section 102.5."

(b) Amend subsection 3202.1.5 to read as follows: "All portions of the buildings proposed for change in use shall conform to the provisions of Article 33 as required by Section 3302.1."

(6) Amend Section 600.8.2 by creating a new subsection to read as follows: "600.8.2 Housekeeping: Periodic inspections of existing uses and occupancies shall be made by the appropriate fire and health officials to insure maintenance of good housekeeping conditions."

(7) Amend Section 608.1 to read as follows: "Private garages located beneath rooms in buildings of Use Groups R-1, R-2, R-3 or I-1 shall have walls, partitions, floors and ceilings separating the garage space from the adjacent interior spaces constructed of not less than one (1) hour fire-resistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of one-half (1/2) inch gypsum board or equivalent applied to the garage side. The sills of all door openings between the garage and adjacent interior spaces shall be raised not less than four (4) inches (102 mm) above the garage floor. The door opening protectives shall be one and three-fourths (1 3/4) inch solid core wood doors or approved equivalent. In lieu of the required one and three quarter (1 3/4) or twenty (20) minute door, an approved automatic sprinkler head located directly above the door in the garage and properly connected to the domestic water system or an approved automatic detector located directly above the door in the garage shall be acceptable."

(8) Delete Section 702 and Section 804 in



their entirety.

(9) Amend Article 11 as follows:

(a) Amend Section 1100.0 by creating a new subsection to read as follows: "1100.2 Certificate of Compliance: the provisions of this article and Article 12 may be deemed to have been satisfied when certification of an architect or engineer registered in Kentucky to that effect is placed on drawings submitted to the building official."

(b) Amend subsection 1105.4 by changing "Section 103.3" to "Section 106.3".

(c) Amend subsection 1113.1.1, Additions, by adding an exception to read as follows: "Exception: in Zone 1, additions that increase the height of an existing building shall not be required to conform to the provisions of this subsection."

(10) Delete subsections 904.4.2, 904.4.3, 904.4.4 in their entirety; and amend subsection 904.4 to read as follows: "Interior hangings and decorations shall comply with Section 904.4.1."

(11) Amend subsection 2500.2 to read as follows: "2500.2 Boilers: All boilers and associated pressure piping shall meet the standards for construction, installation and inspection as set forth in Title 815, Chapter 15, Kentucky Administrative Regulations."

(12) Add two (2) new subsections to Section 2500.0 to read as follows:

(a) "2500.3 Unfired Pressure Vessels. All unfired pressure vessels shall meet the standards set forth in Section VIII of the 1983 Edition of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, American National Standards Institute, Inc./American Society of Mechanical Engineers (ANSI/ASME) BPV-VIII-1."

(b) "2500.4 Mechanical Code: All mechanical equipment and systems not covered by 2500.2 or 2500.3 but which are required by other provisions of this code to be installed in accordance with the mechanical code listed in Appendix A, shall be constructed, installed and maintained in conformity with the BOCA Basic Mechanical Code/1987 including all applicable standards listed within Appendix A."

(13) Delete Article 29 in its entirety.

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

(a) Create a new subsection 2700.5 to read as follows: "2700.5 Electrical Inspections: Inspections conducted to determine compliance with the National Electrical Code shall be conducted by a certified electrical inspector in accordance with 815 KAR 35:015."

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

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

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

(15) Delete subsections 2800.1 through 2807.1

in their entirety and insert in lieu thereof the following: "2800.1 Scope: The design and installation of all plumbing systems, including sanitary and storm water sewage disposal in buildings shall comply with the requirements of Chapter 318 of the Kentucky Revised Statutes and the Kentucky State Plumbing Code as set out in Title 815, Chapter 20, Kentucky Administrative Regulations."

(16) Amend subsection 809.4 to read as follows:

"809.4 Emergency escape: Every sleeping room below the fourth story in buildings of Use Group R and I-1 shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to a full clear opening without the use of separate tools. Where windows are provided as a means of egress or rescue, they shall have a sill height not more than forty-four (44) inches (1118 mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of five and seven-tenths (5.7) square feet (0.532). The minimum net clear opening height dimension shall be twenty-four (24) inches (610 mm). The minimum net clear opening width dimension shall be twenty (20) inches (508 mm).

Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or excessive force."

#### EXCEPTIONS

1. Grade floor windows may have a minimum net clear opening of five (5) square feet (0.47 m<sup>2</sup>).

2. In buildings where the sleeping room is provided with a door to a corridor having access to two (2) remote exits in opposite directions, an outside window or an exterior door for emergency escape from such sleeping room shall not be required.

3. Buildings equipped throughout with a complete automatic fire suppression system.

4. Egress windows located on the first and second stories in multiple family dwellings (R-2 and R-3 use groups) and one (1) and two (2) family dwellings, may have a minimum net clear opening height dimension of twenty-two (22) inches and a minimum width dimension of twenty (20) inches; and the net clear opening area may be reduced to no less than four (4) square feet. The minimum total glazed area shall be five (5) square feet in the case of a ground floor window and not less than five and seven-tenths (5.7) square feet in the case of a second story window. (This exception applies only if the sash frames can be readily broken or removed.)

Section 4. Elevator, Dumbwaiter and Conveyor Equipment, Installation and Maintenance. The following subsections of Article 26 of the BOCA National Building Code, 1987 Edition are deleted or amended to read as follows:

(1) Amend Subsection 2603.4 of Article 26 to read as follows: "2603.4 Posting certificates of compliance: The owner or lessee shall post the last issued certificate of compliance in a conspicuous place on the elevator, available to the building official."

(2) Amend Subsection 2602.4.1 of Article 26 to read as follows: "2602.4.1 Periodic Inspection Intervals: Periodic inspections shall be made at intervals of not more than twelve (12) months for all passenger elevators, manlifts and

escalators."

(3) Amend Subsection 2610.1 of Article 26 to read as follows: "2610.1 General: The construction of machine rooms and related construction for passenger and freight elevators and dumbwaiters shall be protected from the weather, and shall be enclosed with fire resistive enclosures. Enclosures and access doors thereto shall have a fire endurance at least equal to that required for the hoistway enclosure in Table 401."

(4) Create a new Section 2618.0. Wheelchair and Stairway Lifts, in Article 26 to read as follows: "2618.1 General. Except as herein provided, inclined stairway chairlifts and inclined and vertical wheelchair lifts shall conform to the requirements of ASME A17.1 listed in Appendix A. Exception: Vertical wheelchair lifts are permitted to have a travel distance not to exceed 23 feet and penetrate a floor subject to the following additional requirements.

1. The platform shall be fully enclosed on the top and any side which is not used as an exit or entrance. Enclosures shall conform to the requirements of ASME A17.1 listed in Appendix A.

2. The runway shall be fully enclosed from the floor to the ceiling on all floors conforming with the requirements of Section 2608.0.

3. All runway entrances shall be protected by a door of unperforated construction conforming to the requirements of Section 2611.0.

4. All runway entrance doors shall be equipped with approved interlocks conforming to the requirements of ASME A17.1 listed in Appendix A."

Section 5. Elevators. On page 485 of Appendix A of the BOCA National Building Code under "Elevators, Escalators and Moving Walks," delete the reference to A17.1-84 and the 1985 supplement and insert in its place "A17.1-1987 [add the following citations: "A17.1B-1985; A17.1C-1986,] with the exception of rules 102.2(c)(4) and 700.4b, 700.5, 700.7b, 700.10b, 707.4."

Section 6. Amend Article 3 of the 1987 Edition of the BOCA National Building Code adding a new section to read as follows: "310.4 Tobacco auction warehouses: Warehouses, for the sale of tobacco only, of Type 1, Type 2, or Type 3 construction, may be constructed without a sprinkler system when all the following requirements have been met:

(1) The initial submission of plans to the Department of Housing, Buildings and Construction shall include a signed certificate by the owner that the warehouse shall be used solely for the sale of tobacco on a seasonal basis or for the storage of noncombustibles.

(2) A manual fire alarm and smoke detection system with notification to the local fire service shall be provided with installation in accordance with Section 1017 of this code.

(3) An eighteen (18) foot paved and posted fire lane surrounding the entire perimeter of the building shall be provided and be accessible from a public street.

(4) A fifty (50) foot fire separation shall be maintained between the warehouse and the lot line and the warehouse and the nearest building."

Section 7. Amend the 1987 Edition of the BOCA National Building Code as follows:

(1) Amend Article 5 as follows:

(a) In subsection 505.1, change the number,

"103.0," to read "106.0."

(b) In subsection 511.1, change the number, "124.0," to read "123.0."

(c) Delete subsection 513.1 in its entirety.

(2) Delete the reference to the BOCA Fire Prevention Code listed in Appendix A and insert in lieu thereof the following: "The Kentucky Fire Safety Standards (815 KAR 10:020 - Fire Safety Standards) shall be used as the fire prevention code."

(3) Amend Figure 1113.1 of Article 11 by adding the following list of 120 Kentucky counties showing the assigned earthquake risk zone for each. The risk zone assigned herein shall supersede any general area designations as shown upon the face of the map.

#### Earthquake Risk Zone #1

Adair	Elliott	Laurel	Oldham
Allen	Estill	Lawrence	Owen
Anderson	Fayette	Lee	Owsley
Barren	Fleming	Leslie	Pendleton
Bath	Floyd	Letcher	Perry
Bell	Franklin	Lewis	Pike
Boone	Gallatin	Lincoln	Powell
Bourbon	Garrard	Logan	Pulaski
Boyd	Grant	Madison	Robertson
Boyle	Grayson	Magoffin	Rockcastle
Bracken	Greene	Marion	Rowan
Breathitt	Greenup	Martin	Russell
Breckinridge	Hancock	Mason	Scott
Bullitt	Hardin	Meade	Shelby
Butler	Harlan	Menifee	Simpson
Campbell	Harrison	Mercer	Spencer
Carroll	Hart	Metcalfe	Taylor
Carter	Henry	Monroe	Todd
Casey	Jackson	Montgomery	Trimble
Christian	Jefferson	Morgan	Warren
Clark	Jessamine	Muhlenberg	Washington
Clay	Johnson	McCreary	Wayne
Clinton	Kenton	McLean	Whitley
Cumberland	Knott	Nelson	Wolf
Daviess	Knox	Nicholas	Woodford
Edmonson	Larue	Ohio	

#### Earthquake Risk

##### Zone #2

Caldwell  
Calloway  
Crittenden  
Henderson  
Hopkins  
Lyon  
Trigg  
Union  
Webster

#### Earthquake Risk

##### Zone #3

Ballard  
Carlisle  
Fulton  
Graves  
Hickman  
Livingston  
Marshall  
McCracken

(4) Amend subsection 2203.2.1.7 to read as follows: "Glazing in fixed panels having a glazed area in excess of nine (9) square feet (0.84 m<sup>2</sup>) with the lowest edge less than eighteen (18) inches (457 mm) above the finish floor level or walking surface within thirty-six (36) inches (914 mm) of such glazing, and the finish floor or walking surface are extended on both sides of said glazing. In lieu of safety glazing, such glazed panels may be protected with a horizontal member not less than one and one-half (1 1/2) inches (38 mm) in width when located between twenty-four (24) inches (610 mm) and thirty-six (36) inches (914 mm) above the walking surface."

(5) Amend section 2203 by adding a new subsection 2203.3 which shall read as follows:

(a) "2203.3 Labeling requirements:

1. Each light of safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations or installed in such a location within the Commonwealth of Kentucky shall be permanently labeled by such means as etching, sandblasting or firing ceramic material on the safety glazing material. The label shall identify the labeler, whether manufacturer, fabricator or installer, and the nominal thickness and the type of safety glazing material and the fact that said material meets the test requirements of American National Standards Institute, Inc. (ANSI) Standard Z-97.1 and Z-97.1a listed in Appendix A and such further requirements as may be adopted by the Department of Housing, Buildings and Construction. The label shall be legible and visible after installation. Safety glazing labeling shall not be used on materials other than safety glazing materials."

(6) Amend subsection 915.4 and the exceptions thereto to read as follows: "915.4 Duct and pipe shafts: In all buildings other than buildings of Use Group R-2, vertical pipes arranged in groups of two (2) or more which penetrate two (2) or more floors and occupy an area of more than one (1) square foot (0.093 m<sup>2</sup>), and vertical ducts which penetrate two (2) or more floors, shall be enclosed by construction of not less than one (1) hour fire-resistance rating to comply with this section. All combustible ducts connecting two (2) or more stories shall be enclosed as indicated herein.  
Exceptions:

1. In all buildings of Use Group R-2, vertical noncombustible ducts shall not be required to have a one (1) hour enclosure provided:

(a) the cross sectional area does not exceed thirty-five (35) square inches;

(b) the duct does not penetrate more than three (3) floors;

(c) the duct serves no more than one (1) dwelling unit and shall not join other ducts except above the top level for the purpose of utilizing a single roof penetration; and

(d) these ducts are restricted for use as a bathroom or kitchen exhaust, and combustion air supply and relief.

(7) Add the following language and National Fire Protection Association (NFPA) Standards to Appendix A on page 496:

"These National Fire Protection Association (NFPA) Standards shall be used for fire suppression requirements and design only, where referenced in a specific code requirement in the body of the Code."

#### BOCA Guide for Suppression Requirements for Specific Occupations

Installation of Sprinkler Systems	NFPA 13-87
Standard for Installation for	
Private Fire Service Mains and	
their Appurtenances	NFPA 24-1984
Aircraft Hangars	NFPA 409
Pyroxylin Plastics	NFPA 40C
Flammable Liquids	NFPA 36
Laboratories	NFPA 45
Fireworks	NFPA 44A
Gaseous Oxidizing Materials	NFPA 43C
L.P. Gas Storage	NFPA 58
Local Protective Signaling	
Systems	NFPA 72A-87
High Piled Storage in Excess of	
12 ft. in height	NFPA 231

Rubber Tire Storage	NFPA 231D
Baled Cotton Storage	NFPA 231E
Rolled Paper Storage	NFPA 231F
Rangehoods	NFPA 96
Computer Rooms	NFPA 75
Archives and Record Centers	NFPA 232AM
L.P. Gas Storage and Handling	NFPA 59A
Explosion Prevention Systems	NFPA 69
Fur Storage	NFPA 81
Cooling Towers	NFPA 214
Marinas and Boatyards	NFPA 303
Library Stacks	NFPA 910

(8) Amend Article 30 as follows:

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

(9) Delete Article 28 in its entirety and insert in lieu thereof the following reference: "2800.1 General: See Kentucky State Plumbing Code for all the requirements for plumbing installations as set forth in Chapter 20, Title 815 of Kentucky Administrative Regulations. Informational copies are available from the Kentucky Division of Plumbing, U.S. 127 South, Frankfort, Kentucky 40601."

Section 8. Amend section 812 of the 1987 Edition of the BOCA National Building Code.

(1) Amend the first sentence of subsection 812.4.2 to read as follows: All doors equipped with latching or locking devices in buildings of Use Groups A and E or portions of buildings used for assembly or educational purposes and serving rooms or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware."

(2) Create an exception to subsection 812.4.2 to read as follows: "Exception: Panic hardware for Use Group A3 shall not be required for principal entrance/exit doors if (1) they are free-swinging; and (2) the calculated occupant load does not exceed 150; and (3) the latch/lock device is a thumb latch/lock or a key operated lock device in which the key cannot be removed from the side from which egress is to be made when it is locked."

Section 9. Amend Section 1016.1 to read as follows: "1016.1 Fire hydrants: Fire hydrants installed on private property as a part of a private fire protection system shall be located so as to meet the requirements of NFPA 24. Yard hydrant installation shall be coordinated with the responsible fire officials who shall not make recommendations which exceed the requirements of NFPA 24. Hydrants not addressed by NFPA 24 shall conform to the standards of the administrative authority of the jurisdiction and the fire department. Hydrants shall not be installed on a water main less than six (6) inches in diameter."

Section 10. Amend Article 9 of the 1987 Edition of the BOCA National Building Code by creating certain portions thereof to read as follows:

(1) Create a new subsection 905.4 to read as follows: "905.4 Combustible Pipe: Combustible Pipe shall be permitted in all use groups and construction types where approved by Article 28 of this Code and the Kentucky State Plumbing Code."

(2) Create a new subsection 905.4.1 to read as follows: "905.4.1 Vertical Combustible Pipes:

Vertical Combustible Pipes shall comply with Sections 905.4.2 and 915.4."

(3) Create a new subsection 905.4.2 to read as follows: "905.4.2 Combustible Pipe Penetrations: Combustible pipe penetrations of fire-resistance rated assemblies shall be acceptable when installed in accordance with an approved tested assembly utilizing combustible pipe penetrations. If there is no approved tested assembly with combustible pipe penetrations, noncombustible fittings shall be required where combustible pipe penetrations enter into or exit from the fire-resistance rated assembly."

Section 11. Create a new Section 2511 of the 1987 BOCA National Building Code entitled "Rangehoods" to read as follows: "2511 Rangehoods. Rangehoods in kitchen exhaust systems shall comply with the requirements of the Mechanical Code listed in Appendix A. The bottom edge of the hood shall be located at a height of not more than four feet (4') above the cooking surface."

Section 12. Amend subsection 625.1 of the 1987 Edition of the BOCA National Building Code by adding a sentence to read as follows: "625.1.1 The Cabinet for Human Resources, Department for Health Services shall regulate the design and construction of new facilities as related to water distribution and treatment systems for public swimming pools and the proper operation and maintenance of all such facilities. See 902 KAR 10:120, Kentucky Public Swimming and Bathing Facilities Regulation."

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

Section 14. Amend the 1987 Edition of the BOCA National Building Code, Section 1012.2.9, Use Group S, by adding an Exception to read as follows: "Use Group S: In all buildings or structures or portions thereof of Use Group S, other than public garages which shall conform to Section 1012.2.11, when:

(1) Three (3) or more stories in height, of Use Group S-1, and more than 3,000 square feet (279 m<sup>2</sup>) in area per floor; or

(2) Three (3) or more stories in height, of Use Group S-2, and more than 10,000 square feet (930 m<sup>2</sup>) in area per floor; or

(3) Four (4) or more stories in height of Use Group S-1 or S-2 regardless of the area per floor.

EXCEPTION: For open parking structures, the required standpipe may be a dry standpipe system without making a connection to the permanent water supply."

Section 15. Amend Table 806 of Article 8 of the 1987 Edition of the BOCA National Building Code by adding an Exception to Industrial Areas to read as follows: "Exception: For purposes of determining jurisdiction under Sections 108 and 109, design professional seal requirements, and Article 33 coverage, use 200 gross."

Section 16. Amend subsection 304.1 of the 1987 Edition of the BOCA National Building Code to read as follows: "304.1 General: All buildings and structures, or parts thereof, other than those used for business training or vocational

training, shall be classified in Use Group E which are used by more than five (5) persons at one (1) time for educational purposes including, among others, schools, academies, colleges and universities. Educational type uses with a total occupant load less than fifty (50) shall be classified as Use Group B. School buildings, or parts thereof, for business training or vocational training shall be classified in the same use group as the business or vocation taught."

Section 17. Amend various sections of the 1987 BOCA National Building Code dealing with apartment buildings and single family dwellings by creating certain exceptions, as follows:

(1) Create an exception to Section 708.1.3 to read, "Exception: Use Group R-3 basement recreation rooms, a furred ceiling height of six feet and eight inches (6'8") around the ducts may be made in the soffit area only for structural beams and mechanicals. The above two-thirds (2/3) area requirements must still be met."

(2) Create an exception to Section 828.2.2 to read, "Exception: Handrails within individual dwelling units shall not be less than thirty (30) inches nor more than thirty-four (34) inches, measured vertically, above the nosing of the treads or above the finished floor."

Section 18. Amend Subsection 2102.1, General, of the 1987 Edition of the BOCA National Building Code by adding an Exception to read as follows: "Exception: Plans showing compliance with Subsection 2102.1 through 2102.10.3 shall be submitted to the Kentucky Division of Water pursuant to KRS 151.250 and 260. Approval of plans by or through that agency together with their final approval of construction shall constitute compliance with these sections."

Section 19. Amend Article 2, Section 201 of the 1987 Edition of the BOCA National Building Code by adding a notation to the definition of "building" which reads as follows: "For application of this code, each portion of a building completely separated from other portions by fire walls complying with Section 908.0 shall be considered as a separate building for the determination of height and area limitations of buildings contained in Table 501."

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: April 12, 1989

FILED WITH LRC: April 14, 1989 at 11 a.m.

**PUBLIC PROTECTION & REGULATION CABINET**  
Department of Housing, Buildings & Construction  
Office of State Fire Marshal  
(As Amended)

**815 KAR 25:020. Recreational vehicles.**

RELATES TO: KRS 227.570

STATUTORY AUTHORITY: KRS 227.590

NECESSITY AND FUNCTION: KRS 227.590 requires the Recreational Vehicle Certification and Licensure Board to establish rules and regulation governing the standards for manufacture, sale, and alteration of recreational vehicles. These regulations are intended to assure safety for owners and

occupiers of recreational vehicles. This amendment is necessary to comply with the technical requirements of KRS Chapter 13A. No substantive changes are intended.

Section 1. Definitions. In addition to the definitions contained herein, the definitions of National Fire Protection Association Pamphlet Number 501(C) shall apply:

(1) "Act" means the Mobile Home and Recreational Vehicle Act, KRS 227.550 to 227.660.

(2) "Agency, testing" means an outside organization which is:

(a) Primarily interested in testing and evaluating equipment and installations;

(b) Qualified and equipped for, or to observe experimental testing to approved standards;

(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;

(d) Makes available a published report in which the specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and

(e) Approved by the board.

(3) "Alteration or conversion" means the replacement, addition, modification, or removal of any equipment or installations which may affect the plumbing, heat-producing, electrical, and fire and life safety systems or the functioning thereof of recreational vehicles subject to these rules is an alteration or conversion unless excluded by these rules. The above equipment must be installed in accordance with manufacturer's specifications.

(4) "Board" means the Recreational Vehicle Certification and Licensure Board defined in KRS 227.550(1).

(5) "Certificate of acceptability" means the certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import or sell recreational vehicles within the state.

(6) "Class 'A' seal" as defined by KRS 227.550(2).

(7) "Class 'B' seal" as defined by KRS 227.550(3).

(8) "Dealer" as defined by KRS 227.550(4).

(9) "Established place of business" as defined by KRS 227.550(5).

(10) "Hard surfaced lot" means an area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel or stone, or other material of similar characteristics.

(11) "NFPA 501(C)" as defined by KRS 227.550(12).

(12) "Office" as defined by KRS 227.550(13).

(13) "Person" means a person, partnership, corporation or other legal entity.

(14) "Recreational vehicle" as defined by KRS 227.550(14).

(15) "Suitable sign" means a sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and a minimum width of one and one-half (1 1/2) inches.

Section 2. [1.] Authorization. This regulation is [(1) These rules are] authorized to [by KRS 227.590 and established pursuant to the rule-making procedures set forth in KRS Chapter 13A, in order to implement, interpret, and] carry out the provisions of law[s of 1974 as amended] in [1976,] KRS Chapter 227[, relating

to mobile homes and recreational vehicles]. In the event that these regulations conflict with the codes promulgated by the National Fire Protection Association (NFPA 501(C), 1977 edition, the codes shall govern in all cases.

[(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations, the office shall mail to all manufacturers possessing valid certificates of acceptability and dealers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.]

[(3) Every rule or regulation, or modification, amendment or repeal of a rule or regulation adopted by the board shall state the date it shall take effect.]

[Section 2. Enforcement. Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's Office is authorized to enter any premises in order to inspect any recreational vehicle for which the office has issued a seal of approval, or to inspect such recreational vehicle's equipment and/or its installations to insure compliance with the Act, the code, and these regulations. Upon complaint and request, a privately-owned recreational vehicle bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance, he may require that a portion or portions of such recreational vehicles be removed or exposed in order that a compliance inspection can be made.]

[Section 3. Definitions. In addition to the definitions contained herein, the definitions of NFPA 501(C) by the National Fire Protection Association shall apply:]

[(1) Act. The Mobile Home and Recreational Vehicle Act, KRS 227.550 to 227.660.]

[(2) Agency, testing. An outside organization which is:]

[(a) Primarily interested in testing and evaluating equipment and installations;]

[(b) Qualified and equipped for, or to observe experimental testing to approved standards;]

[(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;]

[(d) Makes available a published report in which the specific information is included stating that the equipment and installations listed or labeled have been testing and found safe for use in a specific manner; and]

[(e) Approved by the board.]

[(3) Alteration or conversion. The replacement, addition, modification, or removal of any equipment or installations which may affect the plumbing, heat-producing, electrical, and fire and life safety systems or the functioning thereof of recreational vehicles subject to these rules is an alteration or conversion unless excluded by these rules. The

above equipment must be installed in accordance with manufacturer's specifications.]

[(4) Board. Recreational Vehicle Certification and Licensure Board.]

[(5) Certificate of acceptability. The certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import, or sell recreational vehicles within the state.]

[(6) Class "A" seal. A device or insignia issued by the office to indicate compliance with the standards, established by the office or rules and regulations established by the board for recreational vehicles manufactured after the effective date of the Act.]

[(7) Class "B" seal. A device or insignia issued by the office to indicate compliance with the standards established by the office, rules and regulations established by the board for used recreational vehicles without a class "A" seal, or for new recreational vehicles manufactured prior to the effective date of the Act.]

[(8) Dealer. Any person, other than a manufacturer, as defined herein, who sells or offers for sale three (3) or more recreational vehicles in any consecutive twelve (12) month period.]

[(9) Established place of business. A fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a recreational vehicle dealer, which shall include the books, records, files, and equipment necessary to properly conduct such business or building having sufficient space therein to properly show and display the recreational vehicles being sold and in which the functional duties of a recreational vehicle dealer may be performed. The place of business shall not consist of residence, tent, temporary stand, or open lot. It shall display a suitable sign identifying the dealer and his business.]

[(10) Hard surfaced lot. An area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel and/or stone, or other material of similar characteristics.]

[(11) Manufacturer. Any person who manufactures recreational vehicles and sells to dealers.]

[(12) NFPA 501(C). That section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for recreational vehicles.]

[(13) Office. The Office of the State Fire Marshal.]

[(14) Person. This means a person, partnership, corporation or other legal entity.]

[(15) Recreational vehicle. For purposes of the scope of the Act and regulations, this is a vehicular type unit designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.]

[(16) Suitable sign. A sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and a minimum width of one and one-half (1 1/2) inches.]

Section 3. [4.] Scope and Purpose of the Act and Regulations. [(1)] Except to the extent otherwise stated in the Act and these regulations and in other laws of the Commonwealth which are not inconsistent with or superseded by the Act and these regulations, these regulations govern the design, manufacture, storage, and sale of recreational vehicles which are manufactured, sold, leased, or transported for use within or outside of the Commonwealth. These regulations apply to recreational vehicles manufactured in manufacturing facilities located within or outside the Commonwealth. Recreational vehicles brought into this state for exhibition use only and which will not be sold in this state shall [may] be exempt [excluded] from the coverage of this regulation [Act and regulations] if inspections reveal no condition hazardous to health or safety.

[(2) The legislature has enacted the Mobile Home and Recreational Vehicle Act to protect the health and safety of the owner, occupiers, and all other persons from malmanufactured recreational vehicles. The office has been given the authority to carry out the purpose of the Act. The Act sets out the minimum standards for design and manufacture. Dealers are encouraged to maintain ethical business standards beyond nonfraudulent minimums.]

Section 4. [5.] Standards for Vehicles in Manufacturers' or Dealers' Possession. (1) The office shall enforce such standards and requirements for the installation of plumbing, heating, electrical, and fire and life safety systems in recreational vehicles as it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(2) On all recreational vehicles manufactured for sale within the Commonwealth of Kentucky, said standards shall be National Fire Protection Association Pamphlet # [NFPA] 501(C), 1977 edition, herein adopted by reference. Copies are available for review at the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky, Monday through Friday between 8 a.m. and 4:30 p.m.

(3) On all used recreational vehicles without a seal [or any recreational vehicle manufactured prior to July 15, 1975], said standards shall be that the dealer shall certify that the electric, heating, plumbing, and fire and life safety systems have been checked, and repaired if necessary, and found to be in safe working condition and thus be in conformity with the intent of the Act to protect the health and safety of the occupants and general public.

(4) All recreational vehicles taken in trade must be reinspected and certified. The existing class "A" or class "B" seal may be removed or a new seal may be applied over the existing seal. A seal shall [will] not be required if such dealer submits an affidavit that the unit will not be resold for use as recreational vehicles [such] by the public.

(5) All new recreational vehicles purchased outside the Commonwealth of Kentucky not bearing a class "A" seal of approval and all used recreational vehicles purchased outside the Commonwealth of Kentucky, regardless of the type seal affixed, shall be delivered to a certified Kentucky dealer for inspection according to the following criteria:

(a) Inspection of the plumbing and waste systems;

(b) Inspection of the heating unit to determine adequacy of the system;

(c) Inspection of the electrical systems including the main circuit box and all outlets/switches to detect any damaged coverings, lost screws, or improper installations;

(d) Inspection of fire/life safety (fire extinguishers and second means of egress).

(6) Any licensed Kentucky recreational vehicle dealer that maintains the capability to perform minor maintenance of plumbing, heating, and electrical systems of recreational vehicles shall be permitted to inspect and certify those recreational vehicles purchased in another state for use within the Commonwealth of Kentucky. Any dealer desiring to perform this service shall make application to the Department of Housing, Buildings and Construction, State Fire Marshal's Office for appropriate certification.

(7) Any unit found to be in noncompliance with the requirements of Section 4 [5](5) of this regulation shall be corrected prior to the dealer certifying the unit. All units requiring repairs or corrections prior to unit certification shall be reported to the office specifying the repairs required to correct the deficiencies. Appropriate reporting forms shall be made available to qualified dealers performing inspection.

(8) The fee for the inspection of recreational vehicles shall be fifteen (15) dollars per hour plus mileage as required and a twenty (20) dollar seal fee.

Section 5. [6.] Applicability and Interpretation of Code and Regulation Provisions. (1) Any questions regarding the applicability or interpretation of any provisions of code or regulation adopted shall be submitted in writing by any interested person to the office for resolution. It is the policy of the office that with respect to questions regarding NFPA 501(C), any such questions shall whenever feasible be submitted to the NFPA in accordance with the established procedures of the organization. The decision of the office shall be in writing.

Section 6. [7.] Certificate of Acceptability. (1) No manufacturer may manufacture, import, or sell any recreational vehicle in this state [after the effective date of this Act,] unless he has procured a certificate of acceptability from the board. Compliance shall be enforced through KRS 227.992. Recreational vehicles manufactured in this state and designed for delivery to and for sale in a state that has a code that is inconsistent with NFPA 501(C) need not comply with this provision.

(2) Requirements for issuance.

(a) The manufacturer must submit and the office must approve in-plant quality control systems;

(b) An affidavit certifying compliance with the applicable standards must be attached to the application;

(c) A \$400 fee must accompany the application. The fee shall be paid by check or money order and shall be made payable to: Kentucky State Treasurer;

(d) The manufacturer must furnish and maintain with the office proof of general liability

insurance to include lot and completed operations insurance in the minimum amount of \$300,000 bodily injury or death for each person, \$400,000 bodily injury or death for each accident, and \$100,000 property damage.

(3) To obtain in-plant quality control approval, a manufacturer shall submit a system for in-plant control pursuant to paragraph (b) of this subsection and submit to inspection by the office for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain the following:

(a) A certified copy of the plans and specifications of a model or model-group for electrical, heating, and plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one-half (8 1/2) inches by eleven (11) inches, and the maximum possible size of which is twenty-four inches by thirty inches (24" x 30"). The manufacturer shall certify that the aforementioned systems comply with NFPA 501(C).

(b) Also a copy of the procedure which will direct the manufacturer to construct recreational vehicles in accordance with the plans, specifying:

1. Scope and purpose.

2. Receiving and inspection procedure for basic materials.

3. Material storage and stock rotation procedure.

4. Types and frequency of product inspection.

5. Sample of inspection control form used.

6. Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.

7. Test equipment.

8. Control of drawings and material specifications.

9. Test procedures.

(4) A unit certification format certifying compliance with the Act and regulations shall be submitted to the office no later than the end of the first week of each month. The unit certification format shall contain the information in the format of Appendix A.

(5) No manufacturer to which a certificate of acceptability has been issued shall modify in any way its manufacturing specifications without prior written approval of the office.

(6) If the manufacturer is also a dealer, he must also comply with dealer licensing provisions.

(7) Should the applicant not conform with these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. Should the applicant fail to submit a corrected application in accordance with the information supplied on the application correction notice, the application will be deemed abandoned and twenty (20) percent of fees due will be forfeited to the office. Any additional submission shall be processed as new application.

(8) Manufacturers shall notify the office in writing within thirty (30) days of any of the following occurrences:

(a) The corporate name is changed;

(b) The main address of the company is changed;

(c) There is a change in twenty-five (25) percent or more of the ownership interest of the company within a twelve (12) month period;

(d) The location of any manufacturing facility is changed;



(e) A new manufacturing facility is established; or

(f) There are changes in the principal officers of the firm.

(9) Any information relating to building systems or in-plant quality control systems which the manufacturer considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the office, and by the inspection, evaluation, and local enforcement agencies unless the board determines in each case that disclosure is necessary to carry out the purposes of the Act.

(10) The office may determine that the standards for recreational vehicles established by a state or a recognized body or agency of the federal government or other independent third party are at least equal to NFPA 501(C). If the office finds that such standards are actually enforced then it may issue a certificate of acceptability for such recreational vehicles.

[(11) A certificate of acceptability may be denied, suspended, or revoked on the following grounds:]

[(a) Evidence of insolvency;]

[(b) Material misstatement in application for certificate of acceptability;]

[(c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;]

[(d) Willfully defrauding any buyer;]

[(e) Willful failure to perform any written agreement with any buyer or dealer;]

[(f) Failure to furnish or maintain the required liability insurance;]

[(g) A fraudulent sale, transaction, or repossession;]

[(h) Violation of any law relating to the sale or financing of recreational vehicles.]

[(12) If a certificate holder is a firm or corporation, it shall be sufficient cause for denial, suspension, or revocation of a certificate that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a certificate to such party as an individual. Each certificate holder shall be responsible for any or all of his salesmen while acting as his agent while the said agent is acting within the scope of his authority.]

[(13) Procedure for denial, revocation or suspension.]

[(a) The office may deny the application for a certificate of acceptability by written notice to the applicant, stating the grounds for such denial.]

[(b) No certificate of acceptability shall be suspended or revoked by the office except after a hearing thereon. The office shall give the certificate holder at least thirty (30) days notice of the time and place of the hearing and of the charges to be heard.]

[(c) Any manufacturer who violates or fails to comply with this Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation and instructed to correct the violation within twenty (20) days. Should the manufacturer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any certificate of acceptability if it finds that:]

[1. The manufacturer has failed to pay the fees authorized by the Act;]

[2. The manufacturer, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of that Act; or that 3. The manufacturer has shipped or imported into this state a recreational vehicle to any person other than to a duly licensed dealer.]

[(14) Any person aggrieved by any ruling of the office denying a certificate of acceptability within fifteen (15) days after any such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine and order that any applicant is not qualified to receive a certificate of acceptability, no certificate shall be granted. If the board shall determine that the certificate holder was willfully or through gross negligence has been guilty of a violation of any of the provisions of the Act, his certificate may be suspended or revoked.]

[(15) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided by KRS 281.780 and 281.785.]

[(16) Under proceedings for the suspension of a certificate of acceptability for any of the violations enumerated in the Act, the holder of a certificate of acceptability may have the alternative subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty (50) dollars per day.]

Section 7. [8.] Serial Numbers, Model Numbers, Date Manufactured. A clearly designated serial number, model number, and date manufactured shall be stamped into the tongue, or front cross member of the frame at the lower left hand side (while facing the unit), and if there is no such tongue or cross member, then a data plate with this information shall be affixed on the outside in a conspicuous place.

Section 8. [9.] Dealer License. (1) No dealer of recreational vehicles shall engage in business as such in this state without a license issued by the office upon application.

(2) Application must contain the following information:

(a) Name and address of the chief managing officer;

(b) Location of each and every established place of business;

(c) Social security number and date of birth of chief managing officer;

(d) Affidavit certifying compliance with the Act and regulations;

(e) Names of officers if dealership in corporate form;

(f) Names of partners if dealership in partnership form; and

(g) Any other information the office deems commensurate with safeguarding of the public interest in the locality of the proposed business.

(3) All licenses shall be granted or refused within thirty (30) days after application



therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(4) The license fee shall be \$100. The fee shall be paid by check or money order and shall be made payable to Kentucky State Treasurer.

(5) The license must be conspicuously displayed at the established place of business. In case such location be changed, the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(6) The dealer must furnish and maintain with the office certification of liability insurance in the minimum amount of \$200,000 bodily injury or death for each person, \$300,000 bodily injury or death for each accident, and \$100,000 property damage.

(7) Periodic reports.

(a) A unit compliance format certifying compliance with the Act and regulations shall be submitted to the field inspector on a monthly basis for "all" units sold. The unit certification format shall contain the information in Appendix B.

(b) Notification of a change in the application information must be made within thirty (30) days of any of the following occurrences:

1. Dealership name is changed;
2. Established place of business is changed;
3. There is a change in twenty-five (25) percent or more of the ownership interest of the dealership within a twelve (12) month period; or
4. There are changes in the principal officers of the firm.

[(8) A license may be denied, suspended or revoked on the following grounds:]

[(a) A showing of insolvency in a court of competent jurisdiction;]

[(b) Material misstatement in application;]

[(c) Willful failure to comply with any provision of the Act or any rule or regulation promulgated by the board under the Act;]

[(d) Willful failure to perform any written agreement with the buyer;]

[(e) Willfully defrauding any buyer;]

[(f) Failure to have or to maintain an established place of business;]

[(g) Failure to furnish or maintain the required liability insurance;]

[(h) Making a fraudulent sale, transaction or repossession;]

[(i) Employment of fraudulent devices, methods, or practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;]

[(j) Failure of a dealer to put the title to a recreational vehicle in his name after said dealer has acquired ownership of the recreational vehicle by trade or otherwise; or]

[(k) Violation of any law relating to the sale or financing of recreational vehicles.]

[(9) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director, or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act of omission which would be cause for refusing, suspending, or revoking a license to such party as an individual. Each licensee shall be

responsible for any or all of his salesmen while acting as his agent while the said agent is acting within this scope of his authority.]

[(10) Upon proceedings for the suspension of a license for any of the violations enumerated in the Act, the licensee may have the alternative, subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty (50) dollars per day.]

[(11) Procedure for denial, revocation, or suspension.]

[(a) The office may deny the application for a license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for such denial.]

[(b) No license shall be suspended or revoked by the office except after a hearing thereon. The office shall give the licensee at least thirty (30) days notice of the time and place of hearing and of the charges to be heard.]

[(c) Any dealer who violates or fails to comply with the Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation, and instructed to correct the violation within twenty (20) days. Should the dealer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any license if it finds that:]

[1. The dealer has failed to pay the fees authorized by the Act; or that]

[2. The dealer either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Act or any regulation or order lawfully made pursuant to and within the authority of the Act.]

[(12) Any person aggrieved by any ruling of the office denying, suspending or revoking a license, within fifteen (15) days after such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine that the licensee has willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his license may be suspended or revoked.]

[(13) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.]

Section 9. [10.] Temporary Licenses. (1) Any dealer other than one duly licensed in Kentucky, wishing to show and offer recreational vehicles within the Commonwealth of Kentucky for the express purpose of retailing said units to the general public, shall be required to purchase from the Office of the State Fire Marshal a temporary license. Said license shall not exceed fifteen (15) days duration and the license fee shall be ten (10) dollars for each authorized event.

(2) Applicant shall meet the following requirements before a temporary license is granted:

(a) Be a duly licensed dealer in a state other than Kentucky;

(b) Must furnish to the office proof of liability insurance in the minimum amount of

\$50,000 bodily injury or death for each person, \$100,000 bodily injury or death for each accident, and \$25,000 property damage;

(c) Provide satisfactory assurance to the office by way of a physical inspection by an authorized representative of the office, that each new unit the dealer displays, shows or offers for sale, bears a Kentucky class "A" seal of approval. Used units are not permitted to be displayed, shown or offered for sale within the Commonwealth of Kentucky by nonresident dealers;

(d) Provide all other information as may be required by the office.

(3) Temporary licenses shall be prominently displayed at the location where the applicant is transacting business.

(4) Temporary licenses shall not be required for those dealers attending a recreational vehicle show within the Commonwealth of Kentucky provided they do not sell or offer for sale to the general public recreational vehicles.

Section 10. [11.] (1) No manufacturer who has received a certificate of acceptability from the office shall sell or offer for sale to Kentucky dealers in this state recreational vehicles unless they bear a class "A" seal of approval issued by and purchased from the office. The provision shall not apply to vehicles sold or offered for sale for shipment out of state.

(2) No dealer who has received a license from the office shall sell a recreational vehicle unless it has a seal. Any dealer who has acquired a used recreational vehicle without a seal shall apply to the office for a class "B" seal by submitting an affidavit certifying either that all electrical, heating, plumbing, and fire and life safety equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable code.

(a) Acquisition of seals.

1. Any manufacturer, except one altering a new recreational vehicle bearing a seal, may qualify for acquisition of a class "A" seal by obtaining a certificate of acceptability pursuant to KRS 227.580 and Section 6 [7] of this regulation.

2. Any dealer, except one altering a recreational vehicle bearing a seal, may qualify for acquisition for a class "B" seal by giving an affidavit certifying either that all electrical, heating, plumbing, and fire and life safety equipment has been checked, if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable code.

(b) Application for seals.

1. Any person who has met the applicable requirements of Section 6 [7] or 8 [9] of this regulation shall apply for seals in the form prescribed by the office. The application shall be accompanied by the seal fee of twenty (20) dollars for each class "A" seal or twenty (20) dollars for each class "B" seal.

2. If the applicant has qualified to apply for seals pursuant to the in-plant quality control approval method, the seal application shall include the certificate of acceptability number.

(c) Alteration or conversion of a unit bearing a seal.

1. Any alteration of the plumbing, heat-producing equipment, electrical equipment or installations, or fire and life safety in a recreational vehicle which bears a seal, shall void such approval and the seal shall be returned to the office.

2. The following shall not constitute an alteration or conversion:

a. Repairs with approved component parts;

b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

c. Adjustment and maintenance of equipment;

d. Replacement of equipment in kind;

e. Any change that does not affect those areas covered by NFPA 501(C).

3. Any dealer proposing an alteration to a recreational vehicle bearing a seal shall make application to the office. Such application shall include:

a. Make and model of recreational vehicle;

b. Serial number;

c. State seal number;

d. A complete description of the work to be performed together with plans and specifications when required; and

e. Location of the recreational vehicle where work is to be performed.

4. Upon completion of the alteration, the applicant shall request the office to make an inspection.

5. The applicant may purchase a replacement seal, based on inspection of the alteration for a fee of two (2) dollars.

(d) Denial and repossession of seals. Should inspection reveal that a manufacturer is not constructing recreational vehicles according to NFPA 501(C) and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture recreational vehicles in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given. Upon satisfactory proof of compliance such manufacturer may resubmit an application for seal.

(e) Seal removal. In the event that any recreational vehicle bearing the seal is found to be in violation of these rules, the office shall attach to the vehicle a notice of noncompliance and furnish the manufacturer or dealer a copy of same. The office, dealer or manufacturer shall not remove the noncompliance tag until corrections have been made, and the owner or his agent has requested an inspection in writing to the office or given an affidavit certifying compliance.

(f) Placement of seals.

1. Each seal shall be assigned and affixed to a specific recreational vehicle. Assigned seals are not transferable and are void when not affixed as assigned, and all such seals shall be returned to or may be confiscated by the office. The seal shall remain the property of the office and may be seized by the office in the event of violation of the Act or regulation.

2. The seal shall be securely affixed by the door on the handle side at approximately handle height.

3. No other seal, stamp, cover, or other marking may be placed within two (2) inches of the seal.

(g) Lost or damaged seals.

1. When a seal becomes lost or damaged, the office shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the recreational vehicle serial number, and when possible, the seal number.

2. All damaged seals shall be promptly

## ADMINISTRATIVE REGISTER - 29

returned. Damaged and lost seals shall be replaced by the office with a replacement seal on payment of the replacement seal fee of two (2) dollars.

APPENDIX A to 815 KAR 25:020

## UNIT CERTIFICATION FORMAT

I hereby certify that the used units described hereon have been inspected, A NEW "B" seals is affixed, and are in compliance with the standards as required by KRS 227.550 through KRS 227.660 and regulations thereto and that the new recreational vehicles described hereon have the Kentucky Class "A" seal affixed.

Name of Manufacturer			
Mailing Address		County	
City	State	Zip Code	

I hereby certify that the recreational vehicles as described hereon have been constructed in compliance with NFPA 501(C).

NO.	SERIAL #	KY SEAL #	DATE MFG.	MODEL	SIZE	DEALER
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This form must be used in reporting units to the Office of the State Fire Marshal. The form should be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the manufacturer. This form should be mailed to the Office of the State Fire Marshal when the last entry has been filled or not later than the first week of each month.

\_\_\_\_\_  
Date

BY \_\_\_\_\_  
Person Authorized to  
Certify These Units

APPENDIX B to 815 KAR 25:020  
STATE FIRE MARSHAL  
MANUFACTURED HOUSING  
U.S. 127 South  
Frankfort, Kentucky 40601

Name of Dealer		
Mailing Address		County
City	State	Zip Code

[illegible]

This form must be used in reporting units to the Field Inspector.

Date \_\_\_\_\_ Signature \_\_\_\_\_

CHARLES A. COTTON, Commissioner  
THEODORE T. COLLEY, Secretary  
APPROVED BY AGENCY: April 12, 1989  
FILED WITH LRC: April 14, 1989 at 11 a.m.

PUBLIC PROTECTION & REGULATION CABINET  
Department of Housing, Buildings & Construction  
Office of State Fire Marshal  
(As Amended)

815 KAR 30:040. Anhydrous ammonia.

RELATES TO: KRS 250.483, 250.484  
STATUTORY AUTHORITY: KRS 227.300, 250.483  
NECESSITY AND FUNCTION: KRS 250.484 requires that all equipment connected with anhydrous ammonia shall be installed and maintained in conformity with the rules and regulations of the Department. Pursuant to KRS 227.300, the functions, duties and responsibilities vested in the Department of Insurance, concerning anhydrous ammonia were transferred to the Division of Fire Prevention, Department of Housing, Buildings and Construction. This regulation sets forth the safety regulations for the storage and handling of anhydrous ammonia. This amendment is necessary to satisfy the technical requirements of KRS Chapter 13A.

Section 1. Definition. As used in this regulation unless otherwise provided, the following definition shall be used: "Anhydrous ammonia": as defined by KRS 250.482(3) [means the compound found by the combination of two (2) gaseous elements, nitrogen and hydrogen, in the proportion of one (1) part nitrogen to three (3) parts of hydrogen by volume. Anhydrous ammonia is ammonia gas in compressed or liquefied form, and is not aqueous ammonia].

Section 2. Scope. (1) The minimum standards set forth in Section 3 of this regulation shall [are intended to] apply to the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing anhydrous ammonia.

(2) This standard shall [does] not apply to:

(a) Ammonia manufacturing plants.  
(b) Refrigeration plants where ammonia is used solely as a refrigerant. [It is suggested that such plants refer to ANSI-B-9-1, Code for Mechanical Refrigeration.]

(c) Ammonia transportation pipelines.

Section 3. Standards. The standards for the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing anhydrous ammonia shall be American National Standards Institute (safety regulations for the storage and handling of anhydrous ammonia) ANSI K 61.1-1972, also known as either CGA-G-2.1-1972 or TFI-M01972, filed herein by reference. This standard represents the consensus of the Compressed Gas Association, Inc., the Fertilizer Institute and other interested parties concerning minimum safety regulations for the storage, transportation and handling of anhydrous ammonia. Copies are available for a fee from American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. Copies are available for review at the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky, Monday through Friday between 8 a.m. and 4:30 p.m.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: April 13, 1989

FILED WITH LRC: April 14, 1989 at 11 a.m.

REGULATIONS AMENDED AFTER HEARING

**WORKERS' COMPENSATION BOARD**  
**Department of Workers' Claims**  
**(Amended After Hearing)**

**803 KAR 25:090. Workers' compensation medical fee schedule.**

RELATES TO: KRS Chapter 342

STATUTORY AUTHORITY: KRS Chapter 13A, KRS 342.020, 342.035

NECESSITY AND FUNCTION: KRS 342.035 requires the Workers' Compensation Board to prepare, promulgate and adopt administrative regulations relative to a schedule of medical fees for the purpose of ensuring that all fees, charges and reimbursements under KRS 342.020 shall be fair, current and reasonable. Such charges shall be limited to those that are fair, current and reasonable for similar treatment of injured persons of a like standard of living in the same community and where such treatment is paid for by the injured person himself. The function of this proposed regulation is to regulate the provision of medical fees referred to herein and services provided pursuant to KRS 342.020 as referred to in KRS 342.035.

Section 1. Definitions. (1) Services covered. The official medical fee schedule governs all medical services provided injured employees by physicians, including medical services of hospital and clinic based physicians working on a contract basis.

(2) "Physician" includes physicians and surgeons, psychologists, optometrists, dentists, podiatrists and osteopathic and chiropractic practitioners acting within the scope of their license.

(3) Fee computation is that amount established by multiplying the listed unit value for the particular medical procedure by the applicable conversion factor. The resultant fee is considered prima facie evidence of a reasonable charge for the service provided; however, in no event is a physician permitted to charge more than his or her "usual" fee.

(4) Specific instructions precede each of the five (5) major sections of the official medical fee schedule: medicine, anesthesia, surgery, radiology and nuclear medicine and pathology. The fee schedule also includes a section pertaining to chiropractic services.

(5) Ground rules for each section: general information, special services and billing procedures and modifiers.

Section 2. Incorporation by Reference. One (1) copy of the amended official medical fee schedule is filed herewith, incorporated by reference pursuant to Workers' Compensation Board Order dated June 5, 1989 with number of regulation and date on which it is filed, typed or stamped on the front binder cover and on the first page of the material incorporated (KRS 13A.224(5)).

Section 3. Information Available. (1) Information and material is available for public inspection and copying at main, regional and branch offices of the agency:

(a) Frankfort, Kentucky - Donna Combs, Perimeter Park Wests, Building C, 1270

Louisville Road, Frankfort, Kentucky 40601.

(b) Louisville, Kentucky - Mr. Richard Phillips, 620 South Third Street, Louisville, Kentucky 40202.

(c) Lexington, Kentucky - Ms. Pam Goodwine, 950 Commerce National Building, 301 East Main Street, Lexington, Kentucky 40507.

(d) Paducah, Kentucky - Ms. Sylvia Curd, 400 Park Avenue, Suite B, Room 2, Paducah, Kentucky 42001.

(e) Pikeville, Kentucky - Ms. Dawn Rowe, 111 Caroline Avenue, Pikeville, Kentucky 41501.

(2) Office hours of each office are 9 a.m. to 4 p.m., Monday through Friday, inclusive, for this purpose and the cost of the medical fee schedule, per copy, is ten (10) dollars.

ARMAND ANGELUCCI, Chairman

APPROVED BY AGENCY: June 6, 1989

FILED WITH LRC: June 6, 1989 at 4 p.m.

**WORKERS' COMPENSATION BOARD**  
**Department of Workers' Claims**  
**(Amended After Hearing)**

**803 KAR 25:100. Procedures for workers' compensation rehabilitation.**

RELATES TO: KRS Chapter 342

STATUTORY AUTHORITY: KRS Chapter 13A, 342.260, 342.710

NECESSITY AND FUNCTION: KRS 342.260 requires the Workers' Compensation Board to promulgate such administrative regulations as it considers necessary to carry out its work and the work of the administrative law judges in accordance with the provisions of KRS Chapter 342s and 13A. KRS 342.710 requires the board to promulgate administrative regulations to effectuate the rehabilitation provisions contained therein and which will ensure early intervention; prompt and cost-efficient delivery of rehabilitation services and vigorous monitoring of qualified rehabilitation providers, facilities and agencies. The function of this proposed administrative regulation is to regulate the provision of rehabilitation services pursuant to KRS 342.260 and 710.

Section 1. Definitions. (1) ALJ is the administrative law judge assigned to a workers' compensation case.

(2) Association of Rehabilitation Nurses is a national organization which certifies nurses as certified rehabilitation registered nurses.

(3) Board is the Workers' Compensation Board.

(4) Board for Rehabilitation Certification (BRC) is a national organization which certifies rehabilitation counselors and nurses as certified insurance rehabilitation specialists and certified rehabilitation counselors.

(5) Catastrophic injury is:

(a) A severe or traumatic spinal cord injury;

(b) An amputation of a hand, leg, foot or arm;

(c) A severe brain or closed-head injury;

(d) Blindness; or

(e) Second or third degree burns over twenty-five (25) percent or more of total body surface, or third degree burns to twenty-five (25) percent or more of the face or hands.

[(6) Commissioner is the Commissioner of the

Department of Workers' Claims.]

(6) [(7)] Commission on Accreditation of Rehabilitation Facilities (CARF) is a national organization which accredits rehabilitation facilities.

(7) [(8)] Directory of qualified rehabilitation facilities is the directory of facilities which have complied with certain licensure and accreditation standards. They have applied to be listed as resources to which injured employees are to be referred for a comprehensive medical and vocational evaluation after a designated period of temporary total disability.

(8) [(9)] Medical rehabilitation services are those medically oriented services, beyond basic medical, surgical and hospital treatment which are necessary for the accomplishment of feasible, practical and justifiable physical rehabilitation goals. Such services shall continue for whatever period of time is necessary to accomplish such goals.

(9) [(10)] Qualified rehabilitation agency is the Office of Vocational Rehabilitation, Department of Education or Department for the Blind, Education and Humanities Cabinet.

(10) [(11)] A qualified rehabilitation coordinator (QRC) is an individual who is listed in the registry of qualified rehabilitation coordinators or registry of in-house qualified rehabilitation coordinators and is not a direct provider of therapeutic services.

(11) Qualified rehabilitation coordinator intern (QRC intern) is an individual who meets the educational but not the certification requirements of a QRC and is permitted a period of supervised employment under the guidance of a QRC.

(12) Qualified rehabilitation facility (QRF) is a rehabilitation facility or institution which may be either a freestanding facility or a rehabilitation unit in a general acute care hospital and which is listed in the directory of qualified rehabilitation facilities. It shall be licensed by the Division of Licensing, Office of Inspector General in the Cabinet for Human Resources to provide rehabilitation services and accredited by the Commission on Accreditation of Rehabilitation Facilities in the following areas: [to provide]

(a) Comprehensive inpatient rehabilitation; [services and]

(b) Outpatient medical rehabilitation; and [services]

(c) Vocational evaluation.

(13) Rehabilitation plan is a written proposal prepared by a qualified rehabilitation coordinator stating the rehabilitation goals to be met, the kinds and costs of services necessary to meet such goals, the names and addresses of the providers, and a justification for the recommended services.

(14) Rehabilitation services include both medical rehabilitation services and vocational rehabilitation services provided pursuant to KRS 342.710.

(15) Suitable employment is employment which is reasonable taking into consideration the injured employee's age, education, previous employment, place of resident and limitations.

(16) Vocational rehabilitation services are those vocationally related services which are necessary to restore an injured employee to suitable employment.

Section 2. Responsibilities. (1) The employer/carrier shall provide prompt and appropriate rehabilitation services to injured employees in accordance with KRS 342.710 and the administrative regulations of the Workers' Compensation Board.

(2) Injured employees shall be entitled to rehabilitation services to help them accomplish reasonable physical rehabilitation goals and to help them return to suitable employment, and shall be responsible for accepting such services in accordance with KRS 342.710 and the administrative regulations of the Workers' Compensation Board.

(3) An employee's reasonable costs incurred for travel, board and lodging when rehabilitation requires the employee to be away from his customary residence shall be paid for by the defendants.

Section 3. Application for Listing in Directory of Qualified Rehabilitation Facilities. (1) To apply for listing in the directory of qualified rehabilitation facilities, a rehabilitation facility or institution shall submit an application as provided by the board and such supporting documentation as may be required. Qualified rehabilitation facilities shall also provide such information as may be deemed necessary by the board for monitoring purposes.

(2) Provisional listing in the directory of qualified rehabilitation facilities may be granted by the board to a facility which is licensed through the Cabinet for Human Resources to provide rehabilitation services but whose application to CARF for accreditation is pending. In the event a facility's programs have not been in operation for sufficient duration to be submitted for a CARF survey, the board may grant a provisional listing in the directory based upon the facility's intent to submit the programs for a CARF survey and accreditation. If accreditation is denied, the facility shall lose its provisional listing and may not reapply for listing in the directory of qualified rehabilitation facilities until such accreditation is obtained.

(3) An out-of-state facility or institution may apply for listing in the directory of qualified rehabilitation facilities provided it meets similar licensure requirements through the appropriate state licensing agency and also meets the same CARF accreditation requirements.

Section 4. Registry of Qualified Rehabilitation Coordinators. (1) To apply for listing in the registry of qualified rehabilitation coordinators, an individual shall submit an application as provided by the board and submit such supporting documentation as the board may require. A QRC shall also provide such information as the board may require for monitoring purposes. An applicant may be employed by a qualified rehabilitation agency in the public sector such as the Office of Vocational Rehabilitation or Department for the Blind, or may be employed in the private sector.

(2) A QRC may be a rehabilitation nurse or a rehabilitation counselor who has complied with the following educational and certification requirements:

(a) Rehabilitation nurse. A rehabilitation nurse must be:

1. A registered nurse with a current Kentucky

license; and

2. Certified as a certified rehabilitation registered nurse by the Association of Rehabilitation Nurses or certified as a certified insurance rehabilitation specialist by the Board for Rehabilitation Certification.

(b) Rehabilitation counselor. A rehabilitation counselor must have attained the following educational credentials:

1. A doctorate or master's degree in rehabilitation counseling, or a related field, as defined by the BRC; or

2. A baccalaureate degree in rehabilitation counseling, or related field, as determined by the board; and

3. Certified as a certified rehabilitation counselor or as a certified insurance rehabilitation specialist by the Board for Rehabilitation Certification.

(3) An individual who does not meet the certification qualifications contained in this section may apply for permission to work under the direct supervision of a QRC to obtain the experience required for the appropriate certification examination. During this period of supervised employment, such individual shall be designated a QRC intern. Any forms or reports prepared by a QRC intern must be approved and signed by the supervising QRC. [be granted a provisional listing in the registry of qualified rehabilitation coordinators or registry of in-house qualified rehabilitation coordinators by the board if such individual is currently functioning as a coordinator of rehabilitation services and has been functioning in such manner for a period of at least three (3) years prior to July 1, 1988. Provided, however, that such individual shall satisfy the certification requirements contained in subsection (2) of this section within twelve (12) months from the effective date of this administrative regulation.]

(4) Upon meeting the experience requirement, the QRC intern shall apply to sit for the next available appropriate certification examination and shall notify the board in writing within seven (7) days of being informed of the test scores. A candidate who receives a passing score may immediately apply to the board for registration as a QRC. A candidate who did not receive a passing score shall be permitted one (1) more attempt to achieve a passing score at the next examination for which the candidate is eligible to participate. A QRC intern who fails two (2) certification examinations shall no longer be eligible to work as a QRC intern but may apply for registration as a QRC upon achieving the appropriate certification.

Section 5. Registry of In-house Qualified Rehabilitation Providers. (1) Nothing in this regulation shall prevent self-insured employers, self-insured groups or workers' compensation insurance carriers from referring injured employees to a QRC on their staff, provided that rehabilitation services are provided in the manner prescribed in this regulation.

(2) In-house qualified rehabilitation coordinators shall be subject to the same qualification and reporting requirements as rehabilitation nurses and counselors listed in the registry of qualified rehabilitation coordinators.

Section 6. Continuing Education Requirements.

(1) The board may require a QRC to attend training sessions at such times and places as the board deems necessary.

(2) A QRC who, without good cause, fails to attend training sessions required by the board may be removed from the registry of qualified rehabilitation coordinators or registry of in-house qualified rehabilitation coordinators.

Section 7. Request for Registration Renewal.

(1) By July 15th of each year, a QRC shall submit a letter to the board requesting registration renewal. The letter shall also list all pertinent continuing education attained by title, location, dates, and provider which was completed the previous twelve (12) month period ending June 30. The letter shall also list by name, address, telephone number, social security number, and board file number all workers' compensation claimants who were served during that same time period.

(2) A QRC who, without good cause, fails to submit a request for registration renewal with all required information shall be removed from the registry of qualified rehabilitation coordinators or registry of in-house qualified rehabilitation coordinators.

(3) A QRC who does not list any workers' compensation claimants served in two (2) consecutive requests for registration renewal shall be removed from the registry of qualified rehabilitation coordinators or registry of in-house qualified rehabilitation coordinators.

(4) The types of services provided by a QRC include but are not limited to:

(a) Assistance with assessment of current level of medical care and needs.

(b) Assistance with discharge planning, follow-up services, and assessment of future rehabilitation needs.

(c) Assistance with assessment of need for referral for medical rehabilitation services.

(d) Serving as liaison between physicians, patient, family, employer/carrier, attorney.

(e) Assessment of home modification and vehicle modification requirements.

(f) Assistance with arrangements for transfers, attendant care, medical supplies and equipment.

(g) Patient and family education regarding the employee's injury.

(h) Assistance with medical clarification and general coordination of medical rehabilitation services.

(i) Vocational evaluation.

(j) Vocational counseling.

(k) Job analysis.

(l) Job modification.

(m) Job placement.

(n) Referral for diagnostic vocational and psychological testing.

(o) Determining vocational goals and writing rehabilitation plans outlining services and costs needed to attain such goals.

(p) General coordination of vocational services.

Section 8. Provision of Rehabilitation Services. (1) It shall be the responsibility of the employer/carrier to identify injured employees who may benefit from rehabilitation services and to provide appropriate rehabilitation services pursuant to KRS 342.710 and relevant administrative regulations.

(2) Referral of injured employees for

coordination of rehabilitation services shall be made by the employer/carrier only to QRCs.

[(3)] The QRC shall assist with the arrangement for medical rehabilitation services by referral to qualified rehabilitation facilities listed in the directory of qualified rehabilitation facilities.]

[(3)] [(4)] In the event the employer/carrier fails to refer an injured employee for rehabilitation services pursuant to KRS 342.710, the injured employee, or anyone acting in his behalf, may file a written request for rehabilitation services.

[(4)] [(5)] If the dispute cannot be resolved voluntarily, interlocutory relief may be sought in the manner prescribed by the board.

Section 9. Referral of Injury Cases. (1)(a) Catastrophic injury case. A catastrophic injury case shall be referred to a QRC by the employer/carrier immediately following the occurrence of such injury or within a period not to exceed fifteen (15) days following the employer/carrier's knowledge [occurrence] of such injury.

(b) Referral of a catastrophic injury case shall be made on a form provided by the board. At the time of referral, the employer/carrier shall send the original and one (1) copy of the referral form to the board and one (1) copy to the QRC to whom the case is assigned.

(c) Within seven (7) days of receipt of a catastrophic injury case referral, the QRC shall submit an initial report which shall contain a summary of the current level of medical care and needs and a summary of long-term rehabilitation needs. The QRC shall send the original report and one (1) copy to the board and a copy to the employer/carrier.

(2) Other injury cases. If an injured employee has forty-five (45) days of temporary total disability and has not previously been referred to a QRC, then within seven (7) days thereafter the employer/carrier shall submit a report to the board which contains:

(a) The name, address and telephone number of the QRC to whom the case has been assigned; or

(b) A statement from the injured employee's treating physician that, following maximum medical improvement, the injured employee will be able to resume his usual customary employment or other suitable employment and a projected date of return to such employment; or

(c) A statement from the injured employee's treating physician that the injured employee is so seriously impaired that he would not benefit from vocational rehabilitation services; or

(d) A statement that the injured employee voluntarily elects not to be referred to a QRC because of retirement plans.

(3) When an injured employee is referred to a QRC pursuant to Section 10(1) of this regulation, the employer/carrier shall at the same time refer him to a QRC.

Section 10. Referral to Qualified Rehabilitation Facilities. (1) If an injured employee previously designated to return to work at maximum medical improvement has not returned to work within (90) days of temporary total disability, and his treating physician has not certified he may return to work within thirty (30) more days, [or does not have a return to work date projected by the treating physician,] then within seven (7) days

thereafter he shall be referred to a QRC of the employer/carrier's choice for an evaluation of the employee's medical status and any need for [medical] rehabilitation services. If the treating physician has certified the employee may return to work within 120 days of temporary total disability, and the employee does not so return to work, then within seven (7) days thereafter the employer/carrier shall refer the employee to a QRC of the employer/carrier's choice for an evaluation of the employee's medical status and any need for rehabilitation services.

(2) For each case referred to a QRC, the employer/carrier shall submit to the board a statement of costs incurred for the evaluation at the QRC on a form provided by the board.

(3) The employer/carrier shall also submit semiannual reports to the board, on forms supplied by the board, which summarize all expenditures incurred for medical rehabilitation services. Said reports shall begin as of January 1, 1990.

Section 11. Limitations on Duties of Qualified Rehabilitation Coordinators. (1) On any case to which an individual is assigned as a QRC he shall be prohibited from performing any claims investigation or claims adjusting functions such as:

(a) Scheduling medical, vocational, or rehabilitation evaluations for the purpose of securing adverse testimony; or

(b) Discussing settlements.

(2) A QRC shall not interpret workers' compensation law for injured employees other than to explain the role of a QRC and to discuss rehabilitation services and procedures pursuant to KRS 342.710 and relevant administrative regulations.

(3) Absent the written permission of the physician, chiropractor, osteopath, psychologist, or other medical personnel and the injured employee, the QRC shall not be present in the examination area or treatment area during examination or treatment of the injured employee.

Section 12. Rehabilitation Plan. (1) If the QRC determines the injured employee is unlikely to resume suitable employment without the intervention of vocational rehabilitation services, within thirty (30) days of receipt of the referral, he shall submit a rehabilitation plan on a form provided by the board which shall list the vocational goal to be met, the kinds and costs of services necessary to meet that goal, the names and addresses of the providers of such services, and a justification for the recommended services.

(2) The rehabilitation plan shall be accompanied by copies of relevant documentation on which the vocational goal is based.

(3) If additional services not listed on the original rehabilitation plan become necessary, the QRC shall submit rehabilitation plan amendments.

(4) All rehabilitation plans and rehabilitation plan amendments shall be signed by the injured employee, the QRC and the employer/carrier.

(5) In the event a rehabilitation plan cannot be developed within thirty (30) days, then in lieu of the rehabilitation plan, the QRC shall submit a progress report which summarizes activities, problems, and progress. Such



progress reports shall be submitted every thirty (30) days until a rehabilitation plan is submitted and every sixty (60) days thereafter until the injured employee returns to work, or until vocational rehabilitation services are discontinued.

(6) The original and one (1) copy of each rehabilitation plan, rehabilitation plan amendment, and progress report shall be submitted to the board by the QRC. The QRC shall also submit a copy to the employer/carrier and the injured employee.

Section 13. Submission of Final Report by Qualified Rehabilitation Coordinator. (1) The QRC shall submit a final report to the board a copy of which shall be sent by the QRC to the employer/carrier and employee, which shall include a description of the job to which the injured employee has returned, his rate of pay, the name and address of the employer, or the reason vocational rehabilitation services were discontinued, and such other information as may be required.

(2) The final report shall include the total costs of vocational rehabilitation services by category and source, such as: tuition, books, fees, room, board, and transportation, and any other categories required by the board. The final report shall also include a summary of the services provided by the QRC and the total charges billed to the employer/carrier by the QRC.

(3) The final report shall be submitted within thirty (30) days of case closure and final billing.

Section 14. (1) All forms required herein shall be provided by the board upon request and at no charge to the party requesting the forms at the following address: Department of Workers' Claims, Perimeter Park West, 1270 Louisville Road, Building C, Frankfort, Kentucky 40601; phone number is 502-564-5550 and our office hours are Monday through Friday, 8 a.m. - 4:30 p.m.

(2) Forms R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, [and] R14, and R15 are hereby adopted by reference.

ARMAND ANGELUCCI, Chairman  
APPROVED BY AGENCY: June 6, 1989  
FILED WITH LRC: June 7, 1989 at noon

**CABINET FOR HUMAN RESOURCES**  
**Department for Health Services**  
**(Amended After Hearing)**

902 KAR 17:010. State health plan.

RELATES TO: KRS 216B.040(2)(a)  
STATUTORY AUTHORITY: KRS 194.050, 1986 Acts Chapter 474  
NECESSITY AND FUNCTION: Pursuant to 1986 Acts Chapter 474 the Statewide Health Coordinating Council is created to prepare and review, as necessary, a state health plan which establishes a health planning policy for the Commonwealth and describes the health services needed to provide for the well being of persons residing in the state. The Cabinet for Human Resources prepares a Preliminary State Health Plan for the Statewide Health Coordinating Council in preparing the state health plan. The plan

becomes final upon approval of the governor. The Commission for Health Economics Control in Kentucky utilizes the state health plan in review of applications for certificates of need to establish and modify health services and health facilities in the Commonwealth. The function of this regulation is to assist in the inventory of existing health resources and to set planning goals and guidelines.

Section 1. The Kentucky State Health Plan 1988-1990, was adopted by the Statewide Health Coordinating Council on April 6, 1989 [June 7, 1988], [amended after a public hearing on August 3, 1988] and approved by Governor Wallace G. Wilkinson [on September 15, 1988] as the document that sets out planning policies and guidelines for use by the Commission for Health Economics Control in Kentucky. A copy of the Kentucky State Health Plan 1988-1990 is on file in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky 40621 and is open and available for public inspection during normal business hours.

Section 2. The Review Criteria and Standards Section, pages 175 through 199, of the Kentucky State Health Plan 1988-1990 is hereby adopted by reference as regulations of the Cabinet for Human Resources as if fully set out herein.

C. HERNANDEZ, M.D., Commissioner  
HARRY J. COWHERD, M.D., Secretary  
APPROVED BY AGENCY: June 5, 1989  
FILED WITH LRC: June 5, 1989 at 1 p.m.

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

904 KAR 2:055. Hearings and appeals.

RELATES TO: KRS 205.231  
STATUTORY AUTHORITY: KRS 194.050  
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility under 42 CFR section 431.220, 45 CFR section 205.10, and KRS 205.231 to provide for a system of hearings to be available to any applicant for or recipient of an assistance program who is dissatisfied with any action or inaction on the part of the cabinet. This regulation sets forth the methods by which the hearing requirement is fulfilled.

Section 1. Informing the Applicant or Recipient of His[/Her] Rights. Each applicant or recipient shall be informed orally and in writing when [at the time of] application is made and in writing when [at the time of] any action is taken affecting his[/her] claim of his[/her] right to a hearing, the method by which he[/she] may obtain a hearing and that he[/she] may be represented by an authorized representative, such as legal counsel, relative, friend or other spokesperson, or he[/she] may represent himself[/herself].

Section 2. Request for a Hearing. Any applicant or recipient or an authorized representative acting on his[/her] behalf, may request a hearing by filing with either the local office or central office of the Department

for Social Insurance a written or oral (later reduced to writing) statement clearly indicating a desire for a hearing.

Section 3. Time Limitation for Request. To be considered timely, a written or oral request shall [must] be received by the department within thirty (30) days of the date of the advance notice of adverse action or notice of decrease or discontinuance as it affects recipients, or within thirty (30) days of the notice of denial of an application. An additional thirty (30) days for requesting a hearing may be granted if it is determined by the hearing officer that the delay was for good cause in accordance with the following criteria:

(1) The applicant/recipient was away from home during the entire filing period; or

(2) The applicant/recipient is unable to read or to comprehend the notice of adverse action or notice of decrease or discontinuance and right to request a hearing; or

(3) The applicant/recipient moved resulting in delay in receiving or failure to receive notice of adverse action or notice of decrease or discontinuance; or

(4) Serious illness of the applicant/recipient; or

(5) The delay was no fault of the applicant/recipient.

Section 4. Continuation of Assistance. If the request results from dissatisfaction regarding a proposed discontinuance, suspension or decrease and is received within ten (10) days of the date on the advance notice of adverse action or notice of decrease or discontinuance, assistance shall be continued (unless the client requests the discontinuance, suspension or decrease be in effect pending the hearing decision) through the month in which the hearing officer's decision is rendered. If the request is received within twenty (20) days of the date on the advance notice of adverse action or notice of decrease or discontinuance and it is established that the reason for delay meets the good cause criteria as contained in Section 3 of this regulation, assistance shall be reinstated and continued through the month in which the hearing officer's decision is rendered (except that this requirement shall not [be construed to] require a continuation of benefits when the program benefit has been discontinued as a result of a change in law, regulations, or policy of the cabinet). Continued or reinstated benefits are considered overpayments if the agency decision is upheld.

Section 5. All Hearing Requests shall be Acknowledged by the Hearing Branch. The acknowledgment letter shall contain information regarding the hearing process, including the right to case record review prior to the hearing, the right to representation, and a statement to the effect that the local office can provide information regarding the availability of free representation by legal aid or welfare rights organizations within the community. Subsequent notification shall include the time and place the hearing will be held. Hearings shall be scheduled on a timely basis to assure that no more than ninety (90) days shall elapse from date of request to date of decision.

Section 6. Withdrawal or Abandonment of

Request. The applicant or recipient may withdraw his[/her] request for a hearing [at any time] prior to release of the hearing officer's decision, provided[, however,] he[/she] is granted the opportunity to discuss withdrawal with his[/her] legal counsel or representative, if any, prior to finalizing the action. A hearing request shall be considered abandoned if the applicant or recipient fails without prior notification, to report for the hearing, except that no hearing request shall be considered as abandoned without extending to the applicant or recipient, and, if applicable, his[/her] legal counsel or representative, the opportunity to establish that such failure was for good cause.

Section 7. Applicant's or Recipient's Rights Prior to a Hearing. All applicants/recipients shall be [are] informed of their right to legal counsel or other representation, of the right to case record review relating to the issue and of the right to submit additional information in support of the claim. When the hearing involves medical issues, a medical assessment by other than the person or persons involved in the original decision shall be obtained at cabinet expense if the hearing officer considers it necessary. If a medical assessment at cabinet expense is requested by the applicant/recipient and denied by the hearing officer, the reason for denial shall be set forth in writing.

Section 8. Corrective Action. If after a review of the case record, but prior to scheduling a hearing, the hearing officer determines that action taken or proposed to be taken, is incorrect, he[/she] shall authorize corrective action in the form of assistance to which the applicant or recipient would have been entitled but for the incorrect decision or, for proposed action, authorize continuing assistance. The applicant/recipient shall be then given the opportunity to withdraw the hearing request, but notwithstanding the corrective action, the hearing shall be scheduled if the applicant/recipient wishes to pursue the request.

Section 9. Conduct of a Hearing. (1) The hearing shall be conducted by a hearing officer whose impartiality is assured in that he[/she] shall not have been involved in the initial determination on the issue, or, to the extent possible, in previous hearings in behalf of the applicant/recipient. In addition a hearing officer may disqualify himself[/herself] due to personal knowledge of circumstances of the applicant/recipient. The applicant/recipient may challenge the hearing officer by presentation of factual evidence that the impartiality criteria is not met. The hearing shall be conducted where the applicant/recipient may attend without undue inconvenience.

(2) The applicant/recipient, his[/her] representative and any other party to the hearing may present such evidence as shall be pertinent to the issue on which the adverse action was, or is proposed to be, taken, advance any arguments without undue interference.

(3) The hearing officer shall, if necessary to secure full information on the issue, examine each party who appears and his[/her] witnesses. The hearing officer may take any additional evidence which he[/she] deems necessary; but if additional evidence is taken, all interested

parties shall be afforded the opportunity of examining or rebutting such additional evidence.

(4) The parties to the hearing, with the consent of the hearing officer, may stipulate the facts involved, in writing. The hearing may be decided on the basis of such stipulation or the hearing officer may schedule a hearing and take such additional evidence as is deemed necessary.

(5) All hearings shall be conducted informally and in such a manner as to determine the substantial rights of the parties. Telephonic hearings may be conducted, when the applicant or recipient consents, including all of the parties and their witnesses who shall testify under oath or affirmation. All facts relevant to the issue appealed shall be considered and passed upon:

(a) Parties to a telephonic hearing who wish to introduce documents or written materials into the record at the hearing shall immediately mail copies of such documents to the hearing officer and to the opposing party.

(b) Failure to provide both the hearing officer and the opposing party with copies of evidence referenced in paragraph (a) of this subsection may result in its being excluded from the record.

(6) Subpoenas may be issued by the hearing officer to compel attendance of any witness or the production of records except that subpoenas requested by the applicant/recipient shall be issued only on a sworn statement of need [thereof] by the applicant/recipient.

(7) The hearing officer may [in his/her discretion,] direct or grant a continuance of a hearing [in order] to secure necessary evidence.

Section 10. The Decision. After the hearing is concluded, the hearing officer shall set forth in writing his[her] finding of facts and issues, specifying the reasons for the decision and identifying the supporting evidence and regulations. A copy of the decision shall be mailed to the applicant/recipient and his[her] representative. The decision, with respect to the issues considered, shall be final unless further appeal to the appeal board is initiated under KRS 205.231(4) within twenty (20) days from the date of mailing of the decision.

Section 11. Appeal from Decision of Hearing Officer. Any applicant/recipient or his[her] authorized representative wishing to appeal the decision of a hearing officer may do so by filing an appeal to an appeal board appointed in accordance with KRS 205.231(3). To be timely, such request shall [must] be received in a local office or the central office of the Department for Social Insurance within twenty (20) days of the date on which the hearing officer's decision was mailed, except that a request received within thirty (30) days of the hearing officer's decision will be considered timely if the criteria in Section 3 of this regulation is met. The request shall be filed in writing or orally, later reduced to writing, and shall be considered filed on the day it is received.

Section 12. Applicant's or Recipient's Rights Prior to Appeal Board Consideration. All appeals shall be acknowledged in writing to the applicant/recipient and his[her] authorized representative. The acknowledgment shall offer the opportunity to file briefs or submit new and

additional proof and shall state the tentative date on which the board will consider the appeal.

Section 13. Appeal Board Review. All appeals to the appeal board shall be considered upon the records of the department and the evidence or exhibits introduced before the hearing officer unless the applicant/recipient specifically requests permission to file additional proof. When an appeal is being considered on the record, the parties may, if they desire, present written arguments and at the board's discretion be allowed to present oral arguments. In addition, the appeal board may direct the taking of additional evidence before it, if needed, [in order] to resolve the appeal. Such evidence shall be taken by the board after seven (7) days notice to the parties giving the parties the opportunity to object to introduction of additional evidence or to rebut or refute any additional evidence.

Section 14. The Appeal Board Decision. The decision of the appeal board, duly signed by members of the board, shall set forth in writing the facts on which the decision is based and shall be irrevocable in respect to the issues in the individual case unless set aside through the judicial review process as provided in KRS 205.234.

Section 15. Payments of Assistance. Payments of assistance to carry out decisions of hearing officers or the appeal board shall be made promptly and shall include the month of application or the month in which incorrect action of the cabinet adversely affected the applicant/recipient providing it is established that the applicant/recipient was eligible during the entire period in which assistance was withheld.

Section 16. Special Provisions Relating to Skilled Nursing and Intermediate Care Level of Care Determinations. The cabinet has contracted with the Sentinel Organization [Kentucky Peer Review Organization (KPRO)] to perform level of care determinations for individuals in skilled nursing and general intermediate care facilities. For those individuals appealing Sentinel [KPRO] level of care determinations, the following special provisions are applicable:

(1) Sentinel [KPRO], pursuant to its contract with the cabinet, makes level of care determinations (i.e., a determination as to whether patient status criteria is met). If the level of care determination is adverse to the client, a written notice of the decision (and of the client's appeal rights) is provided to the client (patient), physician of record, the facility (if any), and the cabinet. The client then may begin the appeal process by requesting a reconsideration of the adverse decision. The request for reconsideration shall [must] be made within sixty (60) days of the notice of the adverse decision. If the request for reconsideration is made within ten (10) days, benefits shall [will] continue (as appropriate) until the reconsideration decision has been made. Reconsiderations shall [will] be made within ten (10) working days of the request when the client is in the facility; if the request for reconsideration is received after the client has left the facility, the reconsideration shall [will] be made within thirty (30) days.

(2) When the reconsideration decision is adverse to the client, he[~~/she~~] may then appeal to the cabinet in the usual manner. The appeal shall [must] be filed within twenty (20) days of the date the client is notified of the reconsideration decision, and may be filed with Sentinel [KPRO] or directly with the department. If filed with Sentinel, Sentinel shall [KPRO, KPRO must] forward the request with appropriate medical records and any other necessary documentation to the cabinet.

(3) When a negative decision has been appealed to the cabinet, the appeal shall [will] be processed [in the usual manner] as set forth in this regulation. This provision shall not [in no circumstances, however, be construed in such a manner as to] require a continuation of benefits following a reconsideration and shall not be used [, or so as] to contravene the timeliness provisions contained in this section.

Section 17. Limitation of Fees. (1) Although the cabinet and its officers and employees, either in their official or personal capacity, are not liable for payment of any attorneys fees, the cabinet shall [does], in accordance with KRS 205.237, set the maximum fee that an attorney may charge the applicant or recipient for representation in all categories of public assistance as follows:

(a) Seventy-five (75) dollars for preparation and appearance at hearing before a hearing officer;

(b) Seventy-five (75) dollars for preparation and presentation (briefs included) of appeals to the appeal board;

(c) \$175 for preparation and presentation, including pleadings and appearance in court, of appeals to the circuit court;

(d) \$300 for preparatory work and briefs and all other matters incident to appeals to the Court of Appeals.

(2) The fee agreed to by the representative and his[~~/her~~] client within the above maximums shall be deemed to have the approval of the cabinet.

(3) Enforcement of payment of such fee shall be a matter entirely between such counsel or agent and the applicant/recipient. Such fee shall not be deducted, either in whole or in part, from the benefit checks otherwise due and payable to the applicant/recipient.

Section 18. Hearings and Appeals Relating to Decisions to Reclassify or Transfer Mentally Retarded Persons in State Institutions. In lieu of the hearing and appeal process specified above, hearings and appeals relating to decisions to reclassify or transfer mentally retarded persons in state institutions shall be in accordance with the requirement of KRS 210.270.

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: June 5, 1989

FILED WITH LRC: June 6, 1989 at 11 a.m.

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

**904 KAR 3:060. Administrative disqualification hearings and penalties.**

RELATES TO: KRS 194.050

STATUTORY AUTHORITY: KRS Chapter 13A, 194.050, 7 CFR Part 270 through 280

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1977, as amended and 7 CFR Part 270 through 280. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the procedures used by the cabinet to determine when an act of intentional program violation has occurred and appropriate penalties which shall be applied.

Section 1. Administrative Disqualification Hearings. An administrative disqualification hearing shall be initiated by the cabinet whenever it has documented evidence to prove that a household member has committed an act of intentional program violation. An administrative disqualification hearing may be initiated regardless of the current eligibility of the individual. For purposes of determining if an act of intentional program violation, as defined in 7 CFR 273.16(c), has been committed, the act shall consist of having intentionally:

(1) Made a false or misleading statement, or misrepresented, concealed, or withheld facts; or

(2) Committed any act that constitutes a violation of the Food Stamp Act, the food stamp regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or ATP's.

Section 2. Disqualification Hearing Procedures. The cabinet shall provide state level administrative disqualification hearings in accordance with 7 CFR 273.16(e) which shall be heard by the fair hearing officials. Hearings shall be conducted by an impartial official(s) who did not have any personal stake or involvement in the case, who was not directly involved in the initial determination that the household member had committed intentional program violation, and was not the immediate supervisor of the case worker who took the action.

(1) The powers and duties of the hearing official shall be the same as those specified in 904 KAR 3:070, Section 12.

(2) The household's rights during the hearing shall be the same as those specified in 904 KAR 3:070, Section 13.

(3) The hearing decision shall comply with provisions specified in 904 KAR 3:070, Section 14(1).

(4) At the hearing, the hearing official shall advise the household member or representative that they may refuse to answer questions during the hearing.

(5) Within ninety (90) days of the date the household member is notified in writing that a hearing has been scheduled, the cabinet shall conduct the hearing, arrive at a decision and

notify the household member of the decision. The household member or representative is entitled to one (1) postponement not to exceed thirty (30) days, provided that the request is made at least ten (10) days in advance of the date of the scheduled hearing. If a hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

Section 3. Advance Notice of Disqualification Hearing. The cabinet shall provide written notice to the household member suspected of intentional program violation at least thirty (30) days in advance of the date a hearing initiated by the cabinet has been scheduled. The notice shall be sent certified mail - addressee only - return receipt requested and shall contain:

- (1) The date, time, and place of the hearing;
- (2) The charge(s) against the household member;
- (3) A summary of the evidence, and how and where the evidence may be examined;

(4) A warning that the decision shall be based solely on information provided by the Food Stamp Office if the household member fails to appear at the hearing;

(5) A statement that the household member or representative shall have ten (10) days from the date of the scheduled hearing to present good cause for failure to appear;

(6) A warning that a determination of intentional program violation shall result in a six (6) month disqualification for the first violation, a twelve (12) month disqualification for a second violation, and permanent disqualification for the third violation, and a statement of which penalty is applicable to the case scheduled for a hearing;

(7) A listing of the household member's rights as contained in 904 KAR 3:070, Section 13;

(8) A statement that the hearing shall not preclude the state or federal government from prosecuting the household member for intentional program violation in a civil or criminal court action, or from collecting the overissuance;

(9) A statement advising a household member, if there are individuals or organizations which provide free legal representation, of the availability of this service.

Section 4. Scheduling the Disqualification Hearing. The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of intentional program violation. A telephonic hearing may be conducted, when the applicant or recipient consents, including all of the parties and their witnesses who shall testify under oath or affirmation. Parties to a telephonic hearing who wish to introduce documents or written materials into the record at the hearing shall immediately mail copies of such documents to the hearing officer and to the opposing party. Failure to provide both the hearing officer and the opposing party with copies of such evidence may result in the exclusion of this evidence from the record. If the household member or its representative does not appear for a face-to-face or telephonic [the] hearing, the state agency shall determine whether proper advance notice was received by the household member. If there is no proof that the household member received or refused a timely notice of the hearing, the hearing shall not be conducted.

The claim is annotated in the following manner: Order to Remove from Docket. The hearing process is again initiated when the household member is located and another notice can be provided to that member. However, when the agency has sufficient evidence to verify that the household member either received or refused such notice, the hearing shall be conducted. Even though the household member is not represented, the hearing official is required to carefully consider the evidence and determine if intentional program violation was committed based on clear and convincing evidence. If the household member is found to have committed an intentional program violation but a hearing official later determined that the household member or representative had good cause as defined in 904 KAR 3:070, Section 9, for not appearing, the previous decision shall no longer remain valid and the cabinet shall conduct a new hearing. The hearing official who originally ruled on the case may conduct the new hearing. The household member shall have ten (10) days from the date of the scheduled hearing to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

Section 5. Participation While Awaiting a Disqualification Hearing. A pending hearing shall not affect the individual's or the household's right to be certified and participate in the program. Since the cabinet cannot disqualify a household member for intentional program violation until the hearing official or a court of appropriate jurisdiction finds that the individual has committed intentional program violation or the individual has signed a waiver of right to an administrative disqualification hearing, or the individual has signed a disqualification consent agreement, the cabinet shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household.

Section 6. Disqualification Hearing Decision. The hearing official shall base the determination of intentional program violation on clear and convincing evidence which demonstrates that the household member(s) committed and intended to commit intentional program violation as defined in Section 1 of this regulation. Decisions of the hearing official shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent handbook section and corresponding FNS regulation and respond to reasoned arguments made by the household member or representative. An official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the hearing proceeding, shall be retained by the cabinet. This record shall also be available to the household or its representative during work hours for copying and inspection.

Section 7. Notification of Disqualification Hearing Decisions. The cabinet shall notify the household member in writing of hearing decisions as specified below:

(1) If the hearing finds that the household member did not commit intentional program violation, the cabinet shall provide a written notice which informs the household member of the

decision.

(2) If the hearing finds that the household member committed intentional program violation, the cabinet shall provide written notice to the household member. This notice shall be provided prior to disqualification. The notice shall inform the household member of the disqualification and when the disqualification will take effect. If the individual is no longer participating, the notice shall inform the individual that the period of disqualification will be deferred until such time as the individual again applies for and is determined eligible for program benefits. A list of the household member's rights shall also be printed on the notice of the hearing decision. A notice shall also be provided to the remaining household members, if any, informing them of the allotment they will receive during the disqualification period or that they may reapply because their certification period has expired. A written demand letter shall also be sent to the remaining household members explaining the repayment requirements.

Section 8. Waiver Disqualification Hearings. Individuals accused of intentional program violation shall be allowed to waive their rights to an administrative disqualification hearing and shall be handled in accordance with 7 CFR 273.16(f).

Section 9. Deferred Adjudication. Individuals accused of intentional program violation shall be allowed to sign disqualification consent agreements in cases of deferred adjudication and shall be handled in accordance with 7 CFR 273.16(h).

Section 10. Intentional Program Violation Disqualification Penalties. Individuals found through an administrative disqualification hearing to have committed an intentional program violation, or individuals who have signed a waiver of right to an administrative disqualification hearing, or individuals who have signed a disqualification consent agreement, or individuals found guilty by a court of appropriate jurisdiction shall be ineligible to participate for six (6) months for the first violation, twelve (12) months for the second violation, or permanently for the third violation. The disqualification period for a nonparticipant shall be deferred until such time as he applies for and is determined eligible for program benefits. Once a disqualification period is imposed, it shall continue uninterrupted, regardless of any subsequent determinations of eligibility/ineligibility of the disqualified member's household. Court ordered disqualifications may be imposed separate and apart from any action taken by the cabinet. In cases where the determination of intentional program violation is reversed by a court, the cabinet shall reinstate the individual, if eligible, and restore any benefits that were lost as a result of the disqualification. Individuals found guilty of intentional program violation by a court of appropriate jurisdiction shall be disqualified for the period of time specified by that court. If the court fails to specify or address a disqualification period for the intentional program violation, the cabinet shall impose a disqualification period consistent with the time periods set forth in

this section and in accordance with 7 CFR 273.16(g)(2). The cabinet shall disqualify only the individual convicted of intentional program violation and not the entire household. The remaining household members shall agree to make restitution within thirty (30) days of the date the cabinet's demand letter is mailed, in accordance with established procedures for cash or coupon repayment. If the household does not agree to make restitution or after having agreed to make restitution fails to do so, allotment reduction shall be imposed on the household's monthly allotment. The cabinet shall inform the household in writing of the disqualification penalties for committing intentional program violation at each time it applies for benefits.

Section 11. Appeal Rights of the Household. No further administrative appeal procedure exists after an administrative disqualification hearing finds that an intentional program violation was committed or an individual has waived his right to an administrative disqualification hearing. The determination of intentional program violation made by a disqualification hearing official shall not be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay by a court of appropriate jurisdiction or other injunctive remedy.

Section 12. The provisions contained in this regulation shall become effective, in accordance with 272.1(g), July 1, 1989 [September 1, 1988].

MIKE ROBINSON, Commissioner  
HARRY J. COWHERD, M.D., Secretary  
APPROVED BY AGENCY: June 5, 1989  
FILED WITH LRC: June 6, 1989 at 11 a.m.

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

**904 KAR 3:070. Fair hearings.**

RELATES TO: KRS 194.050  
STATUTORY AUTHORITY: KRS Chapter 13A, 194.050  
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1977, as amended and 7 CFR [Part] 270 and 280. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the fair hearing procedures used by the cabinet to administer the Food Stamp Program.

Section 1. Availability of Hearings. The cabinet shall provide a fair hearing to any household aggrieved by any action of the cabinet which affects the participation of the household in the Food Stamp Program, unless [except that if] the household has already had a fair hearing on the amount of an overissuance/claim as a result of consolidation of the administrative disqualification hearing and a fair hearing. [.] In accordance with 7 CFR 273.16(e)(1), the household shall not be entitled to another

hearing on that issue. The cabinet shall provide state level fair hearings conducted by state level hearing officers which shall be carried out at the local level. A telephonic hearing may be conducted, when the applicant or recipient consents, including all of the parties and their witnesses who shall testify under oath or affirmation. Parties to a telephonic hearing who wish to introduce documents or written materials into the record at the hearing shall immediately mail copies of such documents to the hearing officer and to the opposing party. Failure to provide both the hearing officer and the opposing party with copies of such evidence may result in the exclusion of this evidence from the record.

Section 2. Timely Action on Hearing Requests. The cabinet shall acknowledge all hearing requests, conduct a hearing, and issue a decision within sixty (60) days of a request for a fair hearing. Decisions which result in an increase in household benefits shall be reflected in the coupon allotment within ten (10) days of the receipt of the hearing decision. [even if] The cabinet shall [must] provide [a] supplementary [ATP/]coupons or otherwise provide the household with an opportunity to obtain the allotment outside the normal issuance cycle. However, the cabinet may take longer than ten (10) days if it elects to make the decision effective in the household's normal issuance cycle if [, provided that] the issuance shall [will] occur within sixty (60) days from the household's request for the hearing. Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.

Section 3. Agency Conference. The cabinet shall offer an agency conference to households adversely affected by the cabinet's action. The household shall be advised that an agency conference is optional and shall [will] in no way delay or replace the fair hearing process. An agency conference may lead to an informal resolution of the dispute. However, a fair hearing shall [must] still be held unless the household makes a written withdrawal of its request for a hearing. The agency conference is to be attended by the case worker, his[her] supervisor, and the household member [and/or] representative. An agency conference for households contesting a denial of expedited service shall be scheduled within two (2) working days, unless the household requests that it be scheduled later or states no agency conference is wanted.

Section 4. Group Hearings. The cabinet may respond to a series of individual requests for fair hearings by conducting a single group hearing. Hearing cases may be consolidated only where individual issues of fact are not disputed and if the sole issue is one of federal law, regulation or policy. In all group hearings, the policies governing hearings shall [must] be followed. Each individual client shall be permitted to present his[her] own case or be represented by legal counsel or other spokesperson.

Section 5. Postponement of Hearings. Households may request and are entitled to

receive a postponement of the scheduled hearing. The postponement shall not exceed thirty (30) days from the date of the postponement request and the time limit for action on the decision may be extended for as many days as the hearing is postponed.

Section 6. Notification of Rights to Request a Hearing. At the time of application the cabinet shall notify each household in writing of its right to a hearing, of the method by which a hearing may be requested and that its case may be presented by a household member or a representative, such as a legal counsel, a relative, a friend or other spokesperson. In addition, at any time the household expresses to the cabinet that it disagrees with the cabinet's action, it shall be reminded in writing of the right to request a fair hearing. If there is an individual or organization available that provides free legal representation, the household shall be informed in writing of the availability of that service.

Section 7. Request for Hearings. Any household member shall have the right to request a hearing on any action by the cabinet which affects the participation of the household in the program and which occurred in the prior ninety (90) days. Action by the cabinet shall include a denial of a request for restoration of any benefits lost more than ninety (90) days but less than a year prior to the request. In addition, at any time within a certification period a household may request a fair hearing to dispute its current level of benefits.

Section 8. The Cabinet's Responsibilities on Hearing Request. A request for a hearing is defined as a clear expression, oral or written, by the household or its representative to the effect that it wishes to appeal a decision or that an opportunity to present its case to a higher authority is desired. If it is unclear from the household's request what action it wishes to appeal, the cabinet may request the household to clarify its grievance. The freedom to make a request for a hearing shall not be limited or interfered with in any way.

(1) Upon request, the cabinet shall make available, without charge, the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare for a hearing. Upon request, the cabinet shall also help a household with its hearing request. If a household makes an oral request for a hearing, the cabinet shall complete the procedures necessary to start the hearing process. Households shall be advised of any legal services available that can provide representation at the hearing.

(2) The cabinet shall expedite hearing requests from households, such as migrant farmworkers, that plan to move from the jurisdiction of the hearing official before the hearing decision shall [would] normally be reached. Hearing requests from these households shall be processed faster than others if necessary to enable them to receive a decision and restoration of benefits, if the decision so indicates, before they leave the area.

Section 9. Denial or Dismissal of a Fair Hearing Request. The cabinet shall not deny or



dismiss a request for a hearing unless:

(1) The request is not received within the time period specified in Section 7 of this regulation.

(2) The client or his/[her] representative withdraws in writing a request for a hearing at any time prior to the release of the hearing officer's decision.

(3) The household or its representative fails to appear to the scheduled hearing without good cause, as defined below:

(a) The household member was away from home during the entire filing period; or

(b) The household member is unable to read or to comprehend the notice; or

(c) The household member moved and a delay resulted in receiving inadequate notice; or

(d) Serious illness of a household member; or

(e) The delay was no fault of a household member; or

(f) The household member did not receive the notice.

Section 10. Continuation of Benefits. Households which request a fair hearing within the period provided on the notice of adverse action shall be allowed to continue participation in the program on the basis authorized immediately prior to notice of adverse action if [provided] its certification period has not expired unless the household specifically waives continuation of benefits. If the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday the state agency shall consider the request timely received. If the household fails to request a hearing within the notice period for good cause, benefits shall be reinstated on the prior basis. When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue is that food stamp eligibility or benefits were improperly computed or that federal law or regulation is being misapplied or misinterpreted by the cabinet. Once continued or reinstated, benefits shall not be reduced or terminated prior to the receipt of the official hearing decision unless:

(1) The certification expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the cabinet; or

(2) The hearing officer makes a preliminary determination in writing and at the hearing, that the sole issue is one of federal law or regulation and no questions of fact are [is] involved; or

(3) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or

(4) A mass change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending; or

(5) The household or representative fails to appear at the hearing without good cause. Attendance is not required at a group hearing.

Section 11. Notification of Time and Place of Hearing. The time, date and place of the hearing shall be arranged so that the hearing is accessible to the household. At least ten (10) days prior to the hearing, advance written

notice shall be provided to all parties involved to permit adequate preparation of the case. However, the household may request less advance notice to expedite the scheduling of the hearing. The notice shall:

(1) Advise the household or representative of the name, address, and phone number of the person to notify if [in the event] it is not possible for the household to attend the scheduled hearing.

(2) Specify that the cabinet shall [will] dismiss the hearing request if the household or its representative fails to appear for the hearing without good cause.

(3) Include the cabinet's procedures and any other information that [would] provides the household with an understanding of the proceedings and that [would] contributes to the effective presentation of the household's case.

(4) Explain that the household or representative may examine the case file prior to the hearing.

Section 12. Hearing Official. The cabinet shall designate a hearing official who does not have any personal stake or involvement in the case; was not directly involved in the initial determination of the action which is being contested; was not the immediate supervisor of the case worker who took the action and is an employee of the cabinet. The power and duties of the hearing official shall be as follows:

(1) Administer oaths or affirmations;

(2) Insure that all relevant issues are considered;

(3) Request, receive and make part of the record all evidence determined necessary to decide the issues being raised;

(4) Regulate the conduct and course of the hearing consistent with due process to insure an orderly hearing;

(5) Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the cabinet;

(6) Subpoena relevant and useful information or individuals;

(7) Provide a hearing record and recommendation for final decision by the hearing authority; or, if the hearing official is the hearing authority, render a hearing decision in the name of the cabinet in accordance with Section 14 of this regulation.

Section 13. Rights During Hearing. During the hearing process the household or its representative shall [must] be given adequate opportunity to:

(1) Examine all documents and records to be used at the hearing at anytime during working hours before the date of the hearing as well as during the hearing. The contents of the case file including the application form and documents of verification used by the cabinet to establish the household's ineligibility or eligibility and allotment shall be made available, provided that confidential information such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the cabinet shall provide a free copy of the portions of the case file that are relevant to the hearing. Confidential



information that is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.

(2) Present the case or have it presented by a legal counsel or other person.

(3) Bring witnesses, friends or relatives.

(4) Advance arguments without undue interference.

(5) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.

(6) Submit evidence to establish all pertinent facts and circumstances in the case.

Section 14. Hearing Decisions. (1) Decisions of the hearing officer shall comply with federal law and regulation and will be based on the hearing record. The recording of testimony and exhibits, and an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for a final decision by the hearing authority. This record shall be retained in accordance with 904 KAR 3:050, Section 6. This record shall also be available to the household or its representative during working hours for copying and inspection.

(2) A decision by the hearing authority shall be binding on the cabinet and shall summarize the facts of the case, specify the reasons for the decision, and identify the supporting evidence and the pertinent manual section and corresponding federal regulation. The decision shall become a part of the record.

(3) The household and the local office shall each be notified in writing of: the decision; the reasons for the decision; the available appeal rights; and that the household's benefits shall [will] be issued or terminated as decided by the hearing authority. The notice shall also state that an appeal may result in a reversal of the decision.

(4) After notification of a hearing decision which upholds the cabinet's action, the household shall be notified of the right to pursue judicial review of the decision. In addition, the household shall be notified of the right to appeal their case to the appeal board

in accordance with Section 16 of this regulation.

Section 15. Implementation of Hearing Decision. The cabinet shall insure that all final hearing decisions are reflected in the household's coupon allotment within the time limits specified in Section 2 of this regulation.

(1) When the hearing authority determines that a household has been improperly denied program benefits or has been issued a lesser allotment than was due, lost benefits shall be provided to the household. The cabinet shall restore benefits to households which are leaving the county before the departure if [whenever] possible. If benefits are not restored prior to the household's departure, the county shall forward an authorization for benefits to the household or to the county if known. The county shall accept an authorization and issue the appropriate benefits whether the authorization is presented by the household or received directly from another county.

(2) When the hearing authority upholds the cabinet's action, a claim against the household for any overissuances shall be prepared.

Section 16. Appeal Board. Households dissatisfied with the hearing officer's decision may appeal to the appeal board within twenty (20) days from the date of the hearing decision. Within forty-five (45) days of receipt of the request for an appeal of a fair hearing decision, the cabinet shall ensure that the review is conducted, and that a decision is reached. The decision shall be reflected in the coupon allotment within ten (10) days of the decision.

Section 17. Judicial Review. Households aggrieved by the appeal board's decision shall have the right to appeal this decision to the court of appropriate jurisdiction.

Section 18. Provisions contained in this regulation shall become effective July 1, 1989 [April 1, 1983].

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: June 5, 1989

FILED WITH LRC: June 6, 1989 at 11 a.m.

## PROPOSED AMENDMENTS RECEIVED THROUGH JUNE 15, 1989

GENERAL GOVERNMENT CABINET  
Board of Chiropractic Examiners  
(Proposed Amendment)

## 201 KAR 21:041. Licensing; standards, fees.

RELATES TO: KRS 312.085, 312.095, 312.105, 312.115

STATUTORY AUTHORITY: KRS 312.019

NECESSITY AND FUNCTION: The statutory provisions governing applications for licenses, examination of prospective licensees and the renewal of licenses were amended by the 1988 [1976] session of the Kentucky General Assembly. The purpose of this regulation is to more definitively specify the procedures relating to these and other matters.

Section 1. Application. All applications to the board for licenses shall be made through its executive secretary on fully completed forms provided by the board for that purpose. The application shall be made at least thirty (30) [twenty (20)] days prior to the meeting held for examinations by the board unless waived by the board. The application shall be made and signed by the applicant in his/her own handwriting and shall be in the form and contain the information and documents required [provided for] by KRS 312.085.

Section 2. Educational Requirements. For an applicant to be eligible to take the examination or to be licensed, he/she must meet the following minimum educational requirements:

(1) He/[she] must have satisfactorily completed not less than sixty (60) semester credit hours of study from a college or university accredited as provided by KRS 312.085; and [.]

(2) He/[she] must be a graduate of a chiropractic college accredited as provided by KRS 312.085. Standards for such institutions are set forth in 201 KAR 21:055.

Section 3. Application Fee. There shall be paid to the executive secretary at the time the application is submitted, an application fee and an examination fee in the amounts provided by the board but the total of both the application fee and the examination fee shall not exceed the amount provided by KRS 312.095.

[Section 4. (1) In order for an applicant to successfully pass the examination and to be licensed, he/she must make a score of seventy-five (75) percent or better on each subject tested, including clinical competency.]

[(2) Any applicant failing to correctly answer the required percentage of questions in one (1) or more subjects may request a reexamination within two (2) years of the initial examination. An applicant being reexamined, who failed four (4) or more subjects on the first examination will be required to retake the entire examination. If the applicant being reexamined failed less than four (4) subjects on the first examination, he/she shall be required to take only the examinations for the subjects failed. If the applicant fails to correctly answer the required percentage of questions upon the reexamination, he/she may be reexamined upon all

of the subjects by making a new application satisfying the provisions of KRS 312.085 and 312.095 and, in addition, furnishing proof of having received at least thirty-six (36) classroom hours of additional chiropractic training since the date of his/her last examination in a course or courses approved by the Council on Chiropractic Education or equivalent courses.]

Section 4. Licenses. [5.] Licenses issued by the board shall set forth the name of the issuing board, the name of the licensee, the number of the license, the date of its issuance, and must be signed by three (3) members of the board and have the seal of the board affixed. All members of the board shall be given the opportunity to sign each license.

Section 5. License Renewal. [6.] (1) Each licensee of the board, whether licensed to practice in this state or out of it and whether or not he/she is inactive or retired, shall annually renew his/her license on or before the first day of March. He/she shall submit his/her application for license renewal to the executive secretary on the forms provided by the board for such purpose. With the application, the licensee shall pay the renewal fee established by the board which shall not exceed the amount provided by KRS 312.175.

(2) If the licensee is in active practice in this state or intends to engage in active practice in this state during the renewal period, he/she shall submit with his/her application for license renewal satisfactory evidence that he/she has attended an educational program in the year preceding such application for renewal unless an affidavit satisfying the requirements of KRS 312.175(1) and this regulation is submitted. The educational program shall meet one (1) or more of the following minimum requirements:

(a) A post graduate course of study at or sponsored by a chiropractic college accredited by the [Association of Chiropractic Colleges or the] Council on Chiropractic Education or its [their] successors, [or equivalent colleges,] of at least twelve (12) hours of instruction over at least two (2) days; or

(b) An educational program approved by the board, or a committee designated by the board to act between sessions of the board, with a total of at least twelve (12) hours of instruction over at least two (2) days. To be considered, the educational program must be sponsored by a national or state chartered organization of chiropractors open to all doctors of chiropractic in Kentucky who desire to attend. The instructors and speakers shall be generally recognized to have a national reputation in the field of chiropractic education or allied sciences or they shall be generally recognized as having a high degree of skill in the field in which he/she instructs or speaks. The programs to be presented must contain subjects that will be of significant benefit to licensees and on a postgraduate level of education.

(3) The sponsoring party of a proposed educational program for license renewal must apply for approval of the program prior to its presentation by providing the following

information to the executive secretary:

- (a) The name of the course;
- (b) The name of the sponsoring organization;
- (c) The objective of the program;
- (d) The number of hours over which the educational program will be presented and the dates presented;
- (e) The names of the instructors and speakers and the name and address of the institution with which they are associated, if applicable;
- (f) The instructors' or speakers' educational background and other relevant qualifications;
- (g) The name and address of the person authorized to certify attendance.

(4) The educational program may be monitored by an officer of the board, the field coordinator of the board, or a person designated by the president of the board for such purpose.

(5) Any proposed program must be submitted to the executive secretary of the board for approval at least sixty (60) days prior to the date of the presentation. The board, or a committee designated by the board to act between meetings of the board, shall give written notification of the approval or disapproval of the program to the sponsoring party not less than thirty (30) days after receiving the proposed educational program. Within thirty (30) days of completion of the program, the sponsoring party shall submit to the executive secretary a written certification of the licensees in attendance at the program, the sessions attended by each and the number of hours of each session attended.

(6) Notwithstanding the preceding provisions of this regulation, licenses may be renewed by the board at its discretion where the applicant submits an affidavit to the board evidencing that he/she suffered a hardship which prevented the applicant from renewing the license or attending the educational program at the proper time. The term "hardship," as used in this regulation, shall mean anything which prevents the licensee from paying the renewal fee and/or attending the educational program which could not be reasonably foreseen and which does not negatively reflect upon his/her ability to practice chiropractic.

(7) If the licensee is in active practice but is not in active practice in this state and does not intend to practice in this state during the renewal period, he/she shall meet the educational requirements of the state or jurisdiction in which he/she is practicing; shall affirm that such requirements have been met; and shall furnish proof of compliance if requested by the board or by the executive secretary.

(8) If the licensee is not in active practice, his/her license may be renewed, with such inactive status being noted, without satisfying the educational requirements but before such licensee may again be licensed to engage in the active practice of chiropractic, he/she shall meet the educational requirements prescribed by the board after a review of the licensee's verified resume of education and experience and shall satisfactorily pass such examination for clinical competency as may be prescribed by the board.

Section 6. Change of Address. [7.] Each licensee shall notify the executive secretary within thirty (30) days of each change of mailing address and/or place of business.

Section 7. Fees. [8.] The board may charge reasonable fees for reexaminations, providing certified copies of record, and for other such services providing that they are preestablished by the board at a duly convened meeting thereof and are uniformly applied. To the extent provided, fees established by KRS Chapter 312, shall control.

Section 8. Effective Date. This regulation shall be effective January 1, 1990.

HAROLD BYERS, D.C., President

APPROVED BY AGENCY: December 1, 1988

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

PUBLIC HEARING: A public hearing on this proposed regulation shall be held on the 21st day of July 1989, at the hour of 10 a.m., EDT, in Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494. Persons desiring to be heard shall notify the Kentucky State Board of Chiropractic Examiners in writing at least five days before the scheduled date of the hearing. Send notification to: Conley C. Congleton, Assistant Attorney General, Office of the Attorney General, Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. T. Woodward, D.C.

(1) Type and number of entities affected: Kentucky State Board of Chiropractic Examiners licensing, standards and fees: Entity - the Board.

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

1. First year: N/R

2. Continuing costs or savings: N/R

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

(b) Reporting and paperwork requirements: N/R - Minimal.

(2) Effects on the promulgating administrative body: No remarkable effects.

(a) Direct and indirect costs or savings: N/R

1. First year: N/R

2. Continuing costs or savings: N/R

3. Additional factors increasing or decreasing costs: N/R

(b) Reporting and paperwork requirements: Some initial changes, otherwise not remarkable.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: Not in conflict.

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

(6) Any additional information or comments: This regulation has no fiscal impact on the state of Kentucky.

TIERING: Was tiering applied? Yes

**TOURISM CABINET**  
**Department of Fish and Wildlife Resources**  
**(Proposed Amendment)**

**301 KAR 1:130. Live bait for personal use.**

RELATES TO: KRS 150.010, 105.025, 150.170, 150.175, 150.340, 150.450

STATUTORY AUTHORITY: 13A.350, 150.025

NECESSITY AND FUNCTION: It is necessary to regulate the manner of taking of bait species in order to utilize and conserve the populations. This amendment is necessary in order to allow the use of larger cast nets at Cumberland Lake [extend the use of seines to additional waters].

Section 1. Definitions. (1) Live bait includes minnows, shad, herring, crayfish, salamanders, all frogs except bullfrogs, all tadpoles, native lampreys, Asiatic clams (*Corbicula* sp.) and aquatic organisms except mussels.

(2) "Minnows" means all fishes under six (6) inches in length, except basses (largemouth, small mouth or Kentucky), rock bass or goggle-eye, trout, crappie, walleye, sauger, pikes, white bass, yellow bass, rockfish (saltwater striped bass) and muskellunge, or any hybrids of the above.

Section 2. Live bait may be taken with the following gear for personal use only, and any other species except live bait taken with this gear shall [must] be returned immediately to the water:

(1) Seines: Maximum size ten (10) ft. long, four (4) ft. deep, one-fourth (1/4) in. mesh, legal statewide; maximum size thirty (30) ft. long, six (6) ft. deep, one-fourth (1/4) in. mesh, legal in Ohio and Mississippi Rivers and Kentucky and Barkley Lakes only.

(2) Minnow traps: Maximum size three (3) ft. long, eighteen (18) in. diameter, one (1) in. openings for catching, legal statewide.

(3) Dip nets: Maximum size three (3) ft. diameter, legal in Ohio, Tennessee and Mississippi Rivers, Cumberland River below Barkley Dam, Kentucky River below Lock #14, and all lakes over 1,000 acres.

(4) Sport cast nets: Maximum size nine (9) ft. diameter, three-eighths (3/8) in. mesh, legal in Tennessee, Ohio and Mississippi Rivers, Cumberland River below Barkley Dam, Kentucky River below Lock #14, and all lakes over 1,000 acres. Maximum size sixteen (16) feet diameter, three-fourths (3/4) inch mesh legal in Cumberland Lake only.

Section 3. No mussels may be taken for use as bait except Asiatic clams (*Corbicula* sp.). Sport fishermen shall [may] have in their possession no more than:

- (1) 500 minnows;
- (2) 500 crayfish;
- (3) 100 salamanders (spring lizards);
- (4) 100 frogs (other than bullfrogs);
- (5) 100 tadpoles;
- (6) 100 native lampreys (mud eels);
- (7) 500 aquatic invertebrates other than mussels;

(8) 500 shad [or herring];

(9) 500 herring;

(10) [(9)] Any number of Asiatic clams (*Corbicula* sp.).

DON R. McCORMICK, Commissioner

MARY RAY OAKEN, Secretary

DAVID GOOBY, Chairman

APPROVED BY AGENCY: March 5, 1989

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

PUBLIC HEARING: A public hearing on this regulation will be held on Tuesday, July 25, 1989 at 10 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish & Wildlife Resources, Arnold L. Mitchell Building, Frankfort, Kentucky 40601.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: There are approximately 50,000 anglers and 25 commercial guides that fish Cumberland Lake. All of the guides and about 10,000 anglers will be able to more easily collect bait fish with the larger nets.

(a) Direct and indirect costs or savings to those affected: Allowing the use of larger cast nets should increase efficiency and reduce the collecting time.

1. First year:

2. Continuing costs or savings:

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

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

(2) Effects on the promulgating administrative body: No additional reporting required.

(a) Direct and indirect costs or savings: Commercial guides cost and time will be reduced. Less time will be spent collecting bait. Should provide additional time for fishing.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional effort will be required.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on budgets, funding, manpower levels, or equipment needs. No loss in license sales or decrease in local economic impact is expected.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No acceptable alternative method exists that will provide the increased efficiency without threat to the fishery resource.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations, or government policies which are in conflict, overlapping or a 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: None

TIERING: Was tiering applied? Yes

**CORRECTIONS CABINET**  
(Proposed Amendment)

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

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 June 15 [April 14], 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                         | 13.5     | Acquired Immune Deficiency Syndrome                                      |
| 1.2  | News Media   | 13.6     | Sex Offender Treatment Program   |
| 1.4  | The operation of Contracted Adult Correctional Facilities      | 14.2     | Personal Hygiene Items   |
| 1.6  | Extraordinary Occurrence Reports                               | 14.4     | Legal Services Program   |
| 1.9  | Institutional Duty Officer                                     | 14.6     | Inmate Grievance Procedures  |
| 1.11 | Population Counts and Reporting Procedures [(Amended 4/14/89)] | 15.1     | Hair and Grooming Standards  |
| 1.12 | Operation of Motor Vehicles by Corrections Cabinet Employees   | 15.2     | Offenses and Penalties (Amended 6/15/89)                                 |
| 2.1  | Inmate Canteen [(Amended 4/14/89)]                             | 15.3     | Meritorious Good Time  |
| 2.2  | Warden's Fund  | 15.5     | Restoration of Forfeited Good Time                                       |
| 2.10 | Surplus Property   | 15.6     | Adjustment Procedures and Programs (Amended 6/15/89)                     |
| 3.1  | Code of Ethics   | 16.1     | General Inmate Visiting Procedure  |
| 3.12 | Institutional Staff Housing                                    | 16.2     | Inmate Correspondence  |
| 4.2  | Staff Training and Development                                 | 16.3     | Telephone Calls  |
| 4.3  | Firearms and Chemical Agents Training                          | 16.4     | Inmate Packages  |
| 6.1  | Open Records Law   | 17.1     | Inmate Personal Property   |
| 7.2  | Asbestos Abatement   | 17.2     | Assessment Center Operations [(Amended 4/14/89)]                         |
| 8.4  | Emergency Preparedness   | 17.3     | Controlled Intake of Inmates   |
| 9.1  | Use of Force   | 18.4     | Classification of the Inmate   |
| 9.3  | Transportation of Convicted Offenders                          | 18.5     | Custody/Security Guidelines [(Amended 4/14/89)]                          |
| 9.4  | Transportation of Inmates to Funerals or Bedside Visits        | 18.6     | Classification Document [(Amended 4/14/89)]                              |
| 9.6  | Contraband   | 18.7     | Transfers  |
| 9.7  | Storage, Issue and Use of Weapons Including Chemical Agents    | 18.8     | Guidelines for Transfers Between Institutions [(Amended 4/14/89)]        |
| 9.8  | Search Policy  | 18.9     | Out-of-state Transfers   |
| 9.9  | Transportation of Inmates                                      | 18.10    | Preparole Progress Reports   |
| 9.10 | Security Inspections   | 18.11    | Kentucky Correctional Psychiatric Center Transfer Procedures             |
| 9.11 | Tool Control   | 18.12    | Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill       |
| 9.15 | Institutional Entry and Exit Policy and Procedures             | 18.13    | Population Categories  |
| 9.18 | Informants   | 18.15    | Protective Custody   |
| 9.19 | Found Lost or Abandoned Property [(Amended 4/14/89)]           | 19.1     | Government Services Projects   |
| 10.2 | Special Management Inmates                                     | 19.2     | Community Services Projects  |
| 10.3 | Safekeepers  | 20.1     | Study Release  |
| 10.4 | Special Needs Inmates (Amended 6/15/89)                        | 20.6     | Vocational Study Release   |
| 11.2 | Nutritional Adequacy of the Diet for Inmates                   | 22.1     | Privilege Trips  |
| 11.3 | Special Diet Procedures [(Amended 4/14/89)]                    | 25.1     | Gratuities   |
| 13.1 | Pharmacy Policy and Formulary                                  | 25.2     | Public Official Notification of Release of an Inmate [(Amended 4/14/89)] |
| 13.2 | Health Maintenance Services                                    | 25.3     | Prerelease   |
| 13.3 | Medical Alert System   | 25.4     | Inmate Furloughs   |
| 13.4 | Health Program Audits  | 25.6     | Community Center Program [(Amended 4/14/89)]                             |
|      |  | 25.7     | Expedient Release  |
|      |  | 25.8     | Extended Furloughs   |
|      |  | 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	28-01-07	Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)
27-12-09	Casebook	28-01-08	Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)
27-12-10	Guidelines for Monitoring Supervision Fee [(Amended 4/14/89)]	28-01-09	Release of Information of Factual Content on Presentence/Postsentence Investigation Reports
27-12-11	Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority [(Amended 4/14/89)]	28-02-01	Expedient Release Program
27-12-12	Other Financial Obligations (Not Ordered by Releasing Authority)	28-03-01	Parole Plans/Halfway Houses/Extended Furlough/Sponsorship/Gradual Release [(Amended 4/14/89)]
27-12-13	Community Service Work	28-04-01	Furlough Verifications
27-12-14	Client Travel Restrictions [(Amended 4/14/89)]	28-05-01	Out-of-state Investigations
27-13-02	Alcohol Detection		
27-14-01	Interstate Compact Transfers		
27-14-02	Interstate Compact Out-of-state Probation and Parole Violation [(Amended 4/14/89)]		
27-15-01	Supervision Report; Violations, Unusual Incidents [(Amended 4/14/89)]		
27-16-01	Search; Seizure; Chain of Custody; Disposal of Evidence [(Added 4/14/89)]		
27-17-01	Absconder Procedures [(Amended 4/14/89)]		
27-18-01	Probation and Parole Issuance of Detainer/Warrant		
27-19-01	Preliminary Revocation Hearing [(Amended 4/14/89)]		
27-20-01	Division of Probation and Parole Controlled Intake Program [(Amended 4/14/89)]		
27-20-02	Prisoner Intake Notification		
27-20-03	Prisoner Status Change		
27-21-01	Apprehension and Transportation of Probation and Parole Violators		
27-22-01	Fugitive Unit - Apprehensions		
27-22-02	Fugitive Unit - Transportation of Fugitives		
27-23-01	In-state Transfer [(Amended 4/14/89)]		
27-24-01	Closing Supervision Report		
27-24-02	Reinstatement of Clients to Active Supervision		
27-25-01	Application for Final Discharge from Parole		
27-26-01	Assistance to Former Clients and Dischargees		
27-27-01	Restoration of Civil Rights		
27-28-01	Firearms/Explosives: Application for Relief from Disability		
27-29-01	Parole Review Dates Modification		
28-01-01	Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments) (Amended 6/15/89)		
28-01-02	Probation and Parole Investigation Reports (Administrative Responsibilities)		
28-01-03	Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure) (Amended 6/15/89)		
28-01-04	Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules) (Amended 6/15/89)		
28-01-05	Probation and Parole Investigation Reports (Computation of Jail Custody Credit) (Amended 6/15/89)		
28-01-06	Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts)		

JOHN T. WIGGINTON, Secretary  
 APPROVED BY AGENCY: June 15, 1989  
 FILED WITH LRC: June 15, 1989 at 11 a.m.  
 PUBLIC HEARING: A public hearing on this regulation has been scheduled for July 24, 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: 2319 employees of the Corrections Cabinet, 7536 inmates, 10,922 parolees and probationers, and all visitors to state correctional institutions.  
 (a) Direct and indirect costs or savings to those affected:  
 1. First year: None  
 2. Continuing costs or savings: None  
 3. Additional factors increasing or decreasing costs (note any effects upon competition): None  
 (b) Reporting and paperwork requirements: None  
 (2) Effects on the promulgating administrative body:  
 (a) Direct and indirect costs or savings:  
 1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.  
 2. Continuing costs or savings: Same as 2(a)1.  
 3. Additional factors increasing or decreasing costs: Same as 2(a)1.  
 (b) Reporting and paperwork requirements: Monthly submission of policy revisions.  
 (3) Assessment of anticipated effect on state and local revenues: None  
 (4) Assessment of alternative methods; reasons why alternatives were rejected: None  
 (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None  
 (a) Necessity of proposed regulation if in conflict:  
 (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:  
 (6) Any additional information or comments: None  
 TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

**CORRECTIONS CABINET**  
**(Proposed Amendment)**

**501 KAR 6:030. Kentucky State Reformatory.**

RELATES TO: KRS Chapters 196, 197, 439

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 June 15 [May 15], 1989 and hereinafter should be referred to as Kentucky State Reformatory Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

- |              |   |              |  |
|--------------|---|--------------|--|
| KSR 01-00-09 | Public Information and News Media Relations   | KSR 09-00-14 | Use of Force   |
| KSR 01-00-10 | Entry Authorization for All Cameras and Tape Recorders Brought into the Institution                                   | KSR 09-00-21 | Crime Scene Camera   |
| KSR 01-00-14 | Extraordinary Occurrence Report   | KSR 09-00-22 | Collection, Preservation, and Identification of Physical Evidence  |
| KSR 01-00-15 | Cooperation and Coordination with Oldham County Court   | KSR 09-00-23 | Drug Abuse Testing   |
| KSR 01-00-19 | Personal Service Contract Personnel   | KSR 09-00-25 | Inmate Motor Vehicle Operator's License  |
| KSR 01-00-20 | Consent Decree Notification to Inmates  | KSR 09-00-26 | Contraband Outside Institutional Perimeter   |
| KSR 02-00-01 | Inmate Canteen  | KSR 09-00-27 | Construction Crew Entry/Exit   |
| KSR 02-00-03 | Screening Disbursements from Inmate Personal Accounts [(Amended 5/15/89)]   | KSR 09-00-28 | Restricted Areas   |
| KSR 02-00-11 | Inmate Personal Accounts  | KSR 10-00-01 | Unit D - Staffing Pattern, Staff Allocation, Position Description, Staff Selection, Training and Evaluation, Time and Attendance, and Unit Personnel Records |
| KSR 02-00-12 | Institutional Funds and Issuance of Checks [(Amended 5/15/89)]  | KSR 10-00-02 | Unit D - General Operational Procedures  |
| KSR 04-00-02 | Staff Training and Development  | KSR 10-00-03 | Unit D - Inmate Tracking System and Records System   |
| KSR 05-00-01 | Officers' Daily Housing Security and Safety Log   | KSR 10-00-04 | Unit D - Administrative Segregation  |
| KSR 05-00-02 | Research Activities   | KSR 10-00-05 | Unit D - Disciplinary Segregation  |
| KSR 05-00-03 | Management Information Systems  | KSR 10-00-06 | Unit D - Protective Custody  |
| KSR 06-00-01 | Inmate Master File  | KSR 10-00-07 | Unit D - Geriatrics  |
| KSR 06-00-02 | Records Audit   | KSR 10-00-08 | Unit D - Safekeepers   |
| KSR 06-00-03 | Kentucky Open Records Law and Release of Psychological/Psychiatric Information  | KSR 10-00-09 | Unit D - Hold Ticket Residents   |
| KSR 07-00-02 | Institutional Tower Room Regulations  | KSR 10-00-10 | Unit D - Inmate Legal Access   |
| KSR 07-00-04 | Handling of PCB Articles and Containers   | KSR 10-00-11 | Unit D - Behavior Problem Control  |
| KSR 07-00-05 | Proper Removal of Transformers  | KSR 10-00-12 | Unit D - Designated Staff Visits   |
| KSR 07-00-06 | Asbestos Abatement  | KSR 10-00-13 | Unit D - Property Room Access  |
| KSR 08-00-07 | Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family                              | KSR 11-00-01 | Meal Planning for the General Population (Amended 6/15/89)   |
| KSR 08-00-08 | Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery | KSR 11-00-02 | Special Diets  |
| KSR 08-00-09 | Emergency Preparedness Training   | KSR 11-00-03 | Food Service Inspections   |
| KSR 08-00-10 | Hazardous Chemicals and Material Safety Data Sheet  | KSR 11-00-04 | Dining Room Dress Code for Inmates   |
| KSR 09-00-04 | Horizontal Gates/Box 1 Entry and Exit Procedure   | KSR 11-00-06 | Health Standards/Regulations for Food Service Employees  |
| KSR 09-00-05 | Gate I Entrance and Exit Procedure  | KSR 11-00-07 | Early Chow Line Passes for Medically Designated Inmates  |
| KSR 09-00-09 | Contraband, Dangerous Contraband and Search Policy  | KSR 12-00-01 | Inmate Summer Dress Regulations  |
|              |   | KSR 12-00-02 | Sanitation and General Living Conditions   |
|              |   | KSR 12-00-03 | State Items Issued to Inmates  |
|              |   | KSR 12-00-07 | Regulations for Inmate Barbershop  |
|              |   | KSR 13-00-01 | Identification of Mentally Retarded Inmates  |
|              |   | KSR 13-00-02 | Hospital Operations, Rules and Regulations [(Amended 5/15/89)]   |
|              |   | KSR 13-00-03 | Medication for Inmates Leaving Institution Grounds [(Amended 5/15/89)]   |
|              |   | KSR 13-00-04 | Medical and Dental Care [(Added 5/15/89)]  |
|              |   | KSR 13-00-06 | Infection Control  |
|              |   | KSR 13-00-07 | Referral of Inmates Considered to Have Severe Emotional Disturbances   |
|              |   | KSR 13-00-08 | Institutional Laboratory Procedures  |
|              |   | KSR 13-00-09 | Institutional Pharmacy Procedures [(Amended 5/15/89)]  |
|              |   | KSR 13-00-10 | Requirements for Medical Personnel [(Amended 5/15/89)]   |
|              |   | KSR 13-00-11 | Preliminary Health Evaluation and Establishment of Inmate Medical Record   |
|              |   | KSR 13-00-12 | Vision Care/Optommetry Services  |
|              |   | KSR 13-00-14 | Periodic Health Examinations for Inmates   |
|              |   | KSR 13-00-15 | Medical Alert System   |
|              |   | KSR 13-00-16 | Suicide Prevention and Intervention Program  |
|              |   | KSR 14-00-01 | Inmate Rights  |
|              |   | KSR 14-00-02 | A/C Center and Unit D Inmate Access to Legal Aide Services   |
|              |   | KSR 14-00-04 | Inmate Grievance Procedure   |
|              |   | KSR 14-00-05 | Inmate Marriages   |

KSR 14-00-06 Inmate Legal Aides  
 KSR 15-00-01 Operational Procedures and Rules and Regulations for Unit A, B, and C  
 KSR 15-00-02 Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)  
 KSR 15-00-04 Restoration of Forfeited Good Time  
 KSR 15-00-05 Differential Status for SU (QUIT) Inmates  
 KSR 15-00-06 Inmate I.D. Cards  
 KSR 15-00-07 Inmate Rules and Discipline - Adjustment Committee Procedures  
 KSR 15-00-08 Firehouse Living Area  
 KSR 16-00-01 Visiting Regulations  
 KSR 16-00-02 Inmate Correspondence and Mailroom Operations  
 KSR 16-00-03 Inmate Access to Telephones  
 KSR 17-00-01 Housing Unit Assignment - Assessment/Classification Center  
 KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting  
 KSR 17-00-04 Assessment/Classification Center Operations, Rules and Regulations  
 KSR 17-00-05 Dormitory 10 Operations  
 KSR 17-00-06 Identification Department Admission and Discharge Procedures  
 KSR 17-00-07 Inmate Personal Property  
 KSR 17-00-08 Repair of Inmate Owned Appliances by Outside Dealers (Added 6/15/89)  
 KSR 18-00-04 Returns from Other Institutions  
 KSR 18-00-05 Transfer of Residents to Kentucky Correctional Psychiatric Center, and Referral Procedure for Residents Adjudicated Guilty but Mentally Ill  
 KSR 18-00-06 Classification and Special Notice Form  
 KSR 19-00-01 Inmate Work Incentives  
 KSR 19-00-02 On-the-job Training Program  
 KSR 19-00-03 Safety Inspections of Inmate Work Assignment Locations  
 KSR 20-00-01 Vocational School Referral and Release Process  
 KSR 20-00-03 Academic School Programs  
 KSR 20-00-04 Criteria for Participation in Jefferson Community College Program  
 KSR 20-00-08 Integration of Vocational and Academic Education Programs  
 KSR 21-00-01 Legal Aide Office and Law Library Services and Supervision  
 KSR 21-00-02 Inmate Library Services  
 KSR 21-00-03 Library Services for Unit D  
 KSR 22-00-03 Inmate Organizations  
 KSR 22-00-07 Inmate News Magazine  
 KSR 23-00-02 Chaplain's Responsibility and Inmate Access to Religious Representatives  
 KSR 23-00-03 Religious Programming  
 KSR 25-00-01 Discharge of Residents to Hospital or Nursing Home  
 KSR 25-00-02 Violations of Law or Code of Conduct by Inmates on Parole Furlough  
 KSR 25-00-03 Preparole Progress Report

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: June 15, 1989

FILED WITH LRC: June 15, 1989 at noon

PUBLIC HEARING: A public hearing on this regulation has been scheduled for July 24, 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: 542 employees of the Kentucky State Reformatory, 1317 inmates, and all visitors to state correctional institutions.

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

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

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

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

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

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

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

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

#### CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:040. Kentucky State Penitentiary.

RELATES TO: KRS Chapters 196, 197, 439

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

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

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

KSP 000000-06 Administrative Regulations

KSP 010000-04 Public Information and Media Communication



KSP 020000-15 Legal Assistance  
 KSP 030000-01 Inventory Records and Control  
 KSP 030000-04 Requisition and Purchase of Supplies and Equipment  
 KSP 030000-05 Inmate Personal Funds (Amended 6/15/89)  
 KSP 030000-06 Inmate Commissary Program (Amended 6/15/89)  
 KSP 040000-01 Management Information System  
 KSP 040000-02 Inmate Records  
 KSP 040000-08 Inmate Equal Opportunity Policy  
 KSP 050000-14 Searches and Preservation of Evidence  
 KSP 060000-01 Special Security Unit  
 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  
 KSP 100000-05 Procedures for Providing Clothing, Linens and Other Personal Items  
 KSP 100000-06 Inmate Mail and Packages  
 KSP 100000-07 Inmate Telephone Access  
 KSP 100000-08 Behavioral Counseling Record  
 KSP 100000-09 Due Process/Disciplinary Procedures  
 KSP 100000-11 Authorized and Unauthorized Inmate Property  
 KSP 100000-14 Property Room: Clothing Storage and Inventory  
 KSP 100000-15 Uniform Cell Standards for Fire Safety, Sanitation and Security  
 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 [(Amended 5/15/89)]  
 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  
 KSP 120000-08 Inmate Furloughs  
 KSP 120000-11 Religious Services - Staffing  
 KSP 120000-18 Religious Services - Religious Programming  
 KSP 120000-20 Marriage of Inmates  
 KSP 120000-31 Extended Furloughs  
 KSP 120000-32 Discharge of Inmates by Shock Probation  
 KSP 130000-10 Execution Plan

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: June 15, 1989

FILED WITH LRC: June 15, 1989 at noon

PUBLIC HEARING: A public hearing on this regulation has been scheduled for July 24, 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: 355 employees of the Kentucky State Penitentiary, 794 inmates, and all visitors to state correctional institutions.

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

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

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

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

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

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

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

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

EDUCATION AND HUMANITIES CABINET  
 Department of Education  
 Office of Administration and Finance  
 (Proposed Amendment)

702 KAR 4:050. Building sites; inspection, approval.

RELATES TO: KRS 156.160, 162.010, 162.060

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board for Elementary and Secondary [of] Education to prescribe regulations relative to sanitary and protective construction of public school buildings; KRS 162.010 requires fee simple title to school property; and KRS 162.060 requires plan and specification approval for school construction by the Superintendent of Public Instruction. This regulation provides for the location of school buildings in accordance with the program approved by the Superintendent of Public Instruction.

Section 1. (1) The Superintendent of Public Instruction shall cause an inspection to be made of each proposed school building site or proposed real property acquisition including site addition upon written request of the local board of education. Site approval shall [must] be given by the Superintendent of Public Instruction prior to any purchase or commitment to purchase, except that an option-to-purchase which in no way obligates purchaser, may be executed to assure availability of site during this approval procedure. All school sites shall be in agreement with the current educational facilities plan except that a local board of education may request approval of the Superintendent of Public Instruction to acquire a school site in a rapidly growing area where the existing school(s) cannot accommodate the increased student population and a new school may be proposed in a future facility plan by the Department of Education. However, no site preparation or construction shall take place prior to the time such proposed new school is a part of the facility plan. The site [survey recommendations as approved by the Superintendent of Public Instruction and] shall have the approval of the Superintendent of Public Instruction prior to initiation of an application for approval of a construction project.

(2) In determining the location of an acceptable site, the term "in the vicinity of," as used in educational facilities plans, shall be defined as within a one (1) mile radius of a specific point or the main highway intersection (center) of a city or one (1) mile beyond any two (2) specific points referenced in the facility plan priority. No site shall be approved which exceeds the one (1) mile limit.

Section 2. The minimum size of school sites shall be as follows:

(1) Elementary school: five (5) acres plus an additional acre for each 100 or fraction of 100 students of anticipated enrollment.

(2) Middle school, junior high school, and high school: ten (10) acres plus an additional acre for each 100 or fraction of 100 students of anticipated enrollment.

(3) Any deviation from subsections (1) and (2) of this regulation shall be made only after investigation and approval by the Superintendent

of Public Instruction.

Section 3. Prior to contracting for the purchase of a school site, it shall be determined by the local board of education that the following conditions can be met and assurances will be given in writing to the Superintendent of Public Instruction prior to his approval to acquire the site.

(1) A fee simple title shall be obtained in conformance with KRS 162.010. A copy of the deed and attorney's title certificate shall be furnished the Superintendent of Public Instruction for approval of the title to the site.

(2) Assurances that an adequate water supply and sewage disposal can be approved by the Department of Natural Resources and Environmental Protection and the Fire Marshal's office having jurisdiction.

(3) Assurances of adequate access to public roads or streets to accommodate anticipated school traffic.

(4) A copy of a plat of the site survey showing any easements prepared by a registered land surveyor.

(5) Certification by a registered architect, engineer or land surveyor that the site or site addition is above the 100-year flood plain. New building construction, additions or major renovation to existing buildings on land presently owned shall be approved only if it is designed in such a manner that all instructional space and the building systems are at an elevation above the 100-year flood plain. A "major renovation" is a renovation of three (3) or more building systems in a permanent center with a total cost of more than twenty (20) percent of the current replacement cost of the building. The building may be the entire permanent center or a clearly definable portion of the center (such as, 1973 addition, senior high wing, or physical education facility). The renovation shall have been identified in a district facility plan as a priority in order to be allowed. Building systems are defined as foundations, exterior walls, roofing, ceilings, structural, mechanical (HVAC), electrical (including lighting), plumbing, sewage and storm water disposal, doors and hardware, windows, floor coverings, and fixed equipment. The renovation shall also meet the criteria set forth in the School Durability section of the School Facilities Construction Criteria adopted by 702 KAR 1:010 and consist of work that extends the useful life of the structure and work that is not considered as routine maintenance. ["Major renovation" shall mean alterations within any period of twelve (12) months, requiring the submission of a BG-1 application, and involving any three (3) or more of the building systems, with a combined cost exceeding \$100,000; "building systems" include foundations, exterior walls, roofing, ceilings, structural, mechanical (HVAC), electrical (including lighting), plumbing, sewage, doors and hardware, windows, floor coverings, and fixed equipment.]

Section 4. (1) A local board of education desiring approval of a site shall request such approval of the Superintendent of Public Instruction. If all assurances and requirements are in order and meet the limitations of the facility plan, the Superintendent of Public

Instruction may approve the site. If questions exist, the Superintendent of Public Instruction shall require the requesting school district to contract with an architectural or engineering firm licensed to operate in the Commonwealth of Kentucky. The firm designated by the Superintendent of Public Instruction shall be from a list approved by the State Board for Elementary and Secondary Education contracted to perform a study of such proposed site(s). Such study shall include the following: estimated costs for site development including utilities to provide required infrastructures, necessary road access including traffic impact and analysis, geotechnical report including a soils analysis and requirements for soils compaction or special footing requirements, and any hazardous conditions. Cost of the study shall be borne by the requesting school district and shall be payable upon receipt and approval of same by the Superintendent of Public Instruction. The State Superintendent of Public Instruction may waive the requirements for the study in expansions of existing school sites where proposed construction is not anticipated. The architectural or engineering firm conducting the study shall not be eligible to contract to design any construction activities for that priority project. Acquisition and site preparation costs of the local school board noted above shall be ten (10) percent or less than maximum budget for the project. Such costs exceeding ten (10) percent the maximum budget shall require the approval of the State Board for Elementary and Secondary Education. Sites already owned by the school district that meet criteria of the facility plan shall be included in site approval requests and may be subject to the required study.

(2) Once a site has been designated an approvable site, the local board of education shall obtain a written option of sufficient duration approved by the Superintendent of Public Instruction on all approvable sites under consideration until final approval of a specific site has been made in writing by the Superintendent of Public Instruction.

(3) In the event that a local board of education has exhausted the time periods established by the School Facility Construction Commission and has not been able to identify a site that meets the appropriate criteria for approval, the State Superintendent of Public Instruction shall take the action necessary based upon the required site investigation to identify and approve a school site. This identification process shall include requesting the school district to contract with an architectural or engineering firm as described above for site analysis.

Section 5. [4.] A local board of education shall obtain title insurance, in an amount equal to the current appraised value of the property, from an acceptable title insurance company on property acquired for a school site in compliance with KRS 162.010. A copy of the title insurance shall be forwarded with a copy of the fee simple deed to the Superintendent of Public Instruction within sixty (60) days from the date of the deed.

Section 6. [5.] A permanent monument (four (4) by four (4) by eighteen (18) inches deep concrete with a brass pin) shall be set in the

boundary line of the site at a point which will provide a starting point for initial and final plot of metes and bounds which will circumscribe the site.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: March 9, 1989

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

PUBLIC HEARING: A public hearing has been scheduled on Thursday, July 25, 1989 at 1 p.m. (EDT) in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulation adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before July 20, 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: Mike Lushcer

(1) Type and number of entities affected: None

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: Local districts would be required to pay cost of study.

(4) Assessment of alternative methods; reasons why alternatives were rejected:

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

#### PUBLIC PROTECTION AND REGULATION CABINET Department of Financial Institutions Division of Securities (Proposed Amendment)

808 KAR 10:210. Registration exemptions - Federal Regulation D.

RELATES TO: KRS 292.410(1)

STATUTORY AUTHORITY: KRS 292.500(3)

NECESSITY AND FUNCTION: To declare that registration is not necessary in the public interest for certain business transactions pursuant to KRS 292.410(1)(q).

Section 1. Pursuant to KRS 292.410(1)(q), the

director having found that registration is not necessary or appropriate in the public interest or for the protection of investors, the following transaction is determined to be exempt from the registration provisions of KRS 292.340 through KRS 292.390.

(1) Any offer or sale of securities offered or sold in compliance with Securities Act of 1933, Regulation D, [Rules 230.501-230.503 and] either 230.505 or 230.506, including any offer or sale made exempt by application of Rule 508(a), as made effective in Release No. 33-6389 and as amended in Release Nos. 33-6347, 33-6663, 33-6758, 33-6825 and which satisfies the following further conditions and limitations:

(a) Persons receiving commissions, finders fees, or other remuneration in connection with sales of securities in reliance on this regulation are not relieved of compliance with KRS 292.330.

(b) No exemption under this rule shall be available for the securities of any issuer, if any of the parties and/or persons described in Securities Act of 1933, Regulation A, Rule 230.252, Sections (c), (d), (e) or (f):

1. Has filed a registration statement which is the subject of a currently effective stop order entered pursuant to any state's law within five (5) years prior to the commencement of the offering.

2. Has been convicted within five (5) years prior to commencement of the offering of any felony or misdemeanor in connection with the purchase or sale of any security or any felony involving fraud or deceit including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud.

3. Is currently subject to any state's administrative order or judgment entered by that state's securities administrator within five (5) years prior to reliance on this exemption or is subject to any state's administrative order or judgment in which fraud or deceit was found and the order or judgment was entered within five (5) years of the expected offer and sale of securities in reliance upon this exemption.

4. Is currently subject to any state's administrative order or judgment which prohibits the use of any exemption from registration in connection with the purchase or sale of securities.

5. Is subject to any order, judgment or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction, entered within five (5) years prior to the commencement of the offering permanently restraining or enjoining, such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with any state.

6. The prohibitions of subparagraphs 1 through 3 and 5 of this paragraph shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against such person or if the broker/dealer employing such person is licensed or registered in this state and the Form BD filed with this state discloses the order, conviction, judgment or decree relating to such person.

7. Any disqualification caused by this section is automatically waived if the state which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied. It is a defense to a violation of this subsection if issuer sustains the burden of proof to establish that he or she did not know and in the exercise of reasonable care could not have known that a disqualification under the subsection existed.

(c) The issuer shall file with the Division of Securities a notice on Form D (17 CFR 239.500) no later than fifteen (15) days after the first sale of securities from this state or to an investor in this state which results from an offer being made in reliance upon this exemption.

1. Every notice on Form D shall be manually signed by a person duly authorized by the issuer.

2. Any information furnished by the issuer to offerees shall be filed with the notice required pursuant to this paragraph and, if such information is altered in any way during the course of the offering, the Division of Securities shall be notified of such amendment within fifteen (15) days after an offer using such amended information.

3. There is no filing fee.

4. In the event that the issuer files any additional documents with the United States Securities and Exchange Commission subsequent to its initial filing, copies of same shall be filed with the Division of Securities.

(d) In all sales to nonaccredited investors the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that both of the following conditions are satisfied:

1. The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situations and needs. For the limited purpose of this condition only, it may be presumed that if the investment does not exceed ten (10) percent of the investor's net worth, it is suitable.

2. The purchaser either alone or with his/her purchaser representative(s) has such knowledge and experience in financial and business matters that he/she is or they are capable of evaluating the merits and risk of the prospective investment.

(2) A failure to comply with a term, condition or requirement of subsection (1)(a), (c) and (d) of this section will not result in loss of the exemption for any new offer or sale to a particular individual or entity if the person relying on the exemption shows:

(a) The failure to comply did not pertain to a term, condition or requirement directly intended to protect that particular individual or entity; and

(b) The failure to comply was insignificant with respect to the offering as a whole; and

(c) A good faith and reasonable attempt was made to comply with all applicable terms, conditions and requirements of subsection (1)(a), (c) and (d) of this section.

(3) Where an exemption is established only through reliance upon subsection (2) of this section, the failure to comply shall nonetheless be actionable by the director.

(4) [(2)] Offers and sales which are exempt under this rule may not be combined with offers

and sales exempt under any other rule or section of this Act, however, nothing in this limitation shall act as an election. Should for any reason the offers and sales fail to comply with all of the conditions for this exemption, the issuer may claim the availability of any other applicable exemption.

(5) [(3)] Nothing in this exemption is intended to or should be construed as in any way relieving issuers or persons acting on behalf of issuers from providing disclosure to prospective investors adequate to satisfy the antifraud provisions of this state's securities law.

(6) [(4)] In any proceeding involving this rule, the burden of proving the exemption or an exception from a definition or condition is upon the person claiming it.

(7) [(5)] In view of the objective of this rule and the purpose and policies underlying the securities act, the exemption is not available to any issuer with respect to any transaction which, although in technical compliance with this rule, is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this rule.

RONDA S. PAUL, Director

EDWARD B. HATCHETT, JR., Commissioner

APPROVED BY AGENCY: June 14, 1989

FILED WITH LRC: June 14, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on July 21, 1989 at 10 a.m. at the Department of Financial Institutions, Division of Securities, 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by July 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 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: Thomas W. Stout, General Counsel, Department of Financial Institutions, Office of General Counsel, 911 Leawood Drive, Frankfort, Kentucky 40601 (502) 564-3390.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Thomas W. Stout

(1) Type and number of entities affected: Persons utilizing Federal Regulation D of the Securities and Exchange Commission. Number indeterminable.

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

1. First year: Indeterminable. Expansion of scope of exemption should reduce potential litigation.

2. Continuing costs or savings: Maintains Kentucky conformity with federal regulation. Reduces potential litigation.

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: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: 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: Kentucky requirements will be consistent with new federal procedures. Protection of investing public will not be compromised.

TIERING: Was tiering applied? No. Tiering was not applied because the federal regulation governing the subject matter of this regulation requires uniform availability of exemption to offerees. There are no costs to be allocated.

#### PUBLIC PROTECTION & REGULATION CABINET Department of Housing, Buildings & Construction Division of Fire Prevention (Proposed Amendment)

#### 815 KAR 15:010. Definitions.

RELATES TO: KRS 236.030

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 236.030 requires the commissioner, upon advisement of the Board of Boiler and Pressure Vessel Rules, to fix reasonable standards for the safe construction, installation, inspection and repair of boilers, pressure vessels and pressure piping. This regulation sets forth the definitions used in the boiler safety regulations. This amendment alphabetizes these definitions and no substantive changes were made.

Section 1. Definitions, as used in the Boiler and Pressure Vessel Safety Rules. (1) "Act" shall mean the Kentucky Boiler and Pressure Vessel Safety Act, KRS Chapter 236.

(2) "ANSI" means the American National Standards Institute.

(3) "Approved" shall mean approved by the Board of Boiler Rules and the commissioner of the department, or the chief boiler inspector.

(4) "ASME Boiler and Pressure Vessel Code" shall mean the 1980 edition of the: Power Boiler Code Section I; the Nuclear Vessel Code, Section III; Heating Boiler Code, Section IV; Pressure Vessel Code, Section VIII, Division I; plus referencing Codes Section II, Material Specifications; Section IX, Welding and Brazing; and Section V, Nondestructive Examination; including all code cases and addenda of the American Society of Mechanical Engineers United Engineering Center. Said copies shall be on file for review at the department's offices, U.S. 127 South Building, Frankfort, Kentucky, Monday through Friday from 8 a.m. to 4:30 p.m.

(5) "Board of Boiler and Pressure Vessel

Rules" as defined by KRS 236.010.

(6) "Boiler" as defined by KRS 236.010.

(7) "Boiler Inspection Section" shall mean the agency, within the Division of Fire Prevention (Office of State Fire Marshal), Department of Housing, which supervises the implementation of KRS Chapter 236.

(8) "Boiler inspector" shall mean any person employed by the Commonwealth of Kentucky for the purpose of inspecting boilers and pressure vessels in accordance with provisions of the Act. Qualifying requirements are set forth in KRS 236.070 and 236.090. These requirements shall determine the applicant's ability to pass the National Board of Boiler and Pressure Vessel Inspectors examination. Successful completion of this written examination and granting of a National Board Commission is a requisite for permanent appointment as boiler inspector employed by the Commonwealth of Kentucky.

(9) "Boiler safety regulations" or "boiler safety rules" shall mean 815 KAR 15:010 to 815 KAR 15:085.

(10) "Certificate of inspection" as defined by KRS 236.010.

(11) "Chief boiler inspector" shall mean the person employed by the Commonwealth of Kentucky who shall supervise the work of the boiler inspectors and office staff under the general supervision of the State Fire Marshal and perform such other duties as may be prescribed.

(12) "Code boiler or pressure vessel (or standard boiler or pressure vessel)" shall mean a boiler or pressure vessel which bears the ASME Code Symbol stamp, or the National Board stamp. (See also "state special".)

(13) "Commission" shall mean the written credential issued by the department to an inspector or special inspector under the provisions of KRS 236.070 or 236.080.

(14) "Commissioner" as defined by KRS 236.010.

(15) "Condemned boiler or pressure vessel" shall mean a boiler or pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector, qualified to take such action, who has applied a stamping or marking designating its rejection.

(16) "Department" as defined by KRS 236.010.

(17) "Electric boiler" means a power boiler, heating boiler, high or low-temperature water boiler in which the source of heat is electricity.

(18) "Existing installations" shall mean and include any boiler or pressure vessels constructed, installed, placed in operation, or contracted for before June 1, 1962 and July 15, 1980, respectively.

(19) "Expansion tank" shall mean a pressure vessel, unfired but directly connected to a hot water heating boiler to absorb or cushion expansion therein and subject to comparable pressure with the boiler itself.

(20) "External inspection" shall mean an inspection made when a boiler or pressure vessel is in operation and under pressure.

(21) "Fired jacketed steam kettles" shall mean vessels in which steam pressure is generated and shall be classed as a boiler.

(22) "Heat recovery boiler" (see "process steam generator").

(23) "High temperature water boiler" as defined by KRS 236.010.

(24) "Hot water heating boiler" means a boiler in which no steam is generated, from which hot

water is circulated for heating purposes and then returned to the boiler, and which operates at a pressure not exceeding 160 psig or a temperature of 250 degrees Fahrenheit at or near the boiler outlet.

(25) "Hot water storage tank" shall mean a pressure vessel, unfired but directly connected to and subject to the same pressures as a companion hot water supply boiler, the combination being used to heat and store hot water for use externally to itself.

(26) "Hot water supply boiler" shall mean a boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or at temperatures not exceeding 250 degrees Fahrenheit at or near the boiler outlet.

(27) "Inspector" shall mean either "boiler inspector" or "special boiler inspector."

(28) "Internal inspection" shall mean an inspection made when a boiler or pressure vessel is shut down and hand holes or man ways open for inspection of internal portions of the boiler or pressure vessel insofar as construction permits.

(29) "Lined potable water heater" means a water heater with a corrosion resistant lining used to supply potable hot water.

(30) "Major repair" shall mean such repairs as would affect the strength of a boiler or pressure vessel by cutting and welding on any pressure part.

(31) "Miniature boiler" shall mean a power boiler or high temperature water boiler which does not exceed any of the following:

(a) Sixteen (16) inches inside diameter of shell (not applicable to electric boilers).

(b) Twenty (20) square feet heating surface.

(c) Five (5) cubic feet gross exclusive of casing and insulation.

(d) 100 pounds PSI maximum allowable working pressure.

(32) "National Board (NB)" shall mean the National Board of Boiler and Pressure Vessel Inspectors whose headquarters are at 1055 Crupper Avenue, Columbus, Ohio 43229 and who have also issued a National Board Inspection Code.

(33) "Noncode boiler or pressure vessel (or nonstandard boiler or pressure vessel)" shall mean a boiler or pressure vessel that does not bear the ASME, or the National Board stamp. (See also "state special".)

(34) "Nuclear energy system" shall mean that portion of a power plant that serves the purpose of producing and controlling output of thermal energy from nuclear fuel.

(35) "Nuclear power plant" means a nuclear power plant consisting of one (1) or more nuclear power systems and containment systems.

(36) "Nuclear power systems" means a system which serves the purpose of producing and controlling an output of thermal energy from nuclear fuel and those associated systems essential to the functions of the power system. The components of the system include such items as pressure vessels, piping system, pumps, valves and storage tanks.

(37) "Nuclear vessel" shall mean a pressure vessel designed and constructed in accordance with Section III of ASME Boiler and Pressure Vessel Code.

(38) "Owner or user" shall mean any person, firm, or corporation owning or operating any boiler or pressure vessel within this Commonwealth.



(39) "Power boiler" shall mean as defined by KRS 236.010.

(40) "Pressure piping" shall mean any piping, (steam, vapor or water) carrying pressures emanating from a power or heating boiler or pressure vessel and of substantially the same pressures and temperatures as encountered in the boiler or pressure vessel. It includes code piping as covered under the ASME Boiler and Pressure Vessel Code, Sections I and IV; Unfired Pressure Vessel Code, Section VIII, Division I and the Power Piping Code ANSI B-31.1.

(41) "Pressure vessel" as defined by KRS 236.010.

(42) "Process steam generator" means a vessel or system of vessels comprised of one (1) or more drums and one (1) or more heat exchange surfaces as used in waste heat or heat recovery type steam boilers.

(43) "PSI (psi)" means pounds per square inch.

(44) "PSIG (psig)" means pounds per square inch gauge.

(45) "Reinstalled boiler or pressure vessel" shall mean a boiler or pressure vessel removed from its original setting and reerected at the same location or erected at a new location without change of ownership.

(46) "Secondhand boiler or pressure vessel" shall mean a boiler or pressure vessel of which both the location and ownership have been changed after primary use.

(47) "Special boiler inspector" shall mean any person employed by an insurance company authorized to insure boilers and pressure vessels in this Commonwealth and who holds a commission as provided for in KRS 236.080.

(48) "State" or "Commonwealth" as used herein shall be synonymous.

(49) "State special" shall mean a boiler of any type or size defined under this section or under these regulations and which carries neither the ASME Boiler and Pressure Vessel Code symbol nor National Board stamping may be acceptable to the boiler inspection section provided the manufacturer, installer, or owner can prove conclusively to the satisfaction of the chief boiler inspector that the standard to which the boiler or pressure vessel is built is at least equivalent to the applicable ASME Boiler and Pressure Vessel Code. Acceptable methods of proof will be as set forth in 815 KAR 15:020, Section 1(2).

(50) "Underwriters laboratory label" shall mean the label of the Underwriters Laboratories, Inc., or other electrical testing laboratories, approved by the Board of Boiler Rules which must be affixed to all electric fired boilers. Other electrical testing laboratories labeling may be affixed to an electrical boiler provided they are approved by the department.

(51) "Unfired steam boiler" means a vessel or system of vessels intended for operation at a pressure in excess of fifteen (15) psig for the purpose of producing and controlling an output of thermal energy.

(52) "Water heater" means a closed vessel in which water is heated by the combustion of fuels, electricity or any other source and withdrawn for use external to the system at pressures not exceeding 160 psig and shall include all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit.

(53) "Waste heat boiler" (see "unfired steam boiler").

[(1) "Act" shall mean the Kentucky Boiler and Pressure Vessel Safety Act, KRS Chapter 236.]

[(2) "Department" shall mean the Department of Housing, Buildings and Construction hereinafter called the Department of Housing.]

[(3) "Commissioner" shall mean the Commissioner of the Department of Housing, Buildings and Construction.]

[(4) "Board of Boiler and Pressure Vessel Rules" shall mean the board created by the Act and empowered to make, alter, amend, and interpret rules and regulations for the safe construction, installation, inspection, and repair of boilers and pressure vessels and associated pressure piping within this Commonwealth.]

[(5) "Boiler Inspection Section" shall mean the agency, within the Division of Fire Prevention (Office of State Fire Marshal), Department of Housing, which supervises the implementation of KRS Chapter 236.]

[(6) "Chief boiler inspector" shall mean the person employed by the Commonwealth of Kentucky who shall supervise the work of the boiler inspectors and office staff under the general supervision of the State Fire Marshal and perform such other duties as may be prescribed.]

[(7) "Boiler inspector" shall mean any person employed by the Commonwealth of Kentucky for the purpose of inspecting boilers and pressure vessels in accordance with provisions of the Act. Qualifying requirements are set forth in KRS 236.070 and 236.090. These requirements shall determine the applicant's ability to pass the National Board of Boiler and Pressure Vessel Inspectors examination. Successful completion of this written examination and granting of a National Board Commission is a requisite for permanent appointment as boiler inspector employed by the Commonwealth of Kentucky.]

[(8)(a) "Special boiler inspector" shall mean any person employed by an insurance company authorized to insure boilers and pressure vessels in this Commonwealth and who holds a commission as provided for in KRS 236.080.]

[(b) "Inspector" shall mean either or both of the above.]

[(9) "Owner or user" shall mean any person, firm, or corporation owning or operating any boiler or pressure vessel within this Commonwealth.]

[(10) "Internal inspection" shall mean an inspection made when a boiler or pressure vessel is shut down and hand holes and/or man ways open for inspection of internal portions of the boiler or pressure vessel insofar as construction permits.]

[(11) "External inspection" shall mean an inspection made when a boiler or pressure vessel is in operation and under pressure.]

[(12) "Certificate of inspection" shall mean the certificate issued by the department to the owner or user following an inspection of a boiler or pressure vessel as provided for in KRS 236.210, otherwise known and referred to as an operating certificate.]

[(13) "Commission" shall mean the written credential issued by the department to an inspector or special inspector under the provisions of KRS 236.070 or 236.080.]

[(14) "ASME Boiler and Pressure Vessel Code" shall mean the 1980 edition of the: Power Boiler Code Section I; the Nuclear Vessel Code, Section III; Heating Boiler Code, Section IV; Pressure Vessel Code, Section VIII, Division I; plus

referencing Codes Section II, Material Specifications; Section IX, Welding and Brazing; and Section V, Non Destructive Examination; including all code cases and addenda of the American Society of Mechanical Engineers United Engineering Center. Said copy shall be on file at the department's offices, U.S. 127 Building, Frankfort, Kentucky.]

[(15) "National Board (NB)" shall mean the National Board of Boiler and Pressure Vessel Inspectors whose headquarters are at 1055 Crupper Avenue, Columbus, Ohio 43229 and who have also issued a National Board Inspection Code.]

[(16) "Code boiler or pressure vessel (or standard boiler or pressure vessel)" shall mean a boiler or pressure vessel which bears the ASME Code Symbol stamp, and/or the National Board stamp. (See also subsection (37) of this section.)]

[(17) "Noncode boiler or pressure vessel (or nonstandard boiler or pressure vessel)" shall mean a boiler or pressure vessel that does not bear the ASME, or the National Board stamp. (See also subsection (37) of this section.)]

[(18) "Secondhand boiler or pressure vessel" shall mean a boiler or pressure vessel of which both the location and ownership have been changed after primary use.]

[(19) "Existing installations" shall mean and include any boiler or pressure vessels constructed, installed, placed in operation, or contracted for before June 1, 1962 and July 15, 1980, respectively.]

[(20) "Reinstalled boiler or pressure vessel" shall mean a boiler or pressure vessel removed from its original setting and reerected at the same location or erected at a new location without change of ownership.]

[(21) "Condemned boiler or pressure vessel" shall mean a boiler or pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector, qualified to take such action, who has applied a stamping or marking designating its rejection.]

[(22) "Major repair" shall mean such repairs as would affect the strength of a boiler or pressure vessel by cutting and welding on any pressure part.]

[(23) "Approved" shall mean approved by the Board of Boiler Rules and the commissioner of the department, or the chief boiler inspector.]

[(24) "Boiler" shall mean a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use external to itself by the direct application of heat. The term "boiler" includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and complete within themselves.]

[(25) "Power boiler" shall mean a steam or vapor boiler operating at a pressure of more than fifteen (15) pounds per square inch gauge.]

[(26) "Process steam generator" means a vessel or system of vessels comprised of one or more drums and one or more heat exchange surfaces as used in waste heat or heat recovery type steam boilers.]

[(27) "High temperature water boiler" shall mean a boiler heating water at a temperature above 250 degrees Fahrenheit or a working pressure or safety relief valve setting above 160 PSI.]

[(28) "Miniature boiler" shall mean a power boiler or high temperature water boiler which does not exceed any of the following:]

[(a) Sixteen (16) inches inside diameter of shell (not applicable to electric boilers).]

[(b) Twenty (20) square feet heating surface.]

[(c) Five (5) cubic feet gross exclusive of casing and insulation.]

[(d) 100 pounds PSI maximum allowable working pressure.]

[(29) "Hot water supply boiler" shall mean a boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or at temperatures not exceeding 250 degrees Fahrenheit at or near the boiler outlet.]

[(30) "Hot water storage tank" shall mean a pressure vessel, unfired but directly connected to and subject to the same pressures as a companion hot water supply boiler, the combination being used to heat and store hot water for use externally to itself.]

[(31) "Fired jacketed steam kettles" shall mean vessels in which steam pressure is generated and shall be classed as a boiler.]

[(32) "Expansion tank" shall mean a pressure vessel, unfired but directly connected to a hot water heating boiler to absorb or cushion expansion therein and subject to comparable pressure with the boiler itself.]

[(33) "Nuclear vessel" shall mean a pressure vessel designed and constructed in accordance with Section III of ASME Boiler and Pressure Vessel Code.]

[(34) "Nuclear energy system" shall mean that portion of a power plant that serves the purpose of producing and controlling output of thermal energy from nuclear fuel.]

[(35) "Pressure piping" shall mean any piping, (steam, vapor or water) carrying pressures emanating from a power or heating boiler or pressure vessel and of substantially the same pressures and temperatures as encountered in the boiler or pressure vessel. It includes code piping as covered under ASME Boiler and Pressure Vessel Code, Sections I and IV, Unfired Pressure Vessel Code, Section III, Division I and the Power Piping Code ANSI B-31.1.]

[(36) "Underwriters laboratory label" shall mean the label of the Underwriters Laboratories, Inc., or other electrical testing laboratories, approved by the Board of Boiler Rules which must be affixed to all electric fired boilers. Other electrical testing laboratories labeling may be affixed to an electrical boiler provided they are approved by the department.]

[(37) "State special" shall mean a boiler of any type or size defined under this section or under these regulations and which carries neither the ASME Boiler and Pressure Vessel Code symbol nor National Board stamping may be acceptable to the boiler inspection section provided the manufacturer, installer, or owner can prove conclusively to the satisfaction of the chief boiler inspector that the standard to which the boiler or pressure vessel is built is at least equivalent to the applicable ASME Boiler and Pressure Vessel Code. Acceptable methods of proof will be as set forth in 815 KAR 15:020, Section 1(2).]

[(38) "State" or "Commonwealth" as used herein shall be synonymous.]

[(39) "Hot water heating boiler" means a boiler in which no steam is generated, from which hot water is circulated for heating



purposes and then returned to the boiler, and which operates at a pressure not exceeding 160 psig and/or a temperature of 250 degrees Fahrenheit at or near the boiler outlet.]

[(40) "Boiler safety regulations" or "boiler safety rules" shall mean 815 KAR 15:010 to 815 KAR 15:060.]

[(41) "Lined potable water heater" means a water heater with a corrosion resistant lining used to supply potable hot water.]

[(42) "Water heater" means a closed vessel in which water is heated by the combustion of fuels, electricity or any other source and withdrawn for use external to the system at pressures not exceeding 160 psig and shall include all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit.]

[(43) "Electric boiler" means a power boiler, heating boiler, high or low-temperature water boiler in which the source of heat is electricity.]

[(44) "Unfired steam boiler" means a vessel or system of vessels intended for operation at a pressure in excess of fifteen (15) psig for the purpose of producing and controlling an output of thermal energy.]

[(45) "Waste heat boiler" (See unfired steam boiler).]

[(46) "Heat recovery boiler" (See process steam generator).]

[(47) "Nuclear power plant" means a nuclear power plant consisting of one or more nuclear power systems and containment systems.]

[(48) "Nuclear power systems" means a system which serves the purpose of producing and controlling an output of thermal energy from nuclear fuel and those associated systems essential to the functions of the power system. The components of the system include such items as pressure vessels, piping system, pumps, valves and storage tanks.]

[(49) "Pressure vessel" means a vessel in which pressure is obtained from an external source or by the direct application of heat from a direct or indirect source.]

[(50) "ANSI" means the American National Standards Institute.]

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: June 12, 1989

FILED WITH LRC: June 15, 1989 at noon

PUBLIC HEARING: A public hearing on this regulation shall be held on July 21, 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 July 16, 1989, the hearing may be cancelled.

## REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

\*The definitions within this regulation were alphabetized in this amendment for clarification and easier reading. No other statutory changes were made, therefore, the answers to questions within this "Regulatory Impact Analysis" would be "None".

(1) Type and number of entities affected:

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues:

(4) Assessment of alternative methods; reasons why alternatives were rejected:

(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?

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

815 KAR 15:020. Administrative procedures; requirements.

RELATES TO: KRS Chapter 236

STATUTORY AUTHORITY: KRS 236.030, 236.120

NECESSITY AND FUNCTION: KRS 236.030 and 236.120 requires the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable fees and standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation specifies administrative procedures, fees and requirements of the boiler inspection section. This amendment clarifies the regulation as it applies to welding procedures and clarifies the intent of the regulation to require fees for repairs and new installations based upon the total cost of the installation or repair.

Section 1. Definitions. "ASME" means the American Society of Mechanical Engineers.

Section 2. [1.] Administration. (1) Manufacturers data report to be filed:

(a) Manufacturers data report on all boilers of steel construction and all pressure vessels which are to be operated in this state, unless exempted by KRS 236.060, shall be filed with the

national board.

(b) Details of boilers and pressure vessels of special design (not fully complying with ASME Boiler and Pressure Vessel Code) shall be submitted to the boiler section and approval secured before construction or field erection is started.

(2) When boilers or pressure vessels are designed and fabricated according to the requirements of the applicable sections of the ASME Boiler and Pressure Vessel Code, but are not stamped with the ASME Boiler and Pressure Vessel Code symbol stamp, individual handling is required for their installation. The prospective owner or user who desires jurisdiction authority acceptance must pursue the following procedure in each individual case:

(a) Prior to construction of the boiler or pressure vessel the proposed owner, user, or his authorized agent shall make written application for permission to install the boiler or pressure vessel in the State of Kentucky. The application may be by letter or application permit form of the jurisdiction and shall be directed to the Chief Boiler Inspector, Office of the State Fire Marshal, Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky 40601.

(b) He shall submit with the application letter or application permit the following data, material and information to establish ASME Boiler and Pressure Vessel Code equivalency:

1. Detailed shop drawings and welding details of the proposed construction. All materials shall be in the English language and United States units of measurements as used in the ASME Boiler and Pressure Vessel Codes.

2. Design calculation and supporting data which include pressure (psi), temperature (degrees Fahrenheit), use and other service conditions.

3. Specifications for all material to be used in construction. These should conform to the applicable ASME Boiler and Pressure Vessel Codes standards or their suitable equivalent. If reference is made to a standard or specification of a country other than the United States, please attach a copy and indicate how the material is considered equivalent.

4. Copies of: all welding procedures to be used, welding qualification test reports for each welding operator or welder to be used. The procedures and tests required in this paragraph shall be made in accordance with the ASME Boiler and Pressure Vessel Code, Section IX, "Welding Qualifications."

5. Where the design exceeds ASME Boiler and Pressure Vessel Code limitation, recognized engineering practices shall be used and identified in the submittal.

6. Design drawings and calculations shall be certified by a professional engineer holding a license acceptable to the boiler inspection section.

7. The manufacturer of the vessel shall identify the inspection agency whose personnel will make the shop inspections and sign the manufacturer's data reports for the proposed vessel.

8. The shop inspection agency shall furnish the qualifications and experience of the individual inspector or inspectors assigned to make the shop inspections and shall give his jurisdiction commission number.

(c) All details mentioned in paragraphs (a)

and (b) of this subsection must be acceptable to the Boiler Inspection Section, Department of Housing, Buildings and Construction.

(d) When the boiler or pressure vessel is completed, a manufacturers' data report signed by the manufacturer and shop inspector shall be submitted to the jurisdictional authorities containing the equivalent type data required by the ASME Boiler and Pressure Vessel Code. (Do not use ASME Boiler and Pressure Vessel Code data report forms.)

(e) The vessel will be inspected by a qualified boiler and pressure vessel inspector in the employ of the department upon arrival in the State of Kentucky and before installation to make certain the above provisions have been complied with and that the vessel is properly marked and stamped for identification.

(3) Inspection of boilers.

(a) All power boilers shall be inspected annually internally and externally while not under pressure and shall also be inspected annually externally while under pressure. The internal inspection [One (1) of the above inspections] shall be a certificate inspection.

(b) All low pressure heating boilers shall be inspected biannually both internally and externally where construction will permit. One (1) of the above inspections shall be a certificate inspection.

(c) A grace period of two (2) months beyond the periods specified in paragraphs (a) and (b) of this subsection may elapse between inspections.

(d) Power boilers, operated in such a manner that experience indicates internal corrosion or [of] deposits would not be anticipated, may have the internal inspection period extended by the boiler inspection section if requested in writing by the owner or user and if circumstances warrant.

(4) Installation inspection or first inspection and stamping of boilers and pressure vessels.

(a) Upon completion of installation or at the time of first inspection, a Commonwealth of Kentucky serial number will be assigned to the boiler or pressure vessel, applied as follows:

1. Steel boilers will be stamped with the letters, "KY" followed by the state serial number assigned. Pressure vessels will be stamped with the letters "KY" followed by the numeral "0" and the remainder of the state serial number assigned. Stamping will be applied in the immediate area of code stamping on the boiler or pressure vessel and will be in letters and figures not less than five-sixteenths (5/16) inch in height. A metal tag may additionally be used showing identical lettering and serial number as used in the stamping, this tag to be securely affixed in the area of manufacturer's name plate or data plate.

2. Cast iron boilers shall have securely attached to the boiler (preferably adjacent to the manufacturer's data plate or in the most conspicuous area) a metal tag not less than one (1) inch in height which shall have the letters "KY" and the state serial number stamped thereon.

3. Hot water supply boilers shall have securely attached to the heater (preferably adjacent to the manufacturer's data plate or in the most conspicuous area) a metal tag not less than one (1) inch in height which shall have the letters "KY" and the state serial number stamped thereon.

(b) New installations [completed subsequent to July 1, 1970,] are subject to inspection as set forth in KRS Chapter 236. Such installations will be inspected for conformance with applicable ASME Boiler and Pressure Vessel Codes and these rules and regulations and additionally will be subject to inspection of pressure piping carrying steam, vapor or water pressures emanating from the boiler, as follows:

1. Power boiler piping shall be inspected in all segments of the system carrying substantially the same pressures and temperatures encountered in the boiler itself. Inspection shall be to the extent necessary to assure compliance with engineering design, material specifications, fabrication, assembly and test requirements of the boiler and first (or second) stop valve and requirements of Section 1, ASME Boiler and Pressure Vessel Code, for that piping between the boiler and the first (or second) stop valve and requirements of The National Standard Code For Pressure Piping ANSI B31.1 (and subsequent revisions) for pressure piping beyond Section 1, Power Boiler ASME Code Limits. ANSI B31.1 also covers air and hydraulic system piping.

2. The installing contractor, where welded assembly has been used, must be able to present for the inspector's review, his welding procedures and proof of qualification of his welding operators. The contractor is responsible for the quality of the welding done by his organization.

3. Visual inspection of welding performed by qualified welders is normally deemed sufficient unless codes or engineering specifications state otherwise, or unless the inspector wishes to augment this visual inspection with other nondestructive tests including radiography. All tests or retests required by the inspector shall be at the owner's or contractor's expense.

4. The inspector may accept signed certification of the contractor regarding satisfactory hydrostatic tests performed on piping or he may witness such tests himself. He may also, if he deems it expedient, require such tests to be performed in his presence.

5. Heating boiler piping shall be inspected in all segments of the system carrying substantially the same pressure and temperature as the boiler itself. Inspection shall be to the extent necessary to assure good fit-up, assembly, tightness and support of the system. Welded joints shall be installed by qualified welders in accordance with ASME Section IX and shall be visually inspected for complete and full root penetration, soundness of the weld and freedom from undercutting, cracking and other surface imperfections, and in conformance with subparagraph 3 of this paragraph.

6. Hot water supply boiler installations shall be inspected for conformance with Section IV, ASME Boiler and Pressure Vessel Code.

(5) Notification of inspection. The owner or user shall prepare each boiler for internal inspection and shall prepare for and apply a hydrostatic pressure test whenever necessary, on the date specified by the inspector, which date shall not be less than seven (7) days after the date of notification.

(6) Examinations for commission.

(a) Examinations for commission as an inspector shall be given by the Department of Housing, Boiler Inspection Section four (4) times each year; namely, the first Wednesday of

the months of March, June, September, and December. Special examinations will be held when considered necessary by the department. Qualifications shall be set forth in KRS 236.070, 236.090 and 815 KAR 15:010, Section 1(7).

(b) Application for employment as an inspector shall be in writing, upon a form to be furnished by the commissioner, stating the school education of the applicant, a list of his employers, his period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected. If the applicant's history and experience meet with the approval of the Board of Boiler Rules, he shall be given a written examination, prepared by the National Board of Boiler and Pressure Vessel Inspectors in accordance with their bylaws, Article IV, dealing with the construction, installation, operation, maintenance, and repair of boilers and their appurtenances. The applicant shall have passed the examination before he is eligible [be accepted or rejected] for permanent status as a boiler inspector [on the merits of this examination].

(7) Examination fees. A fee of twenty (20) dollars will be charged to each applicant who sits for the National Board examination. This fee shall be payable directly to the Treasurer of the Commonwealth of Kentucky, and shall accompany the application.

(8) Commission.

(a) Upon the request of a boiler insurance company authorized to do business in this Commonwealth, a commission as a special boiler inspector and an identifying commission card shall be issued by the department to an inspector in the employ of such insurance company provided the inspector has successfully passed the written examination as set forth in subsection (6) of this section, or holds a commission as outlined in subsection (9) of this section.

(b) The commission and the identifying commission card shall be returned to the department when the inspector to whom the commission was issued is no longer in its employ, or at the request of the department.

(c) The commission issued to such boiler inspector may be suspended by the commissioner and may be revoked upon ten (10) days notice to the inspector and to the employer of such inspector for incompetency or untrustworthiness; for willful falsification of any matter or statement contained in his application, or in the report of an inspection; or for other sufficient reasons; but the holder of such commission shall be entitled to a hearing before the commissioner before the revocation of said commission.

(9) Reciprocal commissions.

(a) Upon the request of a boiler insurance company authorized to do business in this Commonwealth, a commission and identifying commission card as special boiler inspector shall be issued by the department to an inspector in the employ of such insurance company provided the inspector has the experience prescribed in subsection (6) of this section, and holds either:

1. A certificate of competency; or
2. A commission issued by a state which has adopted the ASME Boiler and Pressure Code; or
3. A commission issued by the National Board

of Boiler and Pressure Vessel Inspectors.

(b) Application for a reciprocal commission shall be made on a form to be furnished by the department and shall be accompanied by a photostatic copy of the applicant's state or national board commission or certificate of competency and a fee of twenty (20) dollars.

(c) The commission issued to such an inspector may be suspended or revoked upon ten (10) days notice to the inspector and to the employer of such inspector for incompetency or untrustworthiness; for willful falsification of his application or in the report of an inspection; but the holder of the commission shall be entitled to a hearing before any final action is taken.

(10) Inspectors to have no other interests. Inspectors shall not be engaged in the sale of any article or device that is related to boilers, pressure vessels or pressure piping and shall devote their full time to inspection work.

(11) Inspection reports. Inspectors shall submit to the Boiler Inspection Section an inspection report on each boiler or pressure vessel subject to inspection. Reinspection shall be reported on a form suggested by the National Board Inspection Code. Reports shall be submitted within thirty (30) days of the date of inspection. External inspections shall be reported on a form suggested by the National Board Inspection Code immediately when hazardous conditions affecting the safety of the boiler or pressure vessel are found to exist.

(12) Insurance companies shall [to] notify the Boiler Inspection Section of new, cancelled, or suspended risks. All insurance companies shall notify the Boiler Inspection Section within thirty (30) days of all boiler or pressure vessel risks written, cancelled, not renewed, or suspended because of unsafe conditions.

(13) Insurance companies to notify the Boiler Inspection Section of defective boilers or pressure vessels. If a special boiler inspector, upon the first inspection of a boiler or pressure vessel, finds that the boiler or pressure vessel or any of the appurtenances are in such condition that his company refuses insurance, the company shall immediately notify the Boiler Inspection Section and submit a report of the defects.

(14) Defective conditions disclosed at time of external inspections. If, upon an external inspection, there is evidence of a leak or crack, enough of the covering of the boiler or pressure vessel shall be removed to satisfy the inspector in order that he may determine its safety; or, if the covering cannot be removed at that time, he may order the operation stopped until such time as the covering can be removed and proper examination made.

(15) Owner, user or insurer to notify the Boiler Inspection Section in case of accident. When an accident occurs which serves to render a boiler or pressure vessel inoperative, the owner, user, or insurer shall immediately notify the Boiler Inspection Section, and submit a detailed report of the accident. In case of serious accident, such as explosion, notice shall be given immediately by telephone, telegraph, or messenger and neither the boiler, pressure vessel nor any of the parts thereof shall be removed or disturbed before an inspection has been made by an inspector, except for the purpose of saving a human life.

(16) Inspection certificate fees.

(a) If a boiler shall, upon inspection, be found to be suitable and to conform to these rules and regulations, the owner or user shall pay directly to the department a fee of five (5) dollars for each boiler required to be inspected under KRS Chapter 236 before an inspection certificate shall be issued.

(b) If the owner or user of each boiler or pressure vessel required to be inspected refuses to allow an inspection to be made or refuses to pay the above fee, the inspection certificate shall be suspended by the commissioner until the owner or user complies with the requirements.

(c) The owner or user who causes a boiler or pressure vessel to be operated without possessing a valid certificate of inspection shall be subject to the penalties provided for in KRS 236.990.

(d) Certificates shall be posted under glass in the room containing the boiler or pressure vessel inspected or, in the case of a portable boiler, shall be kept in a metal container, either fastened to the boiler or kept in a tool box accompanying the boiler.

(17) Validity of inspection certificates. An inspection certificate, issued in accordance with KRS 236.120, shall be valid until expiration unless some defect or condition affecting the safety of the boiler or pressure vessel is disclosed. A certificate issued for a boiler or pressure vessel inspected by a special boiler inspector shall be valid only if the boiler for which it was issued continues to be insured by a duly authorized insurance company.

(18) Suspension of certificate of operations. If, upon inspection, a boiler or pressure vessel is found to be in such condition that it is unsafe to operate, the inspection certificate shall be suspended by the commissioner. Any person, firm, partnership, or corporation causing such objects to be operated shall be subject to the penalties provided for in KRS 236.990.

(19) Condemned boilers.

(a) Any boiler or pressure vessel having been inspected and declared unsafe by the chief boiler inspector or boiler inspector shall be stamped with the letters "XX" and the letters "KY," as shown by the following facsimile which will designate a condemned boiler or pressure vessel: XX KY 12345 XX.

(b) Any person, firm, partnership, or corporation using or offering for sale a condemned boiler or pressure vessel for operation within this Commonwealth shall be subject to the penalties in KRS 236.990.

(20) Nonstandard boilers and pressure vessels.

(a) Shipment of nonstandard boilers or pressure vessels, or hot water supply boilers into this Commonwealth for use is prohibited, provided same are not exempted under KRS Chapter 236.

(b) A nonstandard boiler, pressure vessel, or hot water supply boiler now in use in this Commonwealth, if removed from the Commonwealth, may not be brought into and reinstalled.

(21) Secondhand boilers and pressure vessels. Before a secondhand boiler or pressure vessel can be shipped into this Commonwealth, an inspection shall be made by a boiler inspector, or a special boiler inspector holding a national board commission, and the data submitted by him shall be filed by the owner or user of the boiler or pressure vessel with the Boiler Inspection Section for approval.

(22) Reinstalled boilers or pressure vessels. In any case where a boiler or pressure vessel within the Commonwealth is moved and reinstalled, the fittings and appliances must comply with the ASME Boiler and Pressure Vessel Code and the regulations adopted in Title 815, Chapter 15 of the Kentucky Administrative Regulations.

(23) Factors of safety for existing installations. The inspector is authorized to increase factors of safety if the condition of the boiler warrants it. If the owner or user does not concur with the inspector's decision, he may appeal to the commissioner who may request a joint inspection by the chief inspector and the boiler inspector or special boiler inspector. Each inspector shall render his report to the commissioner, who shall render the final decision, based upon the data contained in all the inspector's reports.

(24) Major repairs. Where a major repair is necessary, an inspector shall be called for consultation and advice as to the best method of making such repair; after such repair is made, it shall be subject to the approval of the inspector. Repairs to all boilers, pressure vessels and their appurtenances, shall conform to the requirements of the National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

(25) Repairs by welding. Welding repairs shall be performed in accordance with the rules recommended by the National Board of Boiler and Pressure Vessel Inspectors Inspection Code available from the 1979 Edition, (or most recent edition).

(26) Riveted patches. Riveted patches shall be designed and installed in accordance with the rules recommended by the National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

(27) Removal of safety appliances. No person, except under the direction of an inspector, shall attempt to remove or shall do any work, upon any safety appliance, while a boiler is in operation. Should any of these appliances be repaired during an outage of a boiler or pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.

(28) Inspection fees. The installing contractor, owner or user of any boiler or pressure vessel or pressure piping not exempted under KRS Chapter 236 and required to be inspected by a boiler or pressure vessel inspector, shall pay to the department following inspection of the boiler, fees in accordance with this section. The fees for all new installations of boilers, pressure vessels or pressure piping and fees for repairs shall be in accordance with the fees listed in paragraph (d)2 of this subsection.

(a) Shop inspections made by boiler inspectors for purposes of inspecting the fabrication of the vessels themselves at the request of a boiler manufacturer, installer, engineering contractor, or owner shall be charged at the following rates:

1. \$150 for one-half (1/2) day of four (4) hours or less.
2. \$200 for one (1) day of over four (4) hours.
3. \$240 for eight (8) hours or any part thereof on Saturdays, Sundays, or public holidays.
4. Thirty (30) dollars per hour for overtime

in excess of eight (8) hours in any one (1) day. Plus itemized expenses to include mileage, lodging, meals and incidentals. These charges shall not void regular fees for inspection and certificate when the boilers or pressure vessels are completed.

(b) Charges for inspection of secondhand equipment shall be at the rates specified above plus charges for mileage, lodging, meals, and incidentals. These charges shall not void regular fees for inspection and certificate when the boilers or pressure vessels are installed.

(c) ASME and National Board inspections. Inspections of the manufacturing facility itself, at the request of the manufacturer, for the issuance of ASME or National Board certificates of authorization shall be charged as follows:

1. Initial inspection for ASME certificates - \$1,000.
2. Reviews for renewal of ASME Certificates - \$750.
3. Initial inspections and renewals for National Board R or VR certificate - \$200.

(d) Inspection of new installations of pressure piping, boilers and pressure vessels:

1. Under normal circumstances, pressure piping inspection [this] will be a "once only" inspection as specified under KRS Chapter 236 and will be conducted generally as set forth under subsection (4)(b) of this section.

2. The fees chargeable for inspection of each boiler and pressure vessel and all pressure piping carrying substantially the same pressures and temperatures as encountered in the boiler shall be based upon the total dollar value [of the contract] covering the combined boiler/pressure vessel and piping installation, either actual or estimated. It is the obligation of the installing contractor to supply this value which shall include both labor and material costs. No exact figure need be quoted or divulged to the boiler inspector or department; only a designation that the true value lies within certain limits as set forth in the table below. The fees for all new installations of boiler, pressure vessels or pressure piping and fees for repairs are [boiler, pressure vessel and pressure piping inspection is] then found in the table's right hand column.

Amount In Dollars	Fee
\$ 2,000 or less	\$ 60
\$ 2,001 to \$10,000	\$ 90
\$ 10,001 to \$25,000	\$120
\$ 25,001 to \$50,000	\$150
\$ 50,001 to \$75,000	\$200
\$ 75,001 to \$100,000	\$300
\$100,001 to \$150,000	\$400
\$150,001 to \$200,000	\$500
\$200,001 to \$250,000	\$600
\$250,001 to \$300,000	\$700
\$300,001 to \$400,000	\$800
\$400,001 to \$500,000	\$1,000
\$500,001 and over	\$1,200

3. The installing contractor, owner or user shall request inspection of [new] boilers and pressure piping at least seven (7) days in advance. If the inspection is not made within this time limit, the installation may proceed. Request for inspection shall be made by letter or phone call to the department.

(e) Inspection of nuclear installations: Nuclear installation inspections will be charged as set forth under paragraph (a) of this subsection or as determined by contracts between the installer and the department.

(f) Hydrostatic tests: When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees set forth under paragraph (a) of this subsection shall be charged.

(g) Fees for reinspection of boilers and pressure vessels:

1. Fees for reinspection of power boilers shall be in accordance with the following tables:

#### INTERNAL INSPECTIONS OF POWER BOILERS

Height Surface (Square Feet)	Fee
100 or less	\$20
101 to 1,000	\$40
1,001 to 4,000	\$70
4,001 to 10,000	\$100
10,001 and over	\$160

#### EXTERNAL INSPECTIONS OF POWER BOILERS

Height Surface (Square Feet)	Fee
100 or less	\$16
101 and over	\$20

2. Fees for reinspection of heating boilers shall be as follows:

#### HEATING BOILERS

Boilers with man way where internal inspection required	\$40
Other heating boilers	\$20
Hot water supply boilers	\$10
Miniature boilers	\$10

3. The initial installation inspection fee for pressure vessels shall be twenty (20) dollars.

(h) Plan review of boiler and unfired pressure vessel installations: Prior to the construction and installation of any boiler or unfired pressure vessel, the plans for the installation shall be submitted to the chief boiler inspector of this department for review and release for construction. Fees for this service shall be provided in accordance with the following table:

Heating Surface (Square Feet)	Fee
100 and under	\$20
101 to 1,000	\$30
1,001 to 4,000	\$50
4,001 to 10,000	\$70
10,001 and over	\$100
Unfired Pressure Vessels	\$20

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: June 9, 1989

FILED WITH LRC: June 15, 1989 at noon

PUBLIC HEARING: A public hearing on this regulation shall be held on July 21, 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 July 16, 1989, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Boiler contractors.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No paperwork or reporting is increased by this amendment and the boiler contractors will continue to have their work inspected, as in the past, based upon the value of the installation made.

(2) Effects on the promulgating administrative body: This amendment is a housekeeping measure which attempts to bring in to appropriate regulatory language and clarify the method of establishing fees for installation and repair on boilers.

(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: This amendment represents no change in existing methods being used in the department.

(4) Assessment of alternative methods: reasons why alternatives were rejected: This method of fees for inspection is chosen because it reflects the time and complexity to be reasonable.

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

(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 Marshal  
(Proposed Amendment)

815 KAR 15:030. General requirements.

RELATES TO: KRS 236.030

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 236.030 requires the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation sets forth the general requirements for all boilers covered by KRS Chapter 236. This amendment is necessary to provide clarification of hydrostatic testing and the procedures necessary for annual inspection of boilers.

Section 1. Definitions. "ASME" means the American Society of Mechanical Engineers.

Section 2. [1.] General Requirements. (1) Inspection of boilers.

(a) All boilers, unless otherwise exempt by 815 KAR 15:020 to 815 KAR 15:060 and which are subject to regular inspections as provided for in 815 KAR 15:020, Section 1, subsection (3), shall be prepared for such inspections or hydrostatic tests whenever necessary, by the owner or user when notified by an inspector.

(b) The owner or user shall prepare each for internal inspection, and shall prepare for and apply the hydrostatic test whenever necessary, on the date specified by the inspector, which date shall be not less than seven (7) days after the date of notification.

(c) The owner or user shall prepare a boiler for internal inspection in the following manner:

1. Water shall be drawn off and the boiler thoroughly washed.

2. All manhole and handhole plates, washout plugs, and plugs in water column connections shall be removed, the furnace and combustion chambers thoroughly cooled and cleaned.

3. All grates of internally fired boilers shall be removed.

4. At each annual inspection, brickwork shall be removed as required by the inspector in order to determine the condition of the boilers, headers, furnace, supports, or other parts.

5. The steam gauge shall be removed for testing.

6. Any leakage of steam or hot water into the boiler shall be cut off by disconnecting the pipe or valve at the most convenient point.

(d) If the boiler is jacketed so that the longitudinal seams of shells, drums, or domes cannot be seen, enough of the jacketing, setting wall or other forms, or casing or housing shall be removed so that the size of the rivets, pitch of the rivets, and other data necessary to determine the safety of the boiler may be obtained, provided such information cannot be determined by other means.

(e) If a boiler has not been properly prepared for an internal inspection, or the owner or user fails to comply with the requirements for hydrostatic test as set forth in these rules, the inspector may decline to make the inspection or test, and the inspection certificate shall be withheld until the owner or user complies with the requirements.

(2) Lap seam crack. The shell or drum of a boiler in which a lap seam crack is discovered along a longitudinal riveted joint shall be immediately discontinued from use. If the boiler is not more than fifteen (15) years of age, a complete new course of the original thickness may be installed at the discretion of the inspector and after approval by the chief inspector. Patching is prohibited. "Lap seam crack" means the typical crack frequently found

in lap seams, extended parallel to the longitudinal joint and located either between or adjacent to rivet holes.

(3) Hydrostatic pressure tests.

(a) A hydrostatic pressure test, when applied to boiler or unfired pressure vessels of riveted or welded construction shall not exceed one and one-half (1 1/2) times the maximum allowable working pressure. The pressure shall be under proper control so that in no case shall the required test pressure be exceeded by more than two (2) percent. During the hydrostatic pressure test, the safety valve or valves shall be removed, or each valve disc shall be held down by means of a testing clamp (hand tight) and not by screwing down the compression screw upon the spring [applying additional load to the spring with the compression screw]. The minimum temperature of the water used to apply a hydrostatic test shall not be less than ambient temperature, but in no case less than seventy (70) degrees Fahrenheit and the maximum temperature shall not exceed 120 [160] degrees Fahrenheit. For all cases involving the question of tightness, the test pressure shall be equal to the relieving pressure of the safety valve(s) having the lowest relief setting.

(b) When hydrostatic test is to be applied to existing installations, the pressure shall be as follows:

1. For all cases involving the question of tightness, the pressure shall be equal to the release pressure of the safety valve or valves having the lowest release setting.

2. For all cases involving the question of safety, the pressure shall be equal to one and one-half (1 1/2) times the maximum allowable working pressure, except for locomotive type boilers in which case it shall be one and one-fourth (1 1/4) times the maximum allowable working pressure.

(4) Low water fuel cutoff [and and/or] water-feeding device.

(a) Each automatically fired steam or vapor-system boiler shall have an automatic low-water fuel cutoff so located as to automatically cut off the fuel supply when the water falls to the lowest part of the water gauge glass. If a water-feeding device is installed, it shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber and so located as to supply requisite feed water.

(b) Such a fuel cutoff or water-feeding device may be attached directly to a boiler. A fuel cutoff or water-feeding device may also be installed in the tapped openings available for attaching a water glass direct to a boiler, provided the connections are made to the boiler with nonferrous tees or Y's not less than one-half (1/2) inch pipe size between the boiler and the water glass so that the water glass is attached directly and as close as possible to the boiler; the run of the tee and Y shall take the water glass fittings, and the side outlet or branch of the tee or Y shall take the fuel cutoff or water-feeding device. The ends of all nipples shall be reamed to full-size diameter.

(c) Fuel cutoffs and water-feeding devices embodying a separate chamber shall have a vertical drain pipe and a blow-off valve not less than three-fourths (3/4) inch pipe size, located at the lowest point in the water equalizing pipe connections so that the chamber and the equalizing pipe can be flushed and the



device tested.

(5) Safety appliances. No person shall remove or tamper with any safety appliance prescribed by these regulations, except for the purpose of making repairs. The resetting of safety valves shall be done in the presence of an authorized inspector or by the valve manufacturer.

(6) Blow-off tanks.

(a) Blow-off piping from a power boiler, or a miniature boiler, shall not discharge directly into a sewer. A blow-off tank shall be used where conditions do not provide an adequate and safe open discharge. Blow-off tanks hereafter installed, if of metal, shall have a plate thickness of not less than three-eighths (3/8) inch and shall be designed for a minimum working pressure of fifty (50) psi gauge. The outlet from the blow-off tank shall be twice the area of the inlet pipe and made to extend internally within eight (8) inches from the bottom of the tank.

(b) A vent pipe, at least four (4) times the area of the inlet pipe, shall lead to the outer atmosphere. Vents shall be as direct as possible to the outer air and discharge at a safe location. There shall be no valve or other possible obstructions, such as water pockets between the tank and the discharge end of the vent pipe.

(c) All pipe connections between the tank and the boiler shall be as direct as possible and shall conform to paragraph PG-59, ASME Boiler and Pressure Vessel Code, Section 1. For convenience in cleaning the tank, a manhole, or an access [excess] opening, shall be provided.

(d) Where a blow-off tank is not vented as specified above, it shall be constructed for a pressure equal to that allowed on the boiler to which it is attached or shall be equipped with a safety valve or valves of sufficient capacity to prevent the pressure from exceeding the safe working pressure of the tank.

(e) As an alternate to the above, blow-off facilities may conform to the provision set forth in the pamphlet titled, "Boiler Blow-off Equipment," 1973 Edition, published by and available from the National Board of Boiler and Pressure Vessel Inspectors, whose address is 1055 Crupper Avenue, Columbus, Ohio 43229. This document may also be reviewed in the Department of Housing, Buildings and Construction, Boiler Section, U.S. 127 South, Frankfort, Kentucky between 8 a.m. and 4:30 p.m., Monday through Friday, [1155 North High Street, Columbus, Ohio 43201.]

(7) Location of discharges to atmosphere. The discharge of safety valves, blow-off pipes, and other outlets shall be located so as to prevent injury to personnel.

(8) Pressure reducing valves.

(a) Where pressure reducing valves are used, one (1) or more relief or safety valves shall be provided on the low pressure side of the reducing valve in case the piping or equipment on the low pressure side does not meet the requirements for the full initial pressure. The relief or safety valves shall be located adjoining to, or as close as possible to, the reducing valve. Proper protection shall be provided to prevent injury or damage caused by the escaping steam from the discharge or safety valves if vented to the atmosphere. The combined discharge capacity of the relief valve shall be such that the pressure rating of the lower pressure piping or equipment shall not be

exceeded in case the reducing valve sticks open.

(b) The use of hand-controlled bypasses around reducing valves is permissible. The bypass, if used around a reducing valve, shall not be greater in capacity than the reducing valve unless the piping or equipment is adequately protected by relief valves or meets the requirements of the high pressure system.

(c) It is mandatory that a pressure gauge be installed on the low pressure side of a reducing valve.

(9) Electric boilers. All appliances required for electric boilers shall be attached in accordance with the following requirements:

(a) The grounding of the shell shall be permanently fastened on some part of the boiler and shall be grounded in accordance with the current national electrical code.

(b) A suitable screen or guard shall be provided around high tension bushings and a sign posted warning of high voltage. This screen, or guard, shall be so located that it will be impossible for anyone working around the boiler to accidentally come in contact with the high tension circuits. When adjusting safety valves, the power circuit to the boiler shall be open.

(c) The boiler may be under pressure, but the power line shall be open while the operator is making the necessary adjustments.

(d) Each KW of electrical energy consumed by an electric boiler operating at maximum rating shall be considered the equivalent of one (1) square foot of heating surface.

(10) Clearance.

(a) When boilers are replaced, or new boilers installed, in either existing or new building, a minimum height of at least five (5) [three (3)] feet shall be provided between the top of the boiler proper and the ceiling and a minimum of two (2) feet shall be provided on all service sides, unless the installation allows for proper maintenance without the separation.

(b) All boilers shall be so located that adequate space will be provided for the proper operation of the boiler and its appurtenances, for the inspection of all surfaces, tubes, water walls, economizer, piping, valves, and other equipment, and for their necessary maintenance and repair.

(11) Shop and field inspection. Any new power boiler or steel heating boiler being constructed for installation in the Commonwealth of Kentucky shall be shop inspected in accordance with the provisions of the applicable section of the ASME Boiler and Pressure Vessel Code, and shall be stamped ASME and National Board and applicable copies of data sheets supplied to the Boiler Inspection Section. This shall not apply where shop inspection is not required by the ASME Boiler and Pressure Vessel Code (see 815 KAR 15:020, Section 1(1) and (2)).

(12) Inspection of secondhand equipment. Charges for inspection of secondhand equipment shall be at the rate provided for in 815 KAR 15:020, Section 1(28)(b) [(27)(a)].

(13) Emergency devices for certain installations. Installations of power boilers or heating boilers in hospitals, rest homes, schools, mental institutions or old people's homes shall comply with provisions of ASME Boiler and Pressure Vessel Code, Section IV, Article HG-634, regarding remote emergency cutoff switches. Each installation should be judged on its own merits from a standpoint of accessibility of electrical power cutoffs to the



boiler or boilers in case of fire or heavy smoke emission. If installed cutoff [cutout] switches are not adjacent to boiler room entryways, then emergency cutoff [cutout] switches must be provided as outlined in Article HG-634, of Section IV, ASME Boiler and Pressure Vessel Code.

(14) Conditions not covered by these regulations. In any condition not covered by these regulations, the ASME Boiler and Pressure Vessel Code for new installations shall apply. Should any section, subsection, sentence, clause, phrase, provision, or exemption of these regulations be declared unconstitutional or invalid for any reason, such invalidity shall not affect the remaining portion or provision hereof.

CHARLES A. COTTON, Commissioner  
THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: June 9, 1989

FILED WITH LRC: June 15, 1989 at noon

PUBLIC HEARING: A public hearing on this regulation shall be held on July 21, 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 July 16, 1989, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: This regulation affects boiler contractors.

(a) Direct and indirect costs or savings to those affected: This regulation merely clarifies certain ambiguities about inspection methods and identifies the code edition used in enforcement.

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: This amendment deals with codes applied and inspection criteria for inspection.

(2) Effects on the promulgating administrative body: There are no costs or savings to agency and paperwork remains the same - inspection, fee to cover and report filed already being done.

(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: This regulation does not relate to revenue enhancement.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative

methods not appropriate - the industry requires the methods and criteria chosen. National standards used.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

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

#### 815 KAR 15:040. Power boiler requirements.

RELATES TO: KRS 236.030

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 236.030 requires the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation sets forth the basic requirements for power boilers. This amendment is necessary to comply with KRS 236.030 by specifying requirements of pressure vessels as well as boilers in appropriate sections; it cites the specific edition of ASME Code for Power Boilers which has been in effect for years and provides for alternative safety relief valve for gas boilers.

Section 1. Definitions. "ASME" means the American Society of Mechanical Engineers.

Section 2. [1.] New Installations, Power Boilers. Requirements. (1) No boiler or pressure vessel, except reinstalled boilers or pressure vessels and those exempted by the Act, shall hereafter be installed in this Commonwealth unless it has been constructed, inspected and stamped in conformity with ASME Boiler and Pressure Vessel Code for power boilers or pressure vessels and is approved, registered, and inspected in accordance with the requirements of the boiler safety regulations.

(2) A boiler having the standard stamping of another state that has adopted a standard of construction equivalent to the standard of the Commonwealth of Kentucky may be accepted by the department; provided, however, that the person desiring to install the boiler or pressure vessel shall make application for the installation and shall file with this application the manufacturer's data report covering the construction of the boiler in question (see also "State Specials" 815 KAR 15:010, Section 1[(37)]).

(3) All new boiler or pressure vessel installations, including reinstalled boilers or pressure vessels, shall be installed in accordance with the requirements of the latest revision of the ASME Boiler and Pressure Vessel Code for power boilers and the boiler safety regulations.

(4) Where special designs are not covered by said code, their construction may be determined

by the manufacturer in [is] cooperation with the purchaser, subject to the approval of the chief boiler inspector and the Board of Boiler Rules. Upon completion of the installation, all boilers and pressure piping shall be inspected as set forth in 815 KAR 15:020.

Section 3. [2.] Existing Installations, Power Boilers and Pressure Vessels. (1) Maximum allowable working pressure for standard boilers and pressure vessels. The maximum allowable working pressure for standard boilers and pressure vessels shall be determined in accordance with the applicable provision of the edition of ASME Boiler and Pressure Vessel Code [for Power Boilers] under which they were constructed and stamped.

(2) Maximum allowable working pressure for nonstandard boilers.

(a) The maximum allowable working pressure on the shell of a nonstandard boiler, pressure vessel or drum shall be determined by the strength of the weakest section of the structure, computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint or tube ligaments, the inside diameter of the weakest course and the factor of safety allowed by the boiler safety regulations:

(TS times t times E) divided by (R times FS) equals maximum allowable working pressure in psig.

Where:

TS = ultimate tensile strength of shell plates psi.

t = minimum thickness of shell plate, of [in] weakest course, in inches.

E = efficiency of longitudinal joint.

For riveted construction, E shall be determined by rules given in Paragraph PR-15 of ASME Boiler and Pressure Vessel Code for Power Boilers, 1971 Edition, adopted by reference herein, which is published by and copies available from American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017. This document is also available for review Monday through Friday from 8 a.m. to 4:30 p.m. at the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky.

For tube ligaments, E shall be determined by rules given in Paragraph PG-53 of ASME Boiler and Pressure Vessel Code for Power Boilers.

For seamless construction, E shall be considered 100 percent.

R = inside radius of the weakest course of the shell or drum in inches.

FS = factor of safety permitted.

(b) Tensile strength. When the tensile strength of steel or [of] wrought iron shell plates is not known, it shall be taken at 55,000 psi for steel and 45,000 psi for wrought iron.

(c) Crushing strength of mild steel. The resistance to crushing of mild steel shall be taken at 95,000 psi of cross section area.

(d) Strength of rivets in shear. When computing the ultimate strength of rivets in shear, the following values in pounds psi of the cross sectional area of the rivet shank shall be used:

Iron rivets in single shear.....38,000 lbs.  
Iron rivets in double shear.....76,000 lbs.  
Steel rivets in single shear.....44,000 lbs.  
Steel rivets in double shear.....88,000 lbs.

When the diameter of the rivet holes in the longitudinal joints of a boiler is not known, the diameter and cross sectional area of rivets, after driving, may be selected from the following table or as ascertained by cutting out one (1) rivet in the body of the joint:

SIZES OF RIVETS BASED ON PLATE THICKNESS  
(In Inches)

Thickness of plate	1/4	9/32	5/16	11/32	3/8	13/32
Diameter of rivet after driving	11/16	11/16	3/4	3/4	13/16	13/16
Thickness of plate	7/16	15/32	1/2	9/16	5/8	--
Diameter of rivet after driving	15/16	15/16	15/16	1 1/16	1 1/16	--

(e) Factors of safety. The following factors of safety shall be increased by the inspector if the condition and safety of the boiler demand it; the lowest factor of safety permissible on existing installations shall be four and five-tenths (4.5) excepting for horizontal return tubular boilers having continuous longitudinal lap seams more than twelve (12) feet in length where the factor of safety shall be eight (8), and when this latter type of boiler is removed from its existing setting, it shall not be reinstalled for pressure in excess of fifteen (15) lbs. psig. Reinstalled or secondhand nonstandard boilers shall have a minimum factor of safety of six (6) when the longitudinal seams are of lap riveted construction, and minimum factor of safety of five (5) when the longitudinal seams are of butt and double strap construction.

(3) Age limit of fire tube boilers. The age limit of a horizontal return tubular, flue, or cylinder boiler having a longitudinal lap joint and operating at a pressure in excess of fifty (50) lbs. psig shall be twenty (20) years.

(4) Welded boilers. Boilers having either longitudinal or circumferential seams of fusion welded construction shall have been constructed and stamped in accordance with the rules and regulations of the ASME Boiler and Pressure Vessel Code of Power Boilers or shall have the standard stamping of a state that has adopted a standard of construction equivalent to the standards of the ASME Boiler and Pressure Vessel Code for Power Boilers and Pressure Vessels.

(5) Cast iron headers and mud drums. The maximum allowable working pressure on a water tube boiler, the tubes of which are secured to cast iron or malleable iron headers, or which have cast iron mud drums, shall not exceed 160 lbs. psig.

(6) Pressure on cast iron boilers. The maximum allowable working pressure for any cast iron boiler, except for hot water boilers, shall be fifteen (15) lbs. psig.

(7) Safety valve requirements.

(a) The use of weight-level safety valves is prohibited and these valves shall be replaced by safety valves that conform to the requirements

of the ASME Boiler and Pressure Vessel Code for Power Boilers.

(b) Safety valves having either the seat or disc of cast iron shall not be used.

(c) Each boiler shall have at least one (1) safety valve, and, if it has more than 500 square feet of water heating surface, it shall have two (2) or more safety valves.

(d) Safety valves and safety relief valves shall be installed with their spindles vertical.

(e) The method of computing the steam generating capacity of the boiler shall be as given in paragraph A-12 of the ASME Boiler and Pressure Vessel Code for Power Boilers. The safety valve or valves shall be connected to the boiler, independent of any other steam connection, and attached to the boiler, without intervening pipe or fittings. Where alteration is required to conform to this rule and regulation, owner and users shall be allowed one (1) year in which to complete the work. No valve of any description shall be placed between the safety valve and the boiler, nor on the discharge pipe (if used) between the safety valve and atmosphere. When a discharge pipe is used, it shall be full sized and fitted with an open drain to prevent water lodging in the upper part of the safety valve or discharge pipe and supported independently of the safety valve. When an elbow is placed on a safety valve or discharge pipe, it shall be located close to the safety valve outlet. All safety valve discharges shall be so located or piped so as not to endanger persons using walkways or platforms used to control the main valves of boilers or steam headers.

(f) The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than six (6) percent above the maximum allowable working pressure.

(g) For each boiler, one (1) or more safety valves on the boiler proper shall be set at or below the maximum allowable working pressure. If additional valves are used, the highest pressure setting shall not exceed the maximum allowable working pressure by more than three (3) percent. The complete range of pressure settings of all of the saturated steam safety valves on a boiler shall not exceed ten (10) percent of the highest pressure to which any valve is set. When two (2) or more boilers operating at different pressures and safety valve settings are interconnected, the lower pressure boilers or interconnected piping shall be equipped with safety valves of sufficient capacity to prevent overpressure considering the generating capacity of all boilers. In those cases where the boiler is supplied with feed water directly from pressure mains without the use of feeding apparatus (not to include return taps), no safety valve shall be set at a pressure greater than ninety-four (94) percent of the lowest pressure obtained in the supply main feeding the boiler.

(h) The relieving capacity of the safety valves on any boiler may be checked by one (1) of the three (3) following methods, and, if found to be insufficient, additional capacity shall be provided.

1. By making the accumulation test, which consists of shutting off all other steam discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a

pressure in excess of six (6) percent above the maximum allowable working pressure. This method should not be used on a boiler with a superheater or reheater.

2. By measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the Appendix of the ASME Boiler and Pressure Vessel Code for Power Boilers.

3. By determining the maximum evaporative capacity by measuring the feed water.

4. When either of the methods outlined in subparagraph 2 or 3 of this paragraph is employed, the sum of the safety valve capacity shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler. The minimum safety valve or safety relief valve relieving capacity for other than electric boilers shall be determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface and water wall heating surface, as given in the following table:

MINIMUM POUNDS OF STEAM PER HOUR  
PER SQUARE FOOT OF SURFACE

	Fire Tube Boilers	Water Tube Boilers
Boiler heating surface		
Hand-fired	5	6
Stoker-fired	7	8
Oil-, gas-, or pulverized-fuel-fired	8	10
Water-wall heating surface		
Hand-fired	8	8
Stoker-fired	10	12
Oil-, gas-, or pulverized-fuel-fired	14	16

a. When a boiler is fired only by a gas having a heat value in excess of 200 BTU per cubic foot, the minimum safety valve or safety relief valve relieving capacity may be based on the values given for hand-fired boiler above.

b. The minimum safety valve or safety relief valve relieving capacity for electric boilers shall be three and one-half (3 1/2) pounds per hour per kilowatt input.

(8) Boiler feeding and feed piping.

(a) All boilers shall have a feed supply which will permit the boiler to be fed at any time while under pressure.

(b) Except as provided for below, boilers having more than 500 square feet of water-heating surface shall have at least two (2) means of feeding water. Each source of feeding shall be capable of supplying water to the boiler at a pressure of three (3) percent higher than the highest setting of any safety valve on the boiler.

(c) For boilers that are fired with solid fuel not in suspension and for boilers whose setting or heat source can continue to supply sufficient heat to cause damage to the boiler if the feed supply is interrupted, one (1) such means of feeding shall be steam operated.

(d) Boilers fired by gaseous liquid, or solid fuel in suspension, may be equipped with a single means of feeding water; provided, means

are furnished for the immediate shut off of heat input if the water feed is interrupted. For boilers having a water-heating surface of not more than 100 square feet, the feed piping and connection to the boiler shall not be smaller than one-half (1/2) inch pipe size. For boilers having a water-heating surface more than 100 square feet, the feed piping and connection to the boiler shall not be less than three-fourths (3/4) inch pipe size.

(e) High temperature water boilers shall be provided with means of adding water to the boiler or system while under pressure. The feed water shall be introduced into the boiler in such a manner that it will not be discharged close to riveted joints of shell, or furnace sheets, or directly against surfaces exposed to gases at high temperature, or direct radiation from the fire.

(f) The feed pipe to the boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When two (2) or more boilers are fed from a common source, there shall also be a globe or regulating valve on the branch to each boiler between the check valve and source of supply. Whenever globe valves are used on feed piping, the inlet shall be under the disc of the valve. The valve shall be located as close to the boiler as is practicable.

(g) When de-aerating heaters are not employed, it is recommended that the temperature of the feed water be no less than 120 degrees Fahrenheit to avoid the possibility of setting up localized stress. Where de-aerating heaters are employed, it is recommended that the minimum feed water temperature be no less than 215 degrees Fahrenheit so that dissolved gases may be thoroughly released.

(9) Fusible plugs. Fire-actuated fusible plugs, if used, shall conform to the requirements of the ASME Boiler and Pressure Vessel Code for Power Boilers, A-19, A-20 and A-21.

(10) Water columns, gauge glasses, and gauge cocks.

(a) No outlet connections, except for damper regulator, feed water regulator, low-water fuel cutout, drains, steam gauges, or such apparatus that does not permit the escape of an appreciable amount of steam or water therefrom shall be placed on the piping that connects the water column to the boiler. The minimum size of the steam and water connection to the water column shall be one (1) inch pipe size and each water column shall be provided with a valved drain of at least three-fourths (3/4) inch pipe size, the drain to be piped to a safe location.

(b) Each boiler shall have three (3) or more gauge cocks, located within the range of the visible length of the water glass, except when the boiler has two (2) water glasses with independent connections to the boiler, located on the same horizontal lines and not less than two (2) feet apart. Boilers not over thirty-six (36) inches in diameter in which the heating surface does not exceed 100 square feet have but two (2) gauge cocks.

(c) Electric boilers operating at pressures not exceeding 400 psi need not be fitted with gauge cocks. The gauge cock connections shall be not less than one-half (1/2) inch pipe size.

(d) For all installations where the water gauge glass or glasses are more than thirty (30) feet from the boiler operating floor, it is

recommended that water level indicating or recording gauges be installed at eye height from the operating floor.

(11) Pressure gauges.

(a) Each boiler shall have a pressure gauge connected to the steam space or to the water column or its steam connection. The pressure gauge shall be connected to a siphon or equivalent device of sufficient capacity to keep the gauge tube filled with water and so arranged that the gauge cannot be shut off from the boiler except by a cock placed near the gauge and provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open. The dial of the pressure gauge shall be graduated to approximately double the pressure at which the safety valve is set, but, in no case to less than one and one-half (1 1/2) times the pressure.

(b) When a pressure gauge connection longer than eight (8) feet becomes necessary, a shutoff valve may be used near the boiler provided the valve is of the outside screw and yoke type and is locked or wired open. The line shall be ample size with provisions for free blowing.

(c) Each boiler shall be provided with a one-fourth (1/4) inch nipple and globe valve connected to the steam space for the exclusive purpose of attaching a test gauge when the boiler is in service so that the accuracy of the boiler pressure gauge may be ascertained.

(12) Stop valves.

(a) Each outlet from a boiler (except safety valve connections) shall be fitted with a stop valve located as close as practicable to the boiler.

(b) When boilers provided with manholes are connected to a common main, the steam or high temperature water connection from each boiler shall be fitted with two (2) stop valves having an ample free blow drain between them. The discharge of this drain shall be visible to the operator while manipulating the valves and shall be piped clear of the boiler setting. The stop valves shall consist preferably of one (1) automatic nonreturn valve (set next to the boiler) and a second valve of the outside screw and yoke type to be installed in accordance with Section I of the ASME Boiler and Pressure Vessel Code.

(13) Blow-off piping.

(a) The construction of the setting around each blow-off pipe shall permit free expansion and contraction. Careful attention shall be given to the problem of sealing these setting openings without restricting the movement of the blow-off piping. All blow-off piping, when exposed to furnace heat, shall be protected by firebrick or other heat resisting material, so constructed that the piping may be readily inspected.

(b) When the maximum allowable working pressure exceeds 100 psig, blow-off piping shall be extra heavy from the boiler to the valve or valves, and shall be run full size without use of reducers or bushings. The piping shall be of extra heavy wrought iron or steel and shall not be galvanized. All fittings between the boiler and blow-off valve shall be steel or extra heavy fittings of malleable iron. In case of renewal of blow-off pipe or fittings, they shall be installed in accordance with rules and regulations for new installations.

(14) Blow-off valves.

(a) Straight-run globe valves of the ordinary

type and valves of such types that dams or pockets can exist for the collection of sediment shall not be used on such connections. Straightway Y-type globe valves or angle valves may be used in vertical pipes, or they may be used in horizontal runs of piping provided they are so constructed or installed that the lowest edge of the opening through the seat is at least twenty-five (25) percent of the inside diameter below the center line of the valve.

(b) The blow-off valve or valves and the pipe between them and the boiler shall be of the same size except where a larger pipe for the return of condensation is used as provided for by the ASME Boiler and Pressure Vessel Code for Power Boilers. On all boilers, except those used for high temperature water, traction[, and/]or portable purposes, when the allowable working pressure exceeds 100 psi, each bottom blow-off pipe shall have two (2) slow-opening valves, or one (1) slow-opening valve and a quick-opening valve, or a cock complying with the requirements of the ASME Boiler and Pressure Vessel Code for Power Boilers.

(c) If a blow-off cock is used, the plug shall be held in place by a guard or gland. The plug shall be distinctly marked in line with the passage. By slow-opening valve is meant a valve which requires at least five (5) 360-degree turns of the operating mechanism to change from full-closed to full-opening and vice versa.

(d) On a boiler having multiple blow-off pipes, a single master valve may be placed on the common blow-off pipe from the boiler, in which case only one (1) valve on each individual blow-off is required. In such a case, either the master valve, or the individual valves, or cocks shall be of the slow-opening valves, or a slow-opening valve and a quick-opening valve, or cock may be combined in one (1) body and may be used provided the combined fitting is the equivalent of two (2) independent slow-opening valves, or a slow-opening valve and a quick-opening valve or cock and provided further that the failure of one (1) to operate cannot affect the operation of the other. The bottom blow-off pipes of every traction engine or portable boiler shall have at least one (1) slow-opening or quick-opening blow-off valve or cock conforming to the requirements of Section I of the ASME Boiler and Pressure Vessel Code. Only one (1) blow-off valve, which shall be of a slow-opening type, is required on forced circulation and electric boilers having a normal water content not exceeding 100 gallons.

#### (15) Piping.

(a) Piping connected to the outlet of a boiler, which comes with the ASME Boiler and Pressure Vessel Code requirements, shall be attached:

1. Screwing into a tapped opening with a screwed fitting or a valve at the other end.
2. Screwing each end into tapered flanges, fittings, or valves with or without rolling or peening.
3. Bolted joints, including those of the Van Stone type.
4. Expanding into grooved holes, seal welding, if desired. Pipe which is expanded, rolled, or peened shall be made from open-hearth or electric-furnace steel.

(b) Blow-off piping of fire-tube boilers shall be attached by paragraph (a)1 of this subsection if exposed to products of combustion, or by paragraph (a)1, 2, or 3 of this subsection, if

not so exposed. Fusion welding for sealing purposes at the junction of bolted joints may be used.

(c) Welding may be used to attach piping to nozzles or fittings if the rules for fusion welding or forge welding are followed. All welded piping external to the boiler, from the boiler out to the second stop valve when two (2) or more boilers with manholes are connected to a common steam or high temperature water main or header, shall be installed by a manufacturer or contractor authorized to use any one (1) of the American Society of Mechanical Engineers Code symbol stamps for pressure piping, power boilers, or assembly stamps. The piping of fittings, adjacent to the welded joint farthest from the boiler shall be stamped with the pressure piping, power boiler, or assembly code symbol stamp of the American Society of Mechanical Engineers when approved by the inspector.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: June 9, 1989

FILED WITH LRC: June 15, 1989 at noon

PUBLIC HEARING: A public hearing on this regulation shall be held on July 21, 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 July 16, 1989, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Boiler contractors.

(a) Direct and indirect costs or savings to those affected: This amendment merely clarifies requirements of pressure vessels as well as boilers in appropriate sections. Also identifies the applicable code edition in compliance with KRS Chapter 13A.

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: Paperwork requirements or reporting data would not change with this amendment.

(2) Effects on the promulgating administrative body: This amendment is a clarification of intent and as proposed would have no effect on this agency.

(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: This amendment does not relate to revenue enhancement.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Method of enforcement and criteria set by national standard; no alternative method assessed nor rejected.

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

(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**  
**Division of Plumbing**  
**(Proposed Amendment)**

**815 KAR 20:090. Soil, waste and vent systems.**

RELATES TO: KRS Chapter 318

STATUTORY AUTHORITY: KRS 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to material and the design of the soil, waste and vent systems that will be used in all types of plumbing systems that are constructed throughout the Commonwealth. This amendment is needed to prohibit connecting a house basement floor drain to a sewer system when it has been determined by the treatment facility that such connection is detrimental.

Section 1. Grades and Supports of Horizontal Piping. All horizontal pipings shall be run in practical alignment and at a uniform grade of not less than one-eighth (1/8) inch per foot, and shall be supported or anchored in accordance with the manufacturer's recommendations but in no instance to exceed ten (10) feet in length. All stacks shall be supported at their bases and all pipes shall be rigidly secured. No-hub pipe and fittings shall be supported at each joint of pipe and fittings. Polyvinyl chloride and acrylonitrile-butadiene-styrene schedule forty (40) horizontal piping shall be supported at intervals not to exceed four (4) feet and at the base of all vertical stacks and at all trap branches as close to the trap as possible. Polyethylene pipe and fittings must be continuously supported with a V channel. Stacks must be rigidly supported at their bases and at each floor level.

Section 2. Change in Direction. All changes in direction shall be made by the appropriate use of forty-five (45) degree wyes, half-ways, quarter, sixth, eighth or 16th bends, except that a single sanitary tee may be used in a vertical stack, or a sanitary tee may be turned on its back or side at an angle of not more than forty-five (45) degrees.

Section 3. Prohibited Fittings. No double hub bend or double hub tee or inverted hubs shall be used on sewers, soil or waste line. The drilling and tapping of house sewers or house drains, soil, waste or vent pipes, and the use of saddle hubs and bands is prohibited. Double sanitary tees may be used on vertical soil, waste and vent lines. All pipes shall be installed without hubs or restrictions that would reduce the area or capacity of the pipe.

Section 4. Dead Ends. In the installation of any drainage system, dead ends shall be avoided.

Section 5. Protection of Material. All pipes passing under or through walls shall be protected from breakage. All pipes passing through, or under cinder, concrete, or other corrosive material shall be protected against external corrosion.

Section 6. Materials. All main or branch soil, waste and vent pipes and fittings within or underneath a building shall be hub and spigot extra heavy or service weight cast iron, no-hub service weight cast iron, aluminum, galvanized steel, galvanized wrought iron, lead, brass, Types K, L, M, DWV copper, standard high frequency welded tubing conforming to ASTM B-586-73, Types R-K, R-L, R-DWV brass tubing, DWV brass tubing conforming to ASTM B-587-73, seamless stainless steel tubing, Grade G or H conforming to CS-268-68, polyvinyl chloride schedule 40 or 80 conforming to ASTM D-2665-76 and D-1784-75, acrylonitrile-butadiene-styrene schedule 40 or 80 conforming to ASTM D-2661-76 and D-1788-73, silicon iron or borosilicate. All mains or branch soil waste and vent pipe and fittings underground shall either be hub and spigot extra heavy or service weight cast iron, No-hub service weight cast iron, aluminum, Type K or L copper pipe, Type R-K, R-L brass tubing, lead, silicon iron or borosilicate pipe and fittings or plastics DWV listed above.

Section 7. Size of Waste Pipe per Fixture Unit on any One Stack. The following table, based on the rate of discharge from a lavatory as a unit, shall be employed to determine fixture equivalents:

Pipe Size (In Inches)	Maximum Developed Length	Fixture Units
1 1/4	25 ft.	1
1 1/2	30 ft.	2
2	50 ft.	6
2 1/2	100 ft.	12
3	225 ft.	30
4		96
5		180
6		420
8		1200
10		2400
12		4200

Section 8. Size of Combined Soil and Waste Pipe per Fixture Unit on any One Stack. The following table, based on the rate of discharge from a lavatory as the unit, shall be employed to determine fixture equivalents:

Pipe Size (In Inches)	(Maximum Developed Length of Combined Soil and Waste and Vent)	Fixture Units
*3	100 ft.	24
4		96
5		180
6		420
8		1200
10		2400
12		4200

\* Not more than two (2) water closets or two (2) bathroom groups.

Section 9. Soil and Waste Branch Interval. The total number of fixture units installed on any soil or waste branch interval shall not exceed one-half (1/2) of the fixture units set forth in the table in Section 8, of this regulation.

Section 10. Soil, and Vent Stacks. Every building in which plumbing fixtures are installed shall have a soil, waste and/or vent stack, or stacks extending full size through the roof, except as otherwise provided for in Sections 7 or 8 of this regulation. Soil, waste and/or vent stacks shall be as direct as possible and free from sharp bends or turns. The required size of the soil, waste and/or vent stack shall be determined from the total of all fixture units connected to the stack in accordance with Section 7 or 8 of this regulation except that no more than two (2) water closets shall discharge into a three (3) inch stack.

Section 11. Future Openings. All openings left or installed in a plumbing system for future openings shall be complete with its soil and/or waste and vent piping and shall comply with all other sections of this code.

Section 12. House Drain. When a three (3) inch house drain enters a building it shall be provided with a three (3) inch stack. One (1) floor drain may be added to the house drain with a three (3) inch trap provided that it conforms with the requirements of Sections 26 and 30 of this regulation, without counting toward the fixture units of the system. Eight and one-half (8 1/2) fixture units may be added to the three (3) inch house drain if an additional two (2) inch stack is provided, the fixtures are vented in accordance with Section 23 of this regulation, the center of the last fixture opening does not exceed ten (10) feet (horizontal measures) from the center line of the house drain and these fixtures are installed on a lower level than the other fixtures in the system.

Section 13. Soil and Waste Stacks, Fixture Connections. All soil and waste stacks and branches shall be provided with correctly faced inlets for fixture connections. Each fixture shall be independently connected to the soil and/or waste system. Fixture connections to water closets, floor outlet pedestal sinks, pedestal urinals, or other similar plumbing fixtures shall be made by either cast iron, lead, brass, copper, or plastic closet bends. All three (3) inch closet bends shall have a four (4) inch by three (3) inch flange.

Section 14. Changing Soil and Vent Pipes. In an existing building where the soil, waste and vent piping is not extended undiminished through the roof or where there is a sheet metal soil or waste piping, such piping shall be replaced with appropriate sizes and materials as prescribed for new work when a fixture or fixtures are changed or replaced.

Section 15. Prohibited Connections. No fixture connection shall be made to a lead bend or a branch of a water closet or a similar fixture. Vent pipes above the highest installed fixture on a branch or main shall not be used as a soil or waste pipe.

Section 16. Soil, Waste and Vent Pipe Protected. No soil, waste, or vent pipe shall be installed or permitted outside a building unless adequate provision is made to protect it from frost. The piping must be wrapped with one (1) layer of heavy hair felt and at least two (2) layers of two (2) ply tar paper, all properly bound with copper wire or in lieu thereof, the vent shall be increased to full size, the size of the increaser required as if it were passing through the roof.

Section 17. Roof Extensions. All roof extensions of soil and waste stacks shall be run full size at least one (1) foot above the roof, and when the roof is used for other purposes than weather protection, such extensions shall not be less than five (5) feet above the roof. All stacks less than three (3) inches in diameter shall be increased to a minimum of three (3) inches in diameter before passing through a roof. When a change in diameter is made, the fitting must be placed at least one (1) foot below the roof.

Section 18. Terminals. If a roof terminus of any stack or vent is within ten (10) feet of the top, bottom, face or side edge of any door, window, scuttle, or air shaft, and not screened from such an opening by a projecting roof or building wall, it shall be extended at least two (2) feet above the top edge of the window or opening.

Section 19. Terminals Adjoining High Buildings. No soil, waste or vent pipe extension of any new or existing building shall be run or placed on the outside of a wall, but shall be carried up in the inside of the building unless the piping is protected from freezing. In the event, the new building is built higher than the existing building, the owner of the new building shall not locate windows within ten (10) feet of any existing vent stack on the lower building.

Section 20. Traps, Protected; Vents. Every fixture trap shall be protected against siphonage and backpressure. Air circulation shall be assured by means of an individual vent. Crown vents are not permitted.

Section 21. Distance of Trap from Vent. (1) The distance between the vent and the fixture trap shall be measured along the center line of the waste or soil pipe from the vertical inlet of the trap to the vent opening. The fixture trap vent, except for water closets and similar fixtures, shall not be below the dip of the trap, and all ninety (90) degree turns in the



water line of the main waste, soil, or vent pipes shall be washed. Each fixture trap shall have a vent located with a developed length not greater than that set forth in the table below:

Size of Fixture Drain (In Inches)	Distance Trap to Vent
1 1/4	2 ft. 6 in.
1 1/2	3 ft. 6 in.
2	5 ft.
3	6 ft.
4	10 ft.

(2) A fixture branch on a water closet shall not be more than three (3) feet.

Section 22. Main Vents to Connect at Base. When a main vent or vent stack is used, it shall connect full size at the base of the main soil or waste pipe at or below the lowest fixture branch and shall extend undiminished in size through the roof or shall be reconnected with the main soil or vent stack at least six (6) inches above the rim of the highest fixture. This section shall not apply to one (1) and two (2) story installations. When it becomes necessary to increase a vertical vent stack it then becomes a main vent and must comply with other sections of this code.

Section 23. Vents; Required Sizes. (1) The required size of a vent or vent stacks shall be determined by the total number of fixture units it serves and the developed length of the vent, in accordance with the following table, interpolating, when necessary, between permissible length of vent given in the following table:

MAXIMUM PERMISSIBLE LENGTHS OF VENTS

Pipe Size (In Inches)	Maximum Length (In Feet)	Fixture Units
1 1/4	30	2
1 1/2	150	8
2	200	18
2 1/2	250	36
3	300	72
4	400	240
5	600	420
6	800	720

(2) If a fixture opening is installed more than twenty-five (25) feet of developed length from the point where it is connected to the main soil or waste systems, or, if more than ten (10) feet of vertical piping is used, the vent shall be continued full size through the roof or returned full size to the main vent.

Section 24. Branch and Individual Vents. In no instance shall a branch or individual vent be less than one and one-fourth (1 1/4) inches in diameter and shall not exceed the maximum length permitted for a main vent.

Section 25. Vent Pipes Grades and Connections. All vent and branch vent pipes shall be free from drops or sags and be so graded and connected as to drip back to the soil or waste pipe by gravity. Where vent pipes connect to a horizontal soil or waste pipe, the vent branch shall be taken off above the center line of the

pipe, and the vent pipe must rise vertically at an angle of forty-five (45) degrees to the vertical, to a point six (6) inches above the fixture it is venting before offsetting horizontally or connecting to the branch, main, waste, soil or vent.

Section 26. Vents not Required. Vents will not be required on a backwater trap, or a subsoil catch basin trap, or a basement floor drain provided that the basement floor drain is the first opening on the house drain and that the basement floor drain branches into the house drain so that measuring along the flow line from the center of the stack, the floor drain shall not be closer than five (5) feet to the stack, nor farther than twenty (20) feet. The floor drain line shall be four (4) inches above the house drain. All floor drains on a house drain in between stacks shall be vented. All floor drains shall be the caulk-on-type.

Section 27. When Common Vent Permissible. Where two (2) water closets, two (2) lavatories or two (2) of any fixtures of identical purpose are located on opposite sides of a wall or partition, or directly adjacent to each other within the prescribed distance as set forth in Section 21 of this regulation measured along the center line of the flow of water, the fixtures may have a common soil or waste pipe and a common vent. It shall be vented in accordance with the other sections of this code.

Section 28. Floor Drain Individual Vent not Required. Manufacturers' floor drains do not require individual vents when they are placed on a waste line for floor drains only within the prescribed distance of ten (10) feet from the main waste line, or stack, provided the base of the stack is washed and the stack or stacks are undiminished through the roof, or connected to a main vent stack.

Section 29. Floor drains and service sinks installed on the operational floor level of sewage and water treatment plant facilities which discharge into an open sump and are not connected directly to the sanitary sewage system are not required to be trapped or vented.

Section 30. A Basement Floor Drain does not require an Individual Vent. A basement floor drain does not require an individual vent if it conforms to Section 26 of this regulation, or if it is the first floor drain on the main and is ahead of all sanitary openings and is not farther than five (5) feet from the main.

Section 31. House Drain Material. House drains shall be either extra heavy cast iron, service weight cast iron, brass Type (K) or (L) copper, lead, ABS or PVC plastic, or duriron.

Section 32. Indirect Waste Connections. Waste pipe from a refrigerator drain or any other receptacle where food is stored or waste water from a water cooled compressor, shall connect indirectly with the house drain, soil or waste pipe. The drain shall be vented to the outside air. Such waste pipes shall discharge into an open sink or another approved open receptacle that is properly supplied with water in accordance with other sections of this code. Such connections shall not be located in an

inaccessible or unventilated area.

Section 33. Bar and Soda Fountain Wastes. Bar and soda fountain wastes, sinks and receptacles shall have a one and one-half (1 1/2) inch P trap and branches. The main shall not be less than two (2) inches. The fresh air pipe shall not be less than one and one-half (1 1/2) inches. The main waste line shall discharge into a properly vented and trapped open receptacle inside or outside a building. Food storage compartment drains shall be indirectly connected through a trapped receptacle whose upper edge is raised at least one (1) inch above the finished floor line.

Section 34. Open Receptacles. Soil or waste piping receiving the discharge from an open receptacle shall be at least six (6) inches above the surface of the ground when it discharges into a septic system.

Section 35. Refrigerator Wastes. Refrigerator waste pipes shall not be less than one and one-half (1 1/2) inches for one (1) to three (3) openings, and at least two (2) inches for four (4) to eight (8) openings. Each opening shall be trapped. Such waste piping shall be provided with sufficient clean-outs to allow for thorough cleaning.

Section 36. Overflow Pipes. Waste from a water supply tank or exhaust from a water lift shall not directly connect to a house drain, soil, or waste pipe. Such waste pipe shall discharge upon a roof or into a trapped open receptacle.

Section 37. Acid and Chemical Wastes. Except as provided herein, no corrosive liquids shall be permitted to discharge into the soil, waste or sewer system. Such waste shall be thoroughly diluted or neutralized by passing through a properly constructed and acceptable dilution or neutralizing pit before entering the house sewer.

Section 38. Laboratory Waste Piping. Laboratory waste piping shall be sized in accordance with the other sections of this code. Each fixture shall be individually trapped. A continuous waste and vent pipe system may be used, provided the waste discharges into a vented dilution pit outside the building with a vent equal to the size of the drain. The vent may be eliminated when a pit has a ventilated cover. If under certain conditions a dilution pit is not required and is not used, each fixture shall be individually vented. If construction conditions permit, the base of the stack of the continuous waste and vent system shall be washed by the last fixture opening, and continue full size independently through the roof. All fixture branches exceeding more than the distance specified in the table in Section 21 of this regulation from the main shall be revented. The distance shall be measured from the center of the main to the center of the vertical riser. Fixture connections shall rise vertically to a height so that the trap will not be lower than twelve (12) inches from the bottom of the sink. Two (2) or more sinks may be connected into a common waste before entering the riser of the continuous waste and vent system, provided the fixtures are not more than five (5) feet from the center of one (1) fixture to the center of the other.

Section 39. Acid Waste Piping. Underground piping for acid wastes shall be extra heavy salt glazed vitrified pipe, silicon iron, lead, polyethylene pipe and fittings conforming to ASTM D-1204-62T, polypropylene pipe conforming to ASTM D-4101-85, or other materials approved by the department. Piping for acid wastes and vents above ground shall be of silicon iron, lead, borosilicate, or polyethylene pipe conforming to ASTM D-1204-62T, polypropylene pipe conforming to ASTM D-4101-85, or filament-wound reinforced thermosetting resin pipe conforming to ASTM D-2996 (green or poly thread).

Section 40. Special Vents. Flat or wet vents serving a plumbing fixture may be constructed only with special permission when a plumbing system is being remodeled or when additions are added to an original system.

Section 41. Basement Floor Drains and Sanitary Sewage Systems. Basement floor drains shall be connected to the house sewer and properly trapped and vented as set forth in this regulation. EXEMPTION: Basement floor drains, in single family dwellings, shall not be connected to the house sewer and shall be exempt from this section if, prior to the installation, the local health department or sanitary sewage system board, plant, district, or treatment plant owner notifies the Division of Plumbing, in writing, that connection is detrimental to the functioning of the sanitary sewer system or subsurface system. If the drain is not to be connected to the house sewer, the installation is also exempt from the waste, trap and venting provisions of the State Plumbing Code.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 30, 1989

FILED WITH LRC: June 15, 1989 at noon

PUBLIC HEARING: A public hearing on this regulation shall be held on July 21, 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 July 16, 1989, the hearing may be cancelled.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: Potential continuing indirect savings to sewer companies who exercise the exemption and do not therefore have to treat the additional water which comes into its plant

during flooding of basements in heavy rain situations.

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: One time filing of letter with department to assure the exemption is granted.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There are no financial costs or savings with this amendment. No extra inspections or loss of fees are involved.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Unburdensome recording and filing of any exemption letter from a local sewer system agency or company.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Same benefit could be provided by using 2 house sewer systems: 1 floor drain to serve a/c condensation, hot water heater relief valve discharge and incidental spills and a second to relieve a house basement from flood water. Rejected by board as too expensive for homeowners.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation may conflict with policy Division of Plumbing and Division of Water that they wish to prohibit allowing service water from being discharged to the surface because someone may use the floor drain to hook up their washing machine or pour pollutants into and create a health nuisance.

(a) Necessity of proposed regulation if in conflict: This regulation is sufficient to solve problem.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Yes, since plumbing code or regulation of Division of Water makes it illegal to either attach other fixtures to the basement floor drain or to create public health nuisance. The board felt sufficient safe guards are there.

(6) Any additional information or comments:

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. This regulation will affect only a division of local government.

3. State the aspect or service of local government to which this administrative regulation relates. This regulation relates to public sewer systems.

4. How does this administrative regulation affect the local government or any service it

provides? This regulation allows a local sewer system agency or company to assess the relative value of having added to their system the potential for all flood water in basements to be run through their system and treated. If they object to such practice, it can be prevented by filing written notice with the Department of Housing, Division of Plumbing.

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

815 KAR 25:010. Mobile homes.

RELATES TO: KRS 227.550 through 227.660, 227.990 [227.570]

STATUTORY AUTHORITY: KRS 227.570, 227.590

NECESSITY AND FUNCTION: KRS 227.590 requires the Mobile Home Certification and Licensure Board to establish rules and regulations governing the standards for manufacture, sale, and alteration of mobile homes. These regulations are intended to assure safety for owners and occupiers of mobile homes. This amendment is needed to bring the regulation into compliance with the technical requirements of KRS Chapter 13A and to clarify the standards and methods of inspection applicable to used mobile homes. This amendment shall take effect thirty (30) days after adoption, pursuant to KRS Chapter 13A, and shall be applicable to the possession and sale of mobile homes after that date.

Section 1. Definitions. In addition to the definitions contained herein, the definitions of National Fire Protection Association Pamphlet Number 501(b) and the HUD Act shall apply:

(1) "Act" means the Mobile Home and Recreational Vehicle Act, KRS 227.550 to 227.660.

(2) "Alteration or conversion" means the replacement, addition, modification or removal of any equipment or installations which may affect the body and frame design and construction, plumbing, heat-producing or electrical systems or the functioning thereof of mobile homes subject to these regulations is an alteration or conversion unless excluded by these regulations. The above equipment must be installed in accordance with manufacturer's specifications.

(3) "Agency, testing" means an outside organization which is:

(a) Primarily interested in testing and evaluating equipment and installations;

(b) Qualified and equipped for, or to observe experimental testing to approved standards;

(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;

(d) Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and

(e) Approved by the board.

(4) "Board" means the Mobile Home Certification and Licensure Board defined in KRS 227.550(1).

(5) "Certificate of acceptability" means the certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import or sell mobile homes within

the state to licensed Kentucky dealers.

(6) "Certified Kentucky dealer" means a dealer who is approved by the State Fire Marshal to inspect used mobile homes which are brought into Kentucky, and repair them, if necessary, under NFPA 501(B) before placing a "B" seal upon them.

(7) "Class "A" seal" as defined by KRS 227.550(2) is for application on new mobile homes not covered by the HUD Act.

(8) "Class "B" seal" as defined by KRS 227.550(3) is for application on used mobile homes.

(9) "Dealer" as defined by KRS 227.550(4).

(10) "Established place of business" as defined by KRS 227.550(5).

(11) "Hard surfaced lot" means an area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel or stone, or other material of similar characteristics.

(12) "HUD Act" means Title VI of the "Housing and Community Development Act of 1974 - National Mobile Home Construction and Safety Standards."

(13) "Manufacturer" as defined by KRS 227.550(8).

(14) "Manufactured housing" as defined by KRS 227.550(7).

(15) "Mobile home or manufactured home" as defined by KRS 227.550(9).

(16) "Municipality" for purposes of this regulation means county.

(17) "NFPA" means National Fire Protection Association pamphlets published by and available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(18) "Person" means a person, partnership, corporation or other legal entity.

(19) "Reg tag" means a written notice which is applied to a mobile home by a representative of the State Fire Marshal's Office in accordance with Section 10 of this regulation signifying that the mobile home is not in compliance with applicable laws.

(20) "Registration" means the transfer of title or any other official recording of change of ownership.

(21) "Salvage unit" means any used mobile home which is identified by the State Fire Marshal and the dealer, or by title, to not be subject to "B" seal requirements because it is not to be sold or used for habitable purposes.

(22) "Suitable sign" means a sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and minimum width of one and one-half (1 1/2) inches.

(23) "Used mobile home" means any mobile home unit which is offered for sale after the original purchase. These units are not covered by the HUD Act.

#### Section 2. [1.] Authorization and Enforcement.

(1) These rules are authorized by KRS 227.590 and established pursuant to the rule making procedures set forth in KRS Chapter 13A, in order to implement, interpret, and carry out the provisions of laws of 1974, as amended in 1976, KRS Chapter 227, relating to mobile homes. In the event that these regulations conflict with the codes promulgated by the National Fire Protection Association NFPA 501(B) and Title VI of the Federal Housing and Community Development Act of 1974 (Hud Act), the codes or the HUD Act subsequent to the effective enforcement date, shall govern in all cases.

(2) Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's office is authorized to enter any dealer's place of business in order to inspect any mobile home for which the office has issued a seal of approval, or to inspect such mobile home's equipment and its installations to insure compliance with the Act, the code and the HUD Act and these regulations. Upon complaint and request by the owner or occupant, a privately owned mobile home bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance, he may require that a portion or portions of such mobile homes be removed or exposed in order that a compliance inspection can be made.

[(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations, the office shall mail to all manufacturers possessing valid certificates of acceptability and dealers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.]

[(3) Every rule or regulation, or modification, amendment or repeal of a rule or regulation adopted by the board shall state the date it shall take effect.]

[Section 2. Enforcement. Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's office is authorized to enter any premises in order to inspect any mobile home for which the office has issued a seal of approval, or to inspect such mobile home's equipment and/or its installations to insure compliance with the Act, the code and/or the HUD Act and these regulations. Upon complaint and request by the owner or occupant, a privately owned mobile home bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance, he may require that a portion or portions of such mobile homes be removed or exposed in order that a compliance inspection can be made.]

[Section 3. Definitions. In addition to the definitions contained herein, the definitions of NFPA 501(B) by the National Fire Protection Association and/or the HUD Act shall apply:]

[(1) Act. The Mobile Home and Recreational Vehicle Act, KRS 227.550 to 227.660.]

[(2) HUD Act. Title VI of the "Housing and Community Development Act of 1974 - National Mobile Home Construction and Safety Standards."]

[(3) Agency, testing. An outside organization which is:]

[(a) Primarily interested in testing and evaluating equipment and installations;]

[(b) Qualified and equipped for, or to observe experimental testing to approved standards;]

[(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;]

[(d) Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and]

[(e) Approved by the board.]

[(4) Alteration or conversion. The replacement, addition, modification or removal of any equipment or installations which may affect the body and frame design and construction, plumbing, heat-producing or electrical systems or the functioning thereof of mobile homes subject to these rules is an alteration or conversion unless excluded by these rules. The above equipment must be installed in accordance with manufacturer's specifications.]

[(5) Board. Mobile Home Certification and Licensure Board.]

[(6) Certificate of acceptability. The certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import, or sell mobile homes within the state.]

[(7) Class "A" seal. A device or insignia issued by the office to indicate compliance with the standards, established by the office, or rules and regulations established by the board for new mobile homes not covered by the HUD Act and manufactured after the effective date of the Act.]

[(8) Class "B" seal. A device or insignia issued by the office to indicate compliance with the standards established by the office or rules and regulations established by the board for used mobile homes.]

[(9) Dealer. Any person, other than a manufacturer, as defined herein, who sells or offers for sale three (3) or more mobile homes in any consecutive twelve (12) month period.]

[(10) Established place of business. A fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a mobile home dealer, which shall include the books, records, files and equipment necessary to properly conduct such business or a building having sufficient space therein to properly show and display the mobile homes being sold and in which the functional duties of a mobile home dealer may be performed. The place of business shall not consist of residence, tent, temporary stand or open lot. It shall display a suitable sign identifying the dealer and his business.]

[(11) Hard surfaced lot. An area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel and/or stone, or other material of similar characteristics.]

[(12) Manufacturer. Any person who manufactures mobile homes and sells to dealers.]

[(13) Manufactured housing. Mobile homes, recreational vehicles, mobile office or commercial units, add-a-rooms, or cabanas.]

[(14) Mobile home or manufactured home. Means a structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40)

body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Title VI of the federal act. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure. It shall include house trailers which are regulated as to length, width and registration by KRS Chapter 186. "Add-a-room" units are not considered an integral part of a mobile home. A new mobile home used or intended to be used as a single family dwelling is covered by the HUD Act and is excluded from these regulations.]

[(15) NFPA 501 (A). That section of the National Fire Code adopted by the National Fire Protection Association that pertains to mobile home installation.]

[(16) NFPA 401 (B). That section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for mobile homes not covered by the HUD Act.]

[(17) Office. The Office of the State Fire Marshal.]

[(18) Person. This means a person, partnership, corporation or other legal entity.]

[(19) Secretary. The Secretary of the U.S. Department of Housing and Urban Development.]

[(20) Suitable sign. A sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and minimum width of one and one-half (1 1/2) inches.]

Section 3. [4.] Scope and Purpose of the Act and Regulations. (1) Except to the extent otherwise stated in the Act and these regulations and in other laws of the Commonwealth which are not inconsistent with or superseded by the Act and these regulations, these regulations govern the design, manufacture and sale of new and used mobile homes not covered by the HUD Act, which are manufactured, sold or leased for use within or outside of the Commonwealth by dealers and manufacturers. Any person, firm or corporation who sells or offers for sale in Kentucky three (3) or more mobile homes in any consecutive twelve (12) month period shall be considered a dealer subject to all requirements set forth in this regulation. These regulations apply to mobile homes manufactured in manufacturing facilities located within or outside the Commonwealth. Mobile homes brought into this state for exhibition use only, in accordance with Section 9(4) of this regulation, and which will not be sold in this state shall [may] be exempt [excluded] from the requirements [coverage] of this [Act and] regulation if inspections reveal no condition hazardous to health or safety.

(2) [The state legislature has enacted the

mobile home and recreational vehicle Act to protect the health and safety of the owner, occupiers, and all other persons from malmanufactured mobile homes. The office has been given authority to carry out the purpose of the Act.] The Act sets out the minimum standards for design and manufacture. Dealers are encouraged to maintain ethical business standards beyond nonfraudulent minimums.

Section 4. [5.] Standards for Vehicles in Manufacturers' or Dealers' Possession. (1) The office shall enforce such standards and requirements for the installation of plumbing, heating, and electrical systems in mobile homes not covered by the HUD Act, as it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(2) The office shall also enforce such standards and requirements for the body and frame design and construction of mobile homes as are reasonably necessary in order to protect the health and safety of the occupants and the public.

(3) All new mobile homes not covered by the HUD Act, manufactured for sale within the Commonwealth of Kentucky shall be constructed in accordance with NFPA 501(B), 1977 edition, herein adopted by reference.

(4) NFPA 501(B), which is adopted by reference in subsection (3) of this section shall be the [On all used mobile homes, said] standard for all used mobile homes, unless otherwise provided in this regulation, and it shall be used by [shall be that] the dealer upon inspection in accordance with subsection (7) of this section to determine and certify: [shall certify]

(a) [that] The safe and adequate working condition of the electric, heating, plumbing systems; [,]

(b) The door[s], window[s], and general structural integrity of the unit; [, smoke detection equipment] and

(c) The sealing of all exterior holes [have been sealed] to prevent the entrance of rodents, and repaired if necessary; [,] and

(d) The existence of adequate and operable smoke detection equipment; and

(e) The existence of storm windows. [found to be in safe working condition and thus be in conformity with the intent of the Act to protect the health and safety of the occupants and general public.]

(5) All mobile homes taken in trade by the dealer shall [must] be reinspected and certified that it is in compliance with requirements of subsection (4) of this section. The existing Class "A" or Class "B" seal may be removed or a new seal may be applied over the existing seal. When a new mobile home purchased under the provision of the HUD Act is resold, it becomes a used mobile home and subject to the provisions of this section. "A" and "B" [A] seals shall [will] not be required if the [such] dealer submits to the office an affidavit that the unit is a salvage unit. No salvage unit shall be sold until it has been authorized, in writing, by the office to be labeled "salvage only" and the label has been applied by the dealer. Upon prior approval of the office, one (1) licensed dealer may sell units to another licensed dealer without applying seals [will not be resold for use as such by the public].

(6) All new mobile homes shall be installed per manufacturers instructions or NFPA 501 (A),

1977 edition when manufacturers defer to local jurisdiction. All used mobile homes shall be installed in accordance with NFPA 501 (A), 1977 edition.

(7) All new mobile homes purchased outside the Commonwealth of Kentucky not bearing a Class "A" seal of approval or a HUD label and all used mobile homes purchased outside the Commonwealth of Kentucky, regardless of the type seal or label affixed, shall be inspected by a certified Kentucky dealer or the office and a Class "B" seal of approval affixed prior to registration of the home. This inspection shall consist of the following:

(a) Inspection of the plumbing and waste systems, to determine operability and absence of leaks.

(b) Inspection of the heating unit to determine adequacy of systems.

(c) Inspection of the electrical systems including the main circuit box and all outlets/switches to detect any damaged coverings, lost screws, or improper installations.

(d) Inspection for the existence of adequate and operable smoke detection equipment.

(e) Inspection for storm windows. EXCEPTION: This paragraph and paragraph (4)(e) of this subsection do not apply to mobile homes built prior to the HUD Act. Compliance with the NFPA 501(B) Edition in effect at the time the mobile home was constructed shall be deemed to comply with this subsection.

(8) Any licensed Kentucky mobile home dealer that maintains the capability to perform minor maintenance of plumbing, heating and electrical systems of mobile homes shall be permitted to inspect and certify those mobile homes purchased in another state for use within the Commonwealth of Kentucky. Any dealer desiring to perform this service shall make application to the Office of the State Fire Marshal for appropriate certification. The office shall maintain a list of all certified mobile home dealers.

(9) Any unit found to be in noncompliance with the requirements of Section 4(5) or [5](7) of this regulation shall be corrected prior to the dealer certifying the unit or offering the unit for sale unless the unit has been issued a salvage label in accordance with this regulation. All units requiring repairs or correction prior to unit certification shall be reported to the office specifying the repairs required to correct the deficiencies. Appropriate reporting forms shall be made available to qualified dealers performing inspection.

(10) The fee for the inspection of mobile homes shall be twenty (20) dollars per hour plus mileage as required and a twenty-five (25) dollar seal fee.

Section 5. [6.] Applicability and Interpretation of Code and Regulation Provisions. Any questions regarding the applicability or interpretation of any provisions of [or] code or regulation adopted shall be submitted to the office, in writing, by any interested person [to the office for resolution]. It is the policy of the office that with respect to questions regarding NFPA 501(B), that the [any such] questions shall, whenever feasible, be submitted to the NFPA in accordance with the established procedures of the organization. The office shall answer these

questions and make interpretations and the decision of the office shall be in writing.

Section 6. [7.] Certificate of Acceptability.  
(1) No manufacturer may manufacture, import, or sell any mobile home in this state [after the effective date of this Act,] unless he has procured a certificate of acceptability from the board. Compliance shall be enforced through KRS 227.992. Mobile homes not covered by the HUD Act, manufactured in this state and designed for delivery to and for sale in a state that has a code that is inconsistent with NFPA 501(B) need not comply with this provision.

(2) Requirements for issuance.

(a) The manufacturer must submit and the office must approve in-plant quality control systems.

(b) A \$400 fee must accompany the application. The fee shall be paid by check or money order and shall be made payable to Kentucky State Treasurer.

(c) The manufacturer must furnish and maintain with the office proof of general liability insurance to include lot and completed operations insurance in the minimum amount of \$300,000 bodily injury or death for each person, \$400,000 bodily injury or death for each accident, and \$100,000 property damage.

(3) Quality control measures shall be provided for all mobile units not covered by the HUD Act. To obtain in-plant quality control approval, a manufacturer shall submit a system for in-plant control pursuant to paragraph (b) of this subsection and submit to inspection by the office for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain the following:

(a) A certified copy of the plans and specifications of a model or model-group for body and frame design, construction, electrical, heating, and plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one-half (8 1/2) inches by eleven (11) inches and the maximum possible size of which is twenty-four (24) inches by thirty (30) inches. The manufacturer shall certify that the aforementioned systems comply with NFPA 501(B).

(b) Also a copy of the procedure which will direct the manufacturer to construct mobile homes in accordance with the plans, specifying:

1. Scope and purpose.
2. Receiving and inspection procedure for basic materials.
3. Material storage and stock rotation procedure.
4. Types and frequency of product inspection
5. Sample of inspection control form used.
6. Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.
7. Test equipment.
8. Control of drawings and material specifications.
9. Test procedures.

(4) A unit certification format certifying compliance with the Act and this regulation shall be submitted to the office no later than the end of the first week of each month for those units manufactured under the state code and not bearing a HUD [federal] label, i.e., mobile offices, add-a-rooms, duplex units, etc. The unit certification format shall contain the

information in the format of Appendix A.

(5) No manufacturer to which a certificate of acceptability has been issued shall modify in any way its manufacturing specifications without prior written approval of the office.

(6) If the manufacturer is also a dealer, he must also comply with dealer licensing provisions.

(7) If [Should] the applicant does not conform with these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. If [Should] the applicant fails to submit a corrected application in accordance with the information supplied on the application correction notice, the application shall [will] be deemed abandoned and twenty (20) percent of fees due shall [will] be forfeited to the office. Any additional submission shall be processed as new application.

(8) Manufacturers shall notify the office in writing within thirty (30) days of any of the following occurrences:

- (a) The corporate name is changed;
- (b) The main address of the company is changed;
- (c) There is a change in twenty-five (25) percent or more of the ownership interest of the company within a twelve (12) month period;
- (d) The location of any manufacturing facility is changed;
- (e) A new manufacturing facility is established; or
- (f) There are changes in the principal officers of the firm.

(9) Any information relating to building systems or in-plant quality control systems which the manufacturer considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the office, and by the inspection, evaluation, and local enforcement agencies unless the board determines in each case that disclosure is necessary to carry out the purposes of the Act.

(10) The office may determine that the standards for mobile homes established by a state or a recognized body or agency of the federal government or other independent third party are at least equal to NFPA 501(B). If the office finds that such standards are actually enforced then it may issue a certificate of acceptability for such mobile homes.

[[11] A certificate of acceptability may be denied, suspended, or revoked on the following grounds:]

- [[a) Evidence of insolvency;]
- [[b) Material misstatement in application for certificate of acceptability;]
- [[c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;]
- [[d) Willfully defrauding any buyer;]
- [[e) Willful failure to perform any written agreement with any buyer or dealer;]
- [[f) Failure to furnish or maintain the required liability insurance;]
- [[g) A fraudulent sale, transaction, or repossession;]
- [[h) Violation of any law relating to the sale or financing of mobile homes.]

[[12] If a certificate holder is a firm or corporation, it shall be sufficient cause for denial, suspension or revocation of a certificate that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty



of any act or omission which would be cause for refusing, suspending, or revoking a certificate to such party as an individual. Each certificate holder shall be responsible for any or all of his salesmen while acting as his agent while the agent is acting within the scope of his authority.]

[(13) Procedure for denial, revocation or suspension.]

[(a) The office may deny the application for a certificate of acceptability by written notice to the applicant, stating the grounds for such denial.]

[(b) No certificate of acceptability shall be suspended or revoked by the office except after a hearing thereon. The office shall give the certificate holder at least thirty (30) days notice of the time and place of the hearing and of the charges to be heard.]

[(c) Any manufacturer who violates or fails to comply with this Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation and instructed to correct the violation within twenty (20) days. Should the manufacturer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any certificate of acceptability if it finds that:]

[1. The manufacturer has failed to pay the fees authorized by the Act; or that]

[2. The manufacturer, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of the Act.]

[3. The manufacturer has shipped or imported into this state a mobile home to any person other than to a duly licensed dealer.]

[(14) Any person aggrieved by any ruling of the office denying a certificate of acceptability within fifteen (15) days after any such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine and order that any applicant is not qualified to receive a certificate of acceptability, no certificate shall be granted. If the board shall determine that the certificate holder was willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his certificate may be suspended or revoked.]

[(15) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.]

[(11) [(16)] Under proceedings for the suspension of a certificate of acceptability for any of the violations enumerated in the Act, the holder of a certificate of acceptability may have the alternative subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty (50) dollars per day.

Section 7. [8.] Serial Numbers, Model Numbers, Date Manufactured. A clearly designated serial number, model number, and date manufactured shall be stamped into the mobile home tongue, or

front cross member of the frame at the lower left hand side (while facing the unit), and if there is no such tongue or cross member, then a data plate with this information shall be affixed on the outside in a conspicuous place.

Section 8. [9.] Dealer License. (1) No dealer of mobile homes shall engage in business as such in this state without a license issued by the office upon application.

(2) Application must contain the following information:

(a) Name and address of the chief managing officer;

(b) Location of each and every established place of business;

(c) Social security number and date of birth of chief managing officer;

(d) Affidavit certifying compliance with the Act and regulations;

(e) Names of offices if dealership in corporate form;

(f) Names of partners if dealership in partnership form;

(g) A copy of a valid Kentucky sales tax certificate.

(h) Any other information the office deems commensurate with safeguarding of the public interest in the locality of the proposed business.

(3) All licenses shall be granted or refused within thirty (30) days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(4) The license fee shall be \$100. The fee shall be paid by check or money order and shall be made payable to Kentucky State Treasurer.

(5) The license must be conspicuously displayed at the established place of business. In case such location be changed, the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(6) The dealer must furnish and maintain with the office certification of liability insurance in the minimum amount of \$200,000 bodily injury or death for each person, \$300,000 bodily injury or death for each accident, and \$100,000 property damage.

(7) Dealers shall maintain a record of all units sold, new and used, to include serial numbers, Kentucky seal numbers ("A" or "B"), date manufactured, make, and the name and address of the purchaser. This report shall be in the format depicted in Appendix B. The report shall be made available to the field inspector on a monthly basis.

(8) No dealer shall have the authority to make any alterations to any mobile home manufactured under the HUD Act or NFPA 501(B) [federal code] without the express permission of the manufacturer; except that in the case of used mobile homes, permission may be obtained from the State Fire Marshal's Office in accordance with this regulation. Any dealer altering a mobile home shall be guilty of a federal violation and shall be subject to the penalties provided in KRS 227.990. Alteration of a mobile home shall include but is not limited to: addition/deletion of windows, doors, or partitions; conversion of a heat producing appliance from one (1) fuel to another, i.e., electric to gas or gas to electric or oil;

addition of an electrical circuit to accommodate a washer or dryer; addition of central air conditioning when the unit is not designed for that purpose; improper or improperly listed materials for the repair of a unit; installing an unlisted heat producing appliance, etc. The following does not constitute an alteration or conversion: replacement of equipment in kind, i.e., gas furnace with gas furnace; replacement or changing of furniture to accommodate the consumer and any other cosmetic repairs.

(9) Notification of a change in the application information must be made within thirty (30) days of any of the following occurrences:

(a) Dealership name is changed;  
 (b) Established place of business is changed (move to a different county requires a new license);

(c) There is a change in twenty-five (25) percent or more of the ownership interest of the dealership within a twelve (12) month period; or

(d) There are changes in the principal officers of the firm.

[(10) A license may be denied, suspended or revoked on the following grounds:]

[(a) A showing of insolvency in a court of competent jurisdiction;]

[(b) Material misstatement in application;]

[(c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;]

[(d) Willful failure to perform any written agreement with the buyer;]

[(e) Willfully defrauding any buyer;]

[(f) Failure to have or to maintain an established place of business;]

[(g) Failure to furnish or maintain the required liability insurance;]

[(h) Making a fraudulent sale, transaction or repossession;]

[(i) Employment of fraudulent devices, methods, or practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;]

[(j) Failure of a dealer to put the title to a mobile home in his name after said dealer has acquired ownership of the mobile home by trade or otherwise;]

[(k) Violation of any law relating to the sale or financing of mobile homes.]

[(11) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a license to such party as an individual. Each licensee shall be responsible for any or all of his salesmen while acting as his agent while said agent is acting within the scope of his authority.]

[(12) Upon proceedings for the suspension of a license for any of the violations enumerated in the Act, the licensee may have the alternative, subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty (50) dollars per day.]

[(13) Procedure for denial, revocation, or suspension.]

[(a) The office may deny the application for a

license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for such denial.]

[(b) No license shall be suspended or revoked by the office except after a hearing thereon. The office shall give the licensee at least thirty (30) days notice of the time and place of hearing and of the charges to be heard.]

[(c) Any dealer who violates or fails to comply with the Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation, and instructed to correct the violation within twenty (20) days. Should the dealer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any license if it finds that:]

[1. The dealer has failed to pay the fees authorized by the Act; or]

[2. The dealer either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Act or any regulation or order lawfully made pursuant to and within the authority of the Act.]

[(14) Any person aggrieved by any ruling of the office denying, suspending or revoking a license, within fifteen (15) days after such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine that the licensee has willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his license may be suspended or revoked.]

[(15) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.]

Section 9. [10.] Temporary Licenses. (1) Any dealer other than one duly licensed in Kentucky, pursuant to KRS 227.620, wishing to show and offer mobile homes within the Commonwealth of Kentucky [for the express purpose of retailing said units] to the general public, shall be required to purchase from the Office of the State Fire Marshal a temporary license. Said license shall not exceed fifteen (15) days duration and the license fee shall be \$100 [fifteen (15) dollars] for each authorized event. The applicant for the license shall notify the department at least thirty (30) days in advance of any event at which he plans to exhibit mobile homes for sale giving the name, location and time of the proposed event.

(2) Applicant shall meet the following requirements before a temporary license is granted:

(a) Be a duly licensed dealer in a state other than Kentucky;

(b) [Must] Certify to the office that the dealership has proper liability insurance in the minimum amount of \$200,000 [\$50,000] bodily injury or death for each person, \$300,000 [\$100,000] bodily injury or death for each accident, and \$100,000 [\$25,000] property damage;

(c) Provide satisfactory assurance to the office by way of a physical inspection by an authorized representative of this office, that each new unit not covered by the federal Act the

dealer intends to display, show or offer for sale, bears a Kentucky Class "A" seal of approval. Used mobile homes are not permitted to be shown or offered for sale within the Commonwealth of Kentucky by nonresident dealers at any time; [and]

(d) Possess a valid Kentucky Sales Tax Certificate;

(e) [(d)] Provide all other information as may be required by the office; and [.]

(f) The state in which the applicant is licensed shall have reciprocal provisions for temporary licensing of Kentucky dealers.

(3) Temporary licenses shall be prominently displayed at the location where the applicant is transacting business.

(4) Temporary licenses shall not be required for those dealers attending a mobile home show within the Commonwealth of Kentucky provided they do not sell or offer for sale to the general public new or used mobile homes, and further provided that the dealer has notified the department, in writing, at least thirty (30) days in advance of any event at which he plans to exhibit mobile homes, giving the name, location and time of the proposed event.

Section 10. [11.] Seals. (1) No manufacturer who has received a certificate of acceptability from the office shall sell or offer for sale to Kentucky dealers in this state mobile homes not covered by the HUD Act, unless they bear a Class "A" seal of approval issued by and purchased from the office. This provision shall not apply to vehicles sold or offered for sale for shipment out of state.

(2) No dealer who has received a license from the office shall sell a mobile home unless it has either a HUD seal, "A" seal, "B" seal or salvage label, except as otherwise provided in this regulation [a seal]. Any dealer who has acquired a used mobile home without a seal shall apply to the office for a Class "B" seal by submitting an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable code.

(a) Acquisition of seal.

1. Any manufacturer, except one altering a new mobile home not covered by the HUD Act, bearing a seal, may qualify for acquisition of a Class "A" seal by obtaining a certificate of acceptability pursuant to KRS 227.580 and Section 6 [7] of this regulation.

2. Any dealer, except one altering a mobile home bearing a seal, may qualify for acquisition of a Class "B" seal by giving an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, if necessary, repaired, and is now in safe working condition or that the unit meets the applicable code.

(b) Application for seals.

1. Any person who has met the applicable requirements of Section 6 [7] or 8 [9] of this regulation shall apply for seals in the form prescribed by the office. The application shall be accompanied by the seal fee of twenty (20) dollars for each Class "A" seal or twenty (20) dollars for each Class "B" seal.

2. If the applicant has qualified to apply for seals pursuant to the in-plant quality control approval method, the seal application shall include the certificate of acceptability number.

(c) Alteration or conversion of a unit bearing a seal.

1. Any alteration of the construction, plumbing, heat-producing equipment, electrical equipment installations or fire safety in a mobile home not covered by the HUD Act, which bears a seal, shall void such approval and the seal shall be returned to the office.

2. The following shall not constitute an alteration or conversion for those mobile homes not covered by the HUD Act:

a. Repairs with approved component parts.

b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing.

c. Adjustment and maintenance of equipment.

d. Replacement of equipment in kind.

e. Any change that does not affect those areas covered by NFPA 501(B).

3. Any dealer proposing an alteration to a mobile home not covered by the HUD Act, bearing a seal shall make application to the office. Such application shall include:

a. Make and model of mobile home.

b. Serial number.

c. State seal number.

d. A complete description of the work to be performed together with plans and specifications when required.

e. Location of the mobile home where work is to be performed.

f. Name and address of the owner of the mobile home.

4. Upon completion of the alteration, the applicant shall request the office to make an inspection.

5. The applicant may purchase a replacement seal, based on inspection of the alteration for a fee of two (2) dollars.

(d) Denial and repossession of seals. If [Should] inspection reveals that a manufacturer is [not] constructing mobile homes not covered by the HUD Act (such as office units), according to NFPA 501(B); or, if inspection reveals that any dealer failed to repair a used mobile home under the standards and procedures set forth in this regulation or failed to comply with any other provision for placement of seals and labels; and the dealer or manufacturer, [and such manufacturer,] after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture, sell or offer for sale mobile homes in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given. Upon satisfactory proof of compliance, the [such] manufacturer or dealer may resubmit an application for seal.

(e) Seal removal. In the event that any mobile home not covered by the HUD Act[, bearing the seal] is found to be in violation of these rules, the office shall attach to the vehicle a notice of noncompliance or a "red tag" and furnish the manufacturer or dealer a copy of same. The office, dealer or manufacturer shall not remove the noncompliance "red tag" until corrections have been made, and the owner or his agent has requested an inspection in writing to the office and [or] given an affidavit certifying compliance. Removal of any "red tag" shall result in repossession of all seals held by the dealer or manufacturer until such time as the facility is once again in full compliance

with the Act and this regulation.

(f) Placement of seals.

1. Each seal shall be assigned and affixed to a specific mobile home not covered by the HUD Act. Assigned seals are not transferable and are void when not affixed as assigned, and all such seals shall be returned to or may be confiscated by the office. The seal shall remain the property of the office and may be seized by the office in the event of violation of the Act or regulations.

2. The seal shall be securely affixed by the door on the handle side at approximately handle height.

3. No other seal, stamp, cover, or other marking may be placed within two (2) inches of the seal.

(g) Lost or damaged seals.

1. When a seal becomes lost or damaged, the office shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the mobile home serial number, and when possible, the seal number.

2. All damaged seals shall be promptly returned. Damaged and lost seals shall be replaced by the office with a replacement seal on payment of the replacement seal fee of two (2) dollars.

## APPENDIX A

## UNIT CERTIFICATION FORMAT

Name of Manufacturer		
Mailing Address		County
City	State	Zip Code

I hereby certify that the mobile homes as described hereon have been constructed in compliance with NFPA 501 B.

No.	Serial #	KY Seal #	Date Mfg.	Model	Size	Dealer
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

This form must be used in reporting units to the Office of the State Fire Marshal. The form should be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the manufacturer. This form should be mailed to the State Fire Marshal when the last entry has been

filled or not later than the first week of each month.

\_\_\_\_\_  
Date

BY \_\_\_\_\_  
Person Authorized to  
Certify These Units

## APPENDIX B

STATE FIRE MARSHAL  
MANUFACTURED HOUSING  
U.S. 127 SOUTH  
FRANKFORT, KENTUCKY 40601

Name of Dealer		
Mailing Address		County
City	State	Zip Code

I hereby certify that the used units described hereon have been inspected and are in compliance with the standards as required by KRS 227.550 through KRS 227.660 and regulations thereto and that the new mobile homes described hereon have the appropriate HUD label.

[illegible]

This form must be used in reporting units to the field inspector.

\_\_\_\_\_ Date \_\_\_\_\_ Signature

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: June 9, 1989

FILED WITH LRC: June 15, 1989 at noon

**PUBLIC HEARING:** A public hearing on this regulation shall be held on July 21, 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 July 16, 1989, the hearing may be cancelled.

## REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: The level of regulation remains the same as for 15 years. Purchase of seals and tax required has not been changed. Fees are the same.

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

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): We will be able to track the sale and certification of all used and state code mobile homes.

(b) Reporting and paperwork requirements: No increase in reporting or paperwork required to institute amendments in regulation.

(2) Effects on the promulgating administrative body: Level of enforcement remains the same. Requirements have been more specifically defined to provide better control and oversight over mobile homes.

(a) Direct and indirect costs or savings: No direct or indirect costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Inspection form on all used homes sold. Reports on each inspection, as in the past.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated revenue concerned.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Across the board uniform regulation completed by national recognized standards.

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

(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: Changes were made to bring the regulation into compliance with requirements of KRS Chapter 13A.

TIERING: Was tiering applied? Yes

## FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 24 CFR - Part 3280 - Manufactured Home Construction and Safety Standards; Part 382 - Manufactured Home Procedural and Enforcement Regulation.

2. State compliance standards. NFPA 501A 1977; NFPA 501B 1977.

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

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The federal mandate covers new mobile homes. This regulation parallels the federal standard requirements and covers standards for state code and used mobile homes.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. We have defined in detail the requirements of this regulation more specifically. It is important that the public be protected, to a minimum level at least, from faulty mobile homes when sold, used, by dealers. This regulation provides control and oversight of those mobile homes to maintain safety standards.

CABINET FOR HUMAN RESOURCES  
Department for Medicaid Services  
(Proposed Amendment)

907 KAR 1:054. Primary care 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. Primary care centers, as defined by the Health Certificate of Need and Licensure Board, represent an opportunity for the provision of comprehensive medical services to the indigent citizenry of Kentucky. This regulation, therefore, sets forth the provisions relating to primary care center services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and medically needy.

Section 1. Definitions. As used in this regulation, the following definitions apply:

(1) Basic services. Those services which shall [must] be provided by the facility for it to be considered a primary care center by the cabinet:

(2) Supplemental services. Those specified services which are in addition to the basic or required range of services, and for which the cabinet shall [will] make payment when appropriately provided by the primary care center;

(3) Element. A specific subprogram within the Medical Assistance Program; for example, primary Care Center Services is a subprogram or element of the Medical Assistance Program;

(4) Requirements for program participation. Those requirements of law or regulation

generally applicable throughout the Medical Assistance Program and with which all medical services providers shall [must] comply in order to participate and receive reimbursement as a provider of services to eligible medical assistance recipients.

Section 2. Requirement for Participation. Each primary care center shall be required to meet the standards set for certification by the Commission on Health Economics Control in Kentucky, and shall not receive reimbursement for services as a primary care center provider until the cabinet determines that the [such] standards are met and that the provider complies with all requirements for program participation.

Section 3. Covered Services. Each primary care center shall provide directly to eligible program recipients on a regular, full-time basis the basic services, and may provide one or more of the supplemental services.

(1) Basic services.

(a) Medical diagnostic and treatment services for all age groups, as provided by a physician(s), nurse practitioner(s), or physician assistant(s) if licensed under state authority.

(b) Treatment of injuries and minor trauma;

(c) Prenatal and postnatal care;

(d) A program of preventive health services which shall [must] include well-baby care, well-child care, and immunization, and which may include other types of preventive care;

(e) Referral services designed to ensure the referral to and acceptance by an appropriate medical resource when services necessary to the health of the patient are not provided directly by the center;

(f) Health education services. These services shall [must] provide as a minimum appropriate personnel to present, on request, information on general health care to local school systems, civic organizations and other concerned local groups. Services are to include distribution of written material on pertinent health subjects.

(g) The primary care center shall provide directly at least two (2) of the following additional professional services [The services provided by the following professional practitioners must be provided directly]:

1. Dentist;

[2. Clinical pharmacist. A clinical pharmacist is a licensed pharmacist whose services include taking medication histories, monitoring drug use, contributing to drug therapy, drug selection, patient counseling, administering drug programs and surveillance for adverse reactions and drug interactions;]

2. [3.] Optometrist; [.]

[(h) Any of the following services may substitute on a one for one basis for the services shown in paragraph (g) of this subsection, when provided directly by the center in the context of an identifiable program by appropriately trained personnel:]

3. [1.] Family planning services. These services shall [must] be provided as a package which shall [must] include those services required under the family planning element of the Medical Assistance Program;

4. [2.] Home health services. These services shall [must] include the same services as provided under the home health element of the Medical Assistance Program;

5. [3.] Social services counseling. This shall [must] include, as a minimum, information and referral services. Intensive counseling is to be limited to crisis situations and health related problems. Individuals with other identified counseling needs are to be referred to appropriate social service agencies. These services shall [must] be performed by a licensed, graduate, or certified social worker;

6. [4.] Pharmacy services. These services shall [must] meet the standards of the pharmacy component of the Medical Assistance Program; [.] Where clinical pharmacist is selected as a basic service in paragraph (g) of this subsection, pharmacy services may not be used as a substitute for one of the two (2) remaining required services in paragraph (g) of this subsection.]

7. [5.] Nutritional services. These services shall [must] include as a minimum individual counseling relating to nutritional problems or nutritional education. Group nutritional services may also be provided. These services shall [must] be performed by a professional nutritionist; and [.]

8. [6.] Nurse midwifery services. These services shall [must] be provided as a program which is to include prenatal services to expectant mothers, as well as delivery and postnatal services. These services shall [must] be performed by a certified nurse midwife.

(2) Supplemental services.

(a) Other services (excluding institutional care) within the scope of the Medical Assistance Program;

(b) Holding/observation accommodations;

(c) Any of the types of service in subsection (1)(g) [(h)] of this section, which are not provided as basic services;

(d) Outreach services. These services shall [must] be provided as a package structured to identify health care needs in the service area; and [.]

(e) Clinical pharmacist. A clinical pharmacist is a licensed pharmacist whose services include taking medication histories, monitoring drug use, contributing to drug therapy, drug selection, patient counseling, administering drug programs, and surveillance for adverse reactions and drug interactions.

Section 4. Drugs for Specified Immunizations. Effective with regard to services provided on or after October 1, 1988, primary care centers will be allowed to secure drugs for specified immunizations from the Department for Health Services free to provide immunizations for Medicaid recipients. The specified immunizations are:

(1) Diphtheria and tetanus toxoids and pertussis vaccine (DPT);

(2) Measles, mumps, and rubella virus vaccine, live (MMR);

(3) Poliovirus vaccine, live, oral (any type(s)) (OPV); and

(4) Hemophilus B conjugate vaccine (HBCV).

Section 5. Limitations on Services. The following limitations are applicable to specified services:

(1) Pharmacy services are limited to those drugs covered through the pharmacy services element of the Medical Assistance Program;

(2) Other drugs and biologicals not covered under pharmacy services are limited to those

necessary for the treatment of emergency cases;

(3) Laboratory services are limited to those procedures provided directly by the center, or if purchased, these services are limited to those covered under the independent laboratory element of the Medical Assistance Program;

(4) Dental services are limited to those procedures covered through the dental services element of the Medical Assistance Program;

(5) Vision care services are limited to those services covered through the vision care services element of the Medical Assistance Program;

(6) Audiology services are limited to those services covered through the hearing services element of the Medical Assistance Program;

(7) Abortion and/or sterilization services shall [must] be performed in accordance with guidelines specified by the cabinet;

(8) Durable medical goods and prosthetics are limited to those covered under the home health element of the Medical Assistance Program;

(9) Mental health services are limited to emergency services and appropriate referral;

(10) Holding/observation accommodations are covered for not more than twenty-four (24) hours when provided in accordance with the following:

(a) The patient's record shall document the appropriateness of such utilization;

(b) The physician shall make the decision that such utilization is necessary;

(c) A licensed nurse shall be on duty at the center during the time a patient is held in center accommodations beyond regular scheduled hours;

(d) A licensed physician shall be on call at all times when a patient is held beyond the regular scheduled hours of the center;

(e) A statement of conditions observed and treatment rendered during the [such] holding time shall [must] be entered in the patient's medical record;

(11) Radiology procedures shall [must] be performed by either a licensed practitioner of the healing arts or an individual holding a valid certificate to operate sources of radiation.

Section 6. Noncovered Services. The following services are specifically excluded from coverage as primary care center services:

(1) All institutional services;

(2) Housekeeping, babysitting, and other homemaker services of like nature;

(3) Services which are not provided in accordance with restrictions imposed by law or regulation.

Section 7. The provisions of this regulation as amended shall be effective with regard to services provided on or after July 1, 1989.

ROY BUTLER, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 15, 1989

FILED WITH LRC: May 24, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on July 21, 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 July 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is

received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All primary care center services 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: \*The Medicaid participation requirement with regard to basic services is being conformed to the licensing and regulation standards. It is assumed this will have no cost impact.

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 1:432. Incorporation by reference of the Home and Community Based Waiver Services Manual.

RELATES TO: KRS 205.520, Title XIX of the Social Security Act

STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer



the Medical Assistance Program in accordance with Title XIX of the Social Security Act and KRS 205.520. KRS 205.520 empowers the cabinet to comply with any requirement that is imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of this waiver component of the Medical Assistance Program. In the event of a conflict between manual materials incorporated by reference in this regulation and the primary subject administrative regulations of the cabinet relating to this component, the latter shall prevail.

Section 1. Incorporation by Reference. The cabinet incorporates by reference the Home and Community Based Waiver Services Manual, revised May 1, 1989 [September 1, 1988], used in the implementation of this component of the Kentucky Medical Assistance Program. This manual contains the policies and procedures issued by the cabinet for the implementation of this program element including benefit descriptions and operating instructions used by agency staff and participating providers.

Section 2. This manual incorporated by reference may be reviewed Monday through Friday between the hours of 8 a.m. and 4:30 p.m., Eastern time, in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which will not exceed approximate cost.

ROY BUTLER, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 18, 1989

FILED WITH LRC: June 14, 1989 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on July 21, 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 July 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written

request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All participating providers of home and community based waiver services are potentially 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: 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: There is no direct or indirect cost or savings to affected entities because this administrative regulation adopts manual materials incorporated by reference that outline procedures and operating instructions for agency staff and participating providers. Any cost or indirect cost or savings would be addressed in the primary component administrative regulation.

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

## PROPOSED REGULATIONS RECEIVED THROUGH JUNE 15, 1989

FINANCE AND ADMINISTRATION CABINET  
Kentucky Infrastructure Authority

## 200 KAR 17:010. Guidelines for infrastructure revolving fund.

RELATES TO: KRS Chapter 224A  
STATUTORY AUTHORITY: KRS Chapter 13A, 224A.070(1), 224A.113

NECESSITY AND FUNCTION: KRS 224A.070(1) and 224A.113 authorize the Kentucky Infrastructure Authority to promulgate regulations in accordance with KRS Chapter 13A, to govern the application for and provision of financial assistance to governmental agencies for the construction or acquisition of infrastructure projects from the infrastructure revolving fund.

Section 1. Definitions. For the purposes of this regulation the words and terms used shall have the same meaning as in KRS 224A.011, with the following additions:

(1) "Applicant" shall mean any governmental agency that has submitted an application for funds to the Kentucky Infrastructure Authority.

(2) "State clearinghouse" shall mean a review conducted within the Department of Local Government pursuant to federal or state law or regulations.

(3) "Authority staff" shall mean the Office for Investment and Debt Management.

(4) "Conditional commitment letter" shall mean a letter delivered to the borrowing governmental agency issuing the authority's commitment to provide a loan conditional on certain actions by the governmental agency on or before the closing date.

(5) "Department" shall mean the Department of Local Government.

(6) "Closing date" shall mean the date established by the authority for execution of the assistance agreement immediately preceding the award of construction contracts and satisfaction of conditions on the loan.

Section 2. Eligible Applicants. (1) Any governmental agency, as defined in KRS 224A.011, is eligible to apply to receive financial assistance for construction or acquisition of infrastructure projects.

(2) Each applicant must certify in writing that it is unable to finance the entire infrastructure project from its own resources. Documentation evidencing its inability will include the following:

(a) Letters from local lending institutions.

(b) An opinion of bond counsel, if applicable.

(c) If funds are for wastewater treatment facility, a statement from the Natural Resources and Environmental Protection Cabinet stating either:

1. The applicant will not qualify for funding during the current funding cycle;

2. The applicant has applied and fallen below the funding level in two (2) consecutive attempts; or

3. The applicant needs to supplement Natural Resources and Environmental Protection funds.

(d) If the applicant is in an area which qualifies for assistance through the Farmer's Home Administration ("FmHA"), a statement stating either:

1. The applicant would not qualify for funding;

2. Applicant has previously applied for FmHA funding and has failed to receive assistance in two (2) consecutive attempts; or

3. The applicant needs to supplement the FmHA funds with infrastructure revolving fund.

(e) Statements from any other sources or other certifications, which have a bearing on the application, will be considered.

(3) Each applicant must have or will attain the legal authority necessary for constructing, operating and maintaining the proposed infrastructure project. The applicant must also have the legal authority to obtain, give security for, and repay the proposed loan. The applicant shall be responsible for operating, maintaining and managing the infrastructure project and providing for its continued availability and use at rates and terms that will be adequate to meet its obligations as they become due including any loan. If the infrastructure project is to be operated, maintained or managed by a third party under contract, management agreement or written lease, the applicant shall nevertheless continue to be responsible for compliance with the requirements of this section.

Section 3. Eligible Infrastructure Projects. Monies in the infrastructure revolving fund shall be used for infrastructure projects which will enhance the health, safety and welfare, and encourage economic development opportunities in local communities as determined by the authority based upon each application. Eligible activities include: construction or acquisition of treatment works, distribution and collection facilities, or water resources projects instituted by an applicant, as approved by the authority and as may be required by law, the Natural Resources and Environmental Protection Cabinet or other public agency of having regulatory jurisdiction over the project; solid waste management facilities; dams; storm water control and treatment systems; solid waste handling and disposal facility; gas or electric utility; or any other public utility or public service project which the applicant may be authorized by law to operate, and which the authority finds will enhance the health, safety and welfare and encourage economic opportunities within or among local communities.

Section 4. Submission Requirements and Review Process. (1) The original and one (1) copy of each application must be submitted to: Department of Local Government, Capital Plaza Tower, Second Floor, Frankfort, Kentucky 40601, Attention: Director, Division of Community Programs; and one (1) copy of each application must be simultaneously submitted to the Kentucky Infrastructure Authority, Room 318, Capitol Annex Building, Frankfort, Kentucky 40601, Attention: Executive Director.

(2) Application forms may be obtained from the Department of Local Government, and a complete set of application forms must be submitted before an application will be considered for assistance from the infrastructure revolving fund.

(3) Only one (1) application from an eligible applicant will be accepted at one (1) time. An

application may be withdrawn at any time by an applicant, and any project previously disapproved for assistance from the infrastructure revolving fund may be resubmitted.

(4) The time frame for application review generally shall be: forty-five (45) days for Kentucky State Clearinghouse review; thirty (30) days for Department of Local Government review and priority assignment; and thirty (30) days for authority credit review; provided, however, that the agencies responsible for each part of the review may extend the time for review beyond these guidelines as may be necessary for thorough review, or to obtain from the applicant, and to consider clarification of anything contained in the application. Applicants may supplement their applications during the review process to clarify or explain the project scope, funds pledged as repayment of the loan, or make adjustments in the application to enhance the programmatic or financial feasibility of the project.

Section 5. Criteria for Selecting Eligible Projects. (1) The Department of Local Government shall select and determine eligible projects for loans or grants. The department shall take into consideration the following:

(a) Unemployment data, which will be specific to the county or counties from which the application originates and will reflect the most recent figures available from each county.

(b) The applicant's relationship to the capital investment plan, which will determine how well the infrastructure project fits into the economic strategy of the community. An infrastructure project which directly relates to economic development is one that stimulates the creation of new job opportunities or prevents the loss of a significant number of jobs. An infrastructure project will be considered based on the degree to which it enhances economic development efforts through job creation or retention and the level of priority in the community's capital investment plan.

(c) The department will determine the extent of the need for the infrastructure project and the impact which the project will have on the local economic development efforts. A primary consideration will be whether jobs will be created or retained as a result of the infrastructure project.

(d) The department will determine if the proposed costs of completing the infrastructure project is reasonable given the geographic location of the infrastructure project, current pricing trends, required professional services, and any other factors that may have a bearing on the project. Cost figures submitted in the application will be reviewed to determine whether the proposed budget for the project is feasible.

(e) The department will determine the overall project effectiveness and determine if the most beneficial project has been designed for the use of the infrastructure revolving fund.

(2) The department will review applications and assign a priority ranking based on the selection criteria. Projects will be ranked as Priority I, Priority II, or Priority III.

(a) A Priority I ranking will be assigned when, having considered all criteria, the project will make a significant economic impact on the community through the creation or retention of jobs; is well designed; cost

effective; and, generally, determined by the department to be the most suitable solution to the community's needs.

(b) Priority II will be assigned when one (1) or more factors exist which would limit the success or feasibility of the project.

(c) Priority III will be assigned when, having considered all the criteria, the department finds that the project is premature, is not feasible, or is inappropriate for assistance from the infrastructure revolving fund.

(d) The department will recommend Priority I rankings to the authority's staff for financial review.

(3) Financial review of the Priority I designated project applications will include:

(a) Analysis of:

1. The appropriateness of the type of revenues pledged for the repayment of the loan;

2. The validity of the assumptions used to project new revenues resulting from the project;

3. Security of monies other than the infrastructure loan pledged to fund the project cost;

4. Ability of the applicant to provide for maintenance and operations cost of the project and related public service system;

5. Ability of the applicant to service existing debt of the system related to the project;

6. Security of funds pledged by entities, other than the applicant, to repay the infrastructure loan; and

7. Ability of the authority to finance the applicant project using the financing programs permitted by Kentucky and federal law or regulation.

(b) At any time during the financial analysis, an applicant may be notified of a deficiency. If the problem cannot be resolved through negotiation, the authority may remove the application from consideration.

Section 6. Loan Process. (1) Upon completion of the credit review by the authority's staff, the application will be submitted to the authority for final action.

(2) If the authority approves the application, a conditional commitment letter shall be issued to the applicant. This letter shall set forth the conditions and documentations required by the authority prior to execution of an assistance agreement. No funds will be provided until the assistance agreement is fully executed. The commitment will be made upon the authority's satisfaction that the project proposed is financially feasible, the applicant is credit worthy and the project will comply with all technical and program requirements set forth in state and federal law and regulations.

(3) The authority shall establish interest rates quarterly based on prevailing market conditions. The rate of interest on each loan shall be set forth in the commitment letter.

(4) Loan repayments shall not exceed thirty (30) years, and principal shall be payable annually, and interest semiannually, unless the authority establishes a more frequent payment schedule due to credit concerns. Loan repayments ordinarily shall commence within six (6) months after the start of construction, unless repayment is dependent on revenues generated from the specific infrastructure project. In such cases, loan repayment shall begin within six (6) months after the infrastructure project

is operational, and interest to cover the authority's cost of money during the construction period may be added to the amount of the loan.

(5) The principal amount of each loan shall be equal to the amount approved by the authority. The final loan amount may be adjusted by up to ten (10) percent of the commitment without further action by the authority, subject to availability of funds to service the debt.

(6) Upon certification of construction of the infrastructure project as eighty (80) percent complete, and the submission by the applicant of evidence of the exact cost of the project, an inspection will be held by the authority staff to provide for any adjustments in the loan amount.

(7) The assistance agreement between the authority and application shall contain such terms and conditions as the authority deems necessary to maintain the financial integrity of the infrastructure revolving fund according to the circumstances of each project.

Section 7. Applicant Management Capacity. The department and the authority's staff shall require as a condition of any loan that the applicant perform any or all of the following:

(1) Document compliance with statutory mandates for financial accountability and personnel management.

(2) Demonstrate the ability to operate, as well as maintain, the project in a proper manner over the life of the loan.

(3) Document compliance with any other state or federal agencies.

Section 8. Loan Closing and Extensions. An applicant must meet all conditions for loan closing and take action to award contracts for the project within not more than eleven (11) calendar months after the date of the conditional commitment letter, otherwise, the loan commitment shall expire. (For example, if an application was approved on January 1, 1989, bids for the project must be accepted and the loan agreement signed by November 30, 1989.) One (1) extension period of up to six (6) months may be granted if needed. If the extension is denied, the loan offer may be rescinded. If a request for a time extension is granted, but all the conditions still cannot be met during the extension period, the loan commitment may be rescinded. The applicant may reapply for any project for which the loan commitment has been expired or been rescinded under this section.

Section 9. Authority to Administer the Program. The authority shall monitor the assistance agreements and require that financial reports be made available to the authority by the governmental agency at such intervals as shall be deemed necessary by the authority. The authority shall monitor the economic impact on the community, the cash flows of the project, and perform all actions that shall be required to assure that the agreements continuously meet the program standards established by this regulation.

L. ROGERS WELLS, JR., Secretary

APPROVED BY AGENCY: June 9, 1989

FILED WITH LRC: June 12, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on

Friday, July 21, 1989 at 9 a.m. in Room 207 of the Capitol Annex Building, Frankfort, Kentucky 40601. Individuals interested in attending this hearing should 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 N. Donald Morse, Secretary/Treasurer, Kentucky Infrastructure Authority, Office for Investment and Debt Management, Room 318, Capitol Annex Building, Frankfort, Kentucky 40601, 502-564-2924.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: N. Donald Morse

(1) Type and number of entities affected: The regulation affects the Kentucky Infrastructure Authority, the Department of Local Government, and the Natural Resources and Environmental Protection Cabinet, as well as governmental agencies of the Commonwealth who are eligible to apply for financial assistance for the construction or acquisition of infrastructure projects from the infrastructure revolving fund.

(a) Direct and indirect costs or savings to those affected: There appears to be no direct or indirect costs or savings to affected entities.

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: A governmental agency will have to apply to the Kentucky Infrastructure Authority to seek permission to obtain financial assistance for construction or acquisition of an infrastructure project. There appears to be no additional paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: There will be no additional costs imposed upon the promulgating administrative body. The Office for Investment and Debt Management has served as staff for the Kentucky Infrastructure Authority (formerly the Kentucky Pollution Abatement Authority) and no additional staff is needed. The Department for Local Government, under this regulation, reviews applications for infrastructure revolving funds and after approval from the department, the application is then sent to the Office for Investment and Debt Management for financial analysis. Finally, the Natural Resources and Environmental Protection Cabinet reviews infrastructure projects if required by federal or state laws or regulations.

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The Office for Investment and Debt Management and the Department of Local Government will continue to keep records and serve as staff to the

Kentucky Infrastructure Authority.

(3) Assessment of anticipated effect on state and local revenues: There appears to be no anticipated affect on any state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Pursuant to KRS 224A.070(1) and 224A.113, the Secretary of the Finance and Administration Cabinet, as Chairman of the Kentucky Infrastructure Authority, shall promulgate regulations to govern the application for and provision of financial assistance to governmental agencies for the construction or acquisition of infrastructure projects from the infrastructure revolving fund. Pursuant to this regulation, the Secretary of the Finance and Administration Cabinet is establishing guidelines for distribution of monies from the infrastructure revolving fund. There are no other alternative methods by which the allocation can be established.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no other statute or administrative regulation which conflicts, overlaps, or duplicates the proposed administrative regulation. Pursuant to KRS Chapter 224A, the Secretary of Finance and Administration is required to promulgate the regulations on behalf of the Kentucky Infrastructure Authority.

(a) Necessity of proposed regulation if in conflict: There is no statute, regulation, or government policy in conflict with the proposed administrative regulations.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, regulation, or government policy in conflict with the proposed administrative regulations.

(6) Any additional information or comments: The purpose of this administrative regulation is to prescribe guidelines for the application of financial assistance to governmental agencies for construction and acquisition of infrastructure projects from the infrastructure revolving fund.

TIERING: Was tiering applied? Yes

**GENERAL GOVERNMENT CABINET  
Board of Pharmacy**

201 KAR 2:131. Repeal of 201 KAR 2:130.

RELATES TO: KRS 217.819

STATUTORY AUTHORITY: KRS 217.814(7), 217.819(1)

NECESSITY AND FUNCTION: There are now approved drug products for Schedules I and II controlled substances that FDA considers to be therapeutically equivalent to other pharmaceutically equivalent products with no potential bioequivalence issues.

Section 1. 201 KAR 2:130 is hereby repealed.

RICHARD L. ROSS, Executive Director

APPROVED BY AGENCY: June 12, 1989

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

PUBLIC HEARING: A public hearing has been scheduled for 10 a.m. on July 21, 1989, at the office of the Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky. However, this hearing will be cancelled unless interested

persons notify the following office in writing by July 16, 1989, of their desire to appear and testify at the hearing: Richard L. Ross, Executive Director, Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky 40601.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Richard L. Ross

(1) Type and number of entities affected: Potentially all legend controlled substances prescription users in the Commonwealth.

(a) Direct and indirect costs or savings to those affected: Savings to consumers due to lowest priced Schedule II controlled substances dispensed which is therapeutically equivalent.

1. First year: \$15,000

2. Continuing costs or savings: \$30,000

3. Additional factors increasing or decreasing costs (note any effects upon competition): Competition would require more pharmacies to stock lower priced Schedule II controlled substances for consumer to make or have available as a choice.

(b) Reporting and paperwork requirements: Identification on prescription the brand name or name of manufacturer or supplier of the drug.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: As identified in 1(b) which is maintained in pharmacy record only.

(3) Assessment of anticipated effect on state and local revenues: Saving on prescription price to consumer which should not effect state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative method does not allow substitution of lower priced drug.

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

(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: When original regulation proposed the necessary information to dispense a lower priced controlled substance in Schedule II was not available from FDA. This information is now provided by FDA.

TIERING: Was tiering applied? No. Substitution would be required of all pharmacies who have a lower priced generic drug in stock which is therapeutically equivalent to the one prescribed. Those pharmacies who do not have a lower priced generic in stock would not be effected by this change in repealing this regulation.

**GENERAL GOVERNMENT CABINET  
Board of Chiropractic Examiners**

**201 KAR 21:070. Licensing examination requirements.**

RELATES TO: KRS 312.019(9)(b), (c), 312.115(2)  
STATUTORY AUTHORITY: KRS Chapter 13A, 312.019, 312.115

NECESSITY AND FUNCTION: KRS 312.019 empowers the Board of Examiners to adopt regulations. KRS 312.019 and 312.115 provide that the Board of Examiners may adopt administrative regulations. KRS 312.019(9)(b) and (c) provide that they may adopt regulations concerning the conduct of examinations and the professional qualifications for applicants for license. KRS 312.115(2) provides that the examination may consist in part of the National Board Test of the National Board of Chiropractic Examiners. This regulation, as its function, establishes those examination procedures.

Section 1. National Board Certificate of Attainment and Written Clinical Competency Examination Required. (1) An applicant for licensure and practical examination shall hold a National Board of Chiropractic Examiners Certificate of Attainment which indicates that the applicant has passed the National Board of Chiropractic Examiners examination, parts I and II. The applicant must also pass the National Board of Chiropractic Examiners written clinical competency examination administered by the National Board of Chiropractic Examiners.

(2) An official National Board of Chiropractic Examiners transcript of scores for parts I and II and the written clinical competency examination shall be on file with the board thirty (30) days prior to the board's administration to the applicant of an examination in which the applicant is required to demonstrate practical clinical competency. Official transcripts shall be obtained by the applicant and sent directly from the National Board of Chiropractic Examiners to the board.

(3) The state's requirement for successful completion (passage) of the National Board of Chiropractic Examiners written clinical competency examination shall be a scaled score of 375 or the recommended passing score of the National Board of Chiropractic Examiners, whichever is greater. The state's requirement for successful completion (passage) of the state practical clinical competency examination shall be a score of seventy-five (75) percent or greater.

(4) This regulation shall be effective January 1, 1990.

HAROLD BYERS, D.C., President

APPROVED BY AGENCY: December 1, 1988

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

PUBLIC HEARING: A public hearing on this proposed regulation shall be held on the 21st day of July 1989, at the hour of 10 a.m., EDT, in Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494. Persons desiring to be heard shall notify the Kentucky State Board of Chiropractic Examiners in writing at least five days before the scheduled date of the hearing. Send notification to: Conley C. Congleton, Assistant Attorney General, Office of the Attorney General, Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: C. T. Woodward, D.C.

(1) Type and number of entities affected: State board - licensing examination requirements.

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

1. First year: N/R

2. Continuing costs or savings: N/R

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

(b) Reporting and paperwork requirements: Minimal

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings: N/R

1. First year: N/R

2. Continuing costs or savings: N/R

3. Additional factors increasing or decreasing costs: N/R

(b) Reporting and paperwork requirements: Minimal

(3) Assessment of anticipated effect on state and local revenues: N/R

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: Not in conflict.

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

(6) Any additional information or comments: This regulation will have no fiscal impact upon the state of Kentucky.

TIERING: Was tiering applied? Yes

**GENERAL GOVERNMENT CABINET  
Board of Chiropractic Examiners**

**201 KAR 21:075. Peer review procedures and fees.**

RELATES TO: KRS 312.200

STATUTORY AUTHORITY: KRS Chapter 13A, 312.015, 312.019

NECESSITY AND FUNCTION: KRS 312.010 empowers the Board of Examiners to adopt regulations. KRS 312.200 requires the board to appoint a peer review committee and establish procedures and fees for the review of submitted claims. The function of this regulation is to establish those fees and procedures.

Section 1. Definitions. (1) "Board" means the Kentucky State Board of Chiropractic Examiners.

(2) "Committee" means peer review committee established by KRS 312.200.

(3) "Accepted standards" for the peer review committee means those standards of care, skill, and treatment which are recognized by a reasonably prudent chiropractor as being acceptable under similar conditions and circumstances.

(4) "Appropriate chiropractic treatment" means a determination made of treatment and other services performed, which by virtue of a substantiated and properly diagnosed condition appears to be a type consistent with that diagnosis as reviewed by the peer review committee.

(5) "Unconscionable fees" means charges or

bills for treatment submitted for services performed that are unnecessary or unreasonable charges in the judgment of the peer review committee. In determining the unconscionability of costs, the committee may consider, among other appropriate factors, the usual and customary charges by chiropractors and by health care providers other than chiropractors for the same or similar services in the locality where the complaint originated.

(6) "Bill for treatment" means all services provided to a customer, regardless of the monetary consideration paid to the chiropractor.

(7) "Patient" means an individual who receives treatment from a chiropractor.

(8) "Peer review" means an evaluation, based on accepted standards, by the peer review committee of the appropriateness, quality, utilization, and cost of health care and health services provided to a patient.

(9) "Properly utilized services" means appropriate treatment services rendered, including frequency and duration, which are substantiated as being necessary and reasonable by clinical records and reports of the provider or any other facts or evidence pertinent to the controversy as reviewed by the peer review committee

Section 2. Procedures. (1) Peer review shall occur upon submission by a patient, the patient's representative, the treating chiropractor, the insurer or other third party payor seeking peer review regarding the appropriateness, quality or utilization of chiropractic services or bills for treatment.

(2) Before peer review can take place, the patient shall execute a release permitting photocopies of the applicable treatment or billing records prepared by the chiropractor in the regular course of business. No treatment records shall be released for peer review without the patient's authorization. The acceptance of, or the request for, payment by a chiropractor constitutes the consent of the chiropractor to the submission of all necessary records and other information concerning the treatment or its cost to the peer review committee. Six (6) copies of all records or other data shall be submitted to the committee.

(3) Each claim shall be assigned to an individual member of the committee who shall review the submitted records and response from the charged party and report his findings to the full committee, which shall review the findings and either adopt those findings or modify them as deemed appropriate by majority vote. Copies of the findings shall be forwarded to the board, the patient, the chiropractor, insurer or other third party payor.

(4) The peer review committee shall elect from the membership a chairman. The committee, subject to approval by the board, may contract with or employ third parties to perform administrative functions or to aid in obtaining records necessary for appropriate review of claims.

(5) The peer review committee shall file a complaint against any chiropractor if it appears from the review of any claim that reasonable cause exists to believe that the chiropractor has violated any portion of KRS Chapter 312 or the regulations adopted pursuant thereto for which a chiropractor may be disciplined. The peer review committee shall transmit all

complaint information it possesses to the board.

(6) Any party requesting review shall submit with the request a service fee of fifty (50) dollars payable to "B.C.E. Peer Review." An additional fee shall be charged for claims requiring more than one (1) hour of review by the committee calculated at fifty (50) dollars per hour, which sum shall be due prior to the delivery of committee findings to all parties. All fees shall be paid by the party requesting the review.

Section 3. Annual Report. An annual summary of the findings of the peer review committee shall be prepared by the committee and submitted to the board. The report may be made available to interested persons upon request and upon payment of necessary administrative costs to defray the expenses of reproduction. No report or summary submitted to the public by the board may disclose the name or identity of any patient without the patient's consent.

HAROLD BYERS, D.C., President

APPROVED BY AGENCY: December 1, 1988

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

PUBLIC HEARING: A public hearing on this proposed regulation shall be held on the 21st day of July 1989, at the hour of 10 a.m., EDT, in Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494. Persons desiring to be heard shall notify the Kentucky State Board of Chiropractic Examiners in writing at least five days before the scheduled date of the hearing. Send notification to: Conley C. Congleton, Assistant Attorney General, Office of the Attorney General, Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. T. Woodward, D.C.

(1) Type and number of entities affected: State Board of Chiropractic Examiners peer review procedures and fees.

(a) Direct and indirect costs or savings to those affected: \$50 per 1st hour and \$50 per hour thereafter to requesting party.

1. First year: Unknown

2. Continuing costs or savings: N/R

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

(b) Reporting and paperwork requirements: Minimal

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings: N/R

1. First year: N/R

2. Continuing costs or savings: N/R

3. Additional factors increasing or decreasing costs: N/R

(b) Reporting and paperwork requirements: Minimal

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: Not in conflict.

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



(6) Any additional information or comments:  
This regulation will have no fiscal impact upon the state of Kentucky.  
TIERING: Was tiering applied? Yes

**GENERAL GOVERNMENT CABINET**  
**Board of Chiropractic Examiners**

**201 KAR 21:080. Seventy-two (72) hour right of rescission.**

RELATES TO: KRS 312.019(9)(g)  
STATUTORY AUTHORITY: KRS Chapter 13A, 312.019(9)  
NECESSITY AND FUNCTION: KRS 312.019 empowers the Board of Examiners to adopt regulations concerning forms of advertising or solicitation that may be false, misleading or deceptive and to require a seventy-two (72) hour rescission period for consumers responding to certain forms of solicitation or advertising. This regulation defines the forms of solicitation or advertising wherein the responding consumer is granted a seventy-two (72) hour rescission period.

Section 1. Definitions. (1) "Advertisement of free or discounted services" means any advertisement or solicitation, whether by television, radio or print medium, offering free or discounted examinations, treatment or other services.

(2) "Seventy-two (72) hour right of rescission" means the right of a consumer to rescind within seventy-two (72) hours any agreement to pay for services that are performed the same day in addition to the advertised free or discounted service at an additional unadvertised cost, or any agreement entered into on such same date to submit to a series or course of treatments at an additional unadvertised cost.

(3) "Notice of right of rescission" means a conspicuous statement in any advertisement of free or discounted services substantially as follows: "You have the right to rescind within seventy-two (72) hours any obligation to pay for services performed in addition to this free or discounted service."

(4) "Notice of rescission" means notice by the consumer rescinding any agreement to pay for unadvertised additional services performed or to be performed in addition to the free or discounted service. To be effective, the notice of rescission shall be given within seventy-two (72) hours of the completion of the advertised free or discounted service, or agreement to submit to a series or course of treatments. The notice need not take any particular form so long as it is in writing and expresses the intention of the consumer to rescind his obligation. Notice of rescission given by mail is effective when it is deposited in a mailbox properly addressed and postage prepaid.

Section 2. Consumer Rights, Notice. (1) Any chiropractor advertising free or discounted services shall in any advertisement or solicitation provide the consumer with notice of the seventy-two (72) hour right of rescission.

(2) Within ten (10) days of any notice of rescission, the chiropractor shall tender to the consumer any payment made by the consumer prior to the rescission for any unadvertised service performed. If no payment had yet been made by

the consumer for unadvertised services, the consumer's account shall not be billed for such services.

HAROLD BYERS, D.C., President

APPROVED BY AGENCY: December 1, 1988

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

PUBLIC HEARING: A public hearing on this proposed regulation shall be held on the 21st day of July 1989, at the hour of 10 a.m., EDT, in Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494. Persons desiring to be heard shall notify the Kentucky State Board of Chiropractic Examiners in writing at least five days before the scheduled date of the hearing. Send notification to: Conley C. Congleton, Assistant Attorney General, Office of the Attorney General, Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: C. T. Woodward, D.C.

(1) Type and number of entities affected: State Board of Chiropractic Examiners and 72 hour right to rescission.

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

1. First year: N/R

2. Continuing costs or savings: N/R

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

(b) Reporting and paperwork requirements: Minimal

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings: N/R

1. First year: N/R

2. Continuing costs or savings: N/R

3. Additional factors increasing or decreasing costs: N/R

(b) Reporting and paperwork requirements: Minimal

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: Not in conflict.

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

(6) Any additional information or comments: This regulation will have no fiscal impact upon the state of Kentucky.

TIERING: Was tiering applied? Yes

**GENERAL GOVERNMENT CABINET**  
**Board of Chiropractic Examiners**

**201 KAR 21:085. Preceptorship program.**

RELATES TO: KRS 312.010(9)(h), 312.085(2)

STATUTORY AUTHORITY: KRS Chapter 13A, 312.019(9), 312.085(2)

NECESSITY AND FUNCTION: KRS 312.019 authorizes the board to adopt administrative regulations. KRS 312.019(9)(h) and KRS 312.085(2) provide for regulations to be adopted establishing a preceptorship program where students at accredited colleges may work at the direction

and under the supervision of a licensed doctor of chiropractic prior to taking the licensing examination. The function of this regulation is to establish that program.

Section 1. Definitions. (1) "Preceptor" is a licensed doctor of chiropractic, who, under approval of the board and an accredited chiropractic college, has working in his office an undergraduate intern.

(2) "Undergraduate intern" is an individual studying at an accredited chiropractic college and who is in the final academic year prior to receiving his degree in chiropractic.

(3) "Board" means the Kentucky State Board of Chiropractic Examiners.

(4) "Accredited chiropractic college" means a chiropractic college accredited by the Council on Chiropractic Education or its successor and which maintains a standard and reputability approved by the board. For the purposes of this regulation, the chiropractic college shall meet all educational standards for preceptorship programs as established by the Council on Chiropractic Education.

Section 2. Requirements of Preceptor. (1) Be approved by the Kentucky State Board of Chiropractic Examiners for participation;

(2) Have a current Kentucky license;

(3) Have been in practice for five (5) years or more;

(4) Provide evidence of malpractice insurance for themselves and the intern;

(5) Be of good moral character;

(6) Not be addicted to alcohol or narcotics;

(7) Have not been found in violation of board rules for the preceding five (5) years and have no present investigations (including during term as preceptor) for possible board violations;

(8) Comply and be qualified where applicable. The board will encourage development of extension faculty designation for all preceptors approved by the colleges.

Section 3. Preceptor Relationship with College and Intern. (1) The preceptor must make a joint application to the board and the college.

(2) The preceptor shall arrange or confer with the college representative prior to the beginning date of each session to plan its duration, organization, and substance.

(3) When a preceptor is assigned, the preceptor shall maintain complete records and reports of each student's performance and provide an evaluation to the college on forms provided by the college. Any incident reports related to the operation of the practicum education experience are to be maintained by the preceptor and are to be the sole property of the preceptor; however, upon receipt of written consent by the college or board the preceptor will provide to the college or board a copy of such report, if in the preceptor's judgment the incident report does not need to remain confidential.

(4) The preceptor may request the college to withdraw any student whose performance is unsatisfactory, whose personal characteristics prevent desirable relationships within the preceptor's office, or whose health status is a detriment to the student's successful completion of the practicum education assignment. A statement, in writing, of the reasons for such action will be provided by the preceptor to the

college upon the college's request.

(5) The preceptor shall not be liable for the payment of any wage, salary or compensation of any kind for services properly required of and performed by an intern.

(6) The preceptor shall provide the college with a written code of ethics which applies to his/her office. He/she may submit the code of ethics of the state or national chiropractic association with an accompanying letter which affirms compliance with these codes.

(7) The preceptor will insure that interns are allowed to perform only those duties which are lawful and ethical in the practice of chiropractic. However, the intern shall not make any final diagnosis or perform an adjustment.

(8) The preceptor shall assume the risk of any accident or injury to any intern while on preceptor's premises, which shall include working areas. The preceptor shall maintain premises liability insurance.

Section 4. Requirements of Intern. (1) The intern shall submit a fee of \$100 to the board for each semester he or she is participating in the preceptorship program.

(2) The intern must remain in good standing academically and demonstrate an acceptable level of performance, both quantitatively and qualitatively, in the outpatient clinic.

(3) The intern shall complete, sign, and submit all application materials to the college clinic director for verification and approval.

(4) The intern shall serve in the preceptorship program for a term specified by the college for the purpose of augmenting his/her competence in all areas of chiropractic practice.

(5) The intern shall provide both the college and the preceptor with a current telephone number and address.

(6) The intern shall be responsible for following all policies and procedures of the preceptor's office.

(7) The intern is responsible for providing and wearing professional attire.

(8) The intern shall be responsible for his/her own transportation and living arrangements.

(9) The intern shall be responsible for reporting to the preceptor on time.

(10) The intern shall not submit for publication any material relating to his/her preceptorship without prior written approval of the preceptor and the college.

(11) The intern shall insure that biweekly reports are submitted by the preceptor to the college on his/her activities/progress.

(12) At the completion of the preceptorship, the intern shall present to the college clinic director and to the board a paper describing his/her experiences and summarizing the acquisition of knowledge during the preceptorship.

(13) The intern must include a copy of his/her auto liability policy as part of the application.

HAROLD BYERS, D.C., President

APPROVED BY AGENCY: December 1, 1988

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

PUBLIC HEARING: A public hearing on this proposed regulation shall be held on the 21st day of July 1989, at the hour of 10 a.m., EDT, in Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494. Persons desiring to be

heard shall notify the Kentucky State Board of Chiropractic Examiners in writing at least five days before the scheduled date of the hearing. Send notification to: Conley C. Congleton, Assistant Attorney General, Office of the Attorney General, Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. T. Woodward, D.C.

(1) Type and number of entities affected: State board - preceptorship program.

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

1. First year: N/R

2. Continuing costs or savings: N/R

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

(b) Reporting and paperwork requirements: Minimal

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings: N/R

1. First year: N/R

2. Continuing costs or savings: N/R

3. Additional factors increasing or decreasing costs: N/R

(b) Reporting and paperwork requirements: Minimal

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: Not in conflict.

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

(6) Any additional information or comments: This regulation will have no fiscal impact upon the state of Kentucky.

TIERING: Was tiering applied? Yes

#### GENERAL GOVERNMENT CABINET Board of Chiropractic Examiners

201 KAR 21:090. Recommended course work for two (2) year prechiropractic education.

RELATES TO: KRS 312.019, 312.085

STATUTORY AUTHORITY: KRS Chapter 13A, 312.019(9)(h), 312.085(2)

NECESSITY AND FUNCTION: KRS 312.019 and KRS 312.085 provide that the board may establish by regulation a recommended two (2) year prechiropractic course of instruction to be completed prior to entry into chiropractic college. The function of this regulation is to establish such course of instruction.

Section 1. Prechiropractic education recommendations. An applicant for examination and licensure shall have satisfactorily completed, prior to attending chiropractic college and as a part of his required minimal sixty (60) semester credit hours of prechiropractic education, the following course of instruction:

(1) English or communicative skills, six (6) semester hours;

(2) Psychology, three (3) semester hours;

(3) Social sciences and humanities, three (3) semester hours;

(4) Biological science with related laboratories, six (6) semester hours;

(5) General or inorganic chemistry with related laboratories, six (6) semester hours;

(6) Organic chemistry with related laboratories, six (6) semester hours (three (3) hours with laboratory for matriculants prior to January, 1984); and

(7) Physics with related laboratories, six (6) semester hours (for matriculants after January, 1984).

HAROLD BYERS, D.C., President

APPROVED BY AGENCY: December 1, 1988

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

PUBLIC HEARING: A public hearing on this proposed regulation shall be held on the 21st day of July 1989, at the hour of 10 a.m., EDT, in Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494. Persons desiring to be heard shall notify the Kentucky State Board of Chiropractic Examiners in writing at least five days before the scheduled date of the hearing. Send notification to: Conley C. Congleton, Assistant Attorney General, Office of the Attorney General, Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. T. Woodward, D.C.

(1) Type and number of entities affected: State board - recommended course work for 2 year prechiropractic education.

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

1. First year: N/R

2. Continuing costs or savings: N/R

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

(b) Reporting and paperwork requirements: Minimal

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings: N/R

1. First year: N/R

2. Continuing costs or savings: N/R

3. Additional factors increasing or decreasing costs: N/R

(b) Reporting and paperwork requirements: Minimal

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict: Not in conflict.

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

(6) Any additional information or comments: This regulation will have no fiscal impact upon the state of Kentucky.

TIERING: Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET  
Department of Education  
Office of Administration and Finance  
(Proposed Amendment)

702 KAR 4:110. Program space; space allocation.

RELATES TO: KRS 156.160, 157.620, 162.060  
STATUTORY AUTHORITY: KRS 156.070, 156.160, 162.060

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board for Elementary and Secondary Education to prescribe regulations relative to construction of public school buildings and the preparation of budgets by local school districts; KRS 157.620 requires the State Board for Elementary and Secondary Education to develop and certify to the School Facilities Construction Commission financial need as prescribed by local boards' facility plans; and KRS 162.060 requires plans and specifications approval for school construction by the Superintendent of Public Instruction. This regulation provides a means of determining program space and total space allocation for public schools as a basis for financial need and construction approval by the Superintendent of Public Instruction.

Section 1. Any provisions of 702 KAR 1:010 to the contrary notwithstanding:

(1) In determining the maximum financial budget for proposed public school construction and assessing approval of such projects, the Superintendent of Public Instruction shall first compute the sum of all individual programmed spaces of an addition or new facility compared to the total square footage, such ratio to be referred to as the building efficiency. The remainder shall be referred to as the unassigned space percentage, with unassigned spaces being all circulation areas including lobbies, vestibules, corridors, passages, and stairways; mechanical rooms; custodial rooms; public toilets; maintenance and operation areas; general storage rooms (not listed as auxiliary space within a general assignable category); and exterior bearing walls, interior walls or partitions, and other areas occupied by the building's structural elements.

(2) The square foot allocation for priority projects shall be calculated with the following building efficiency and unassigned space percentages:

	Building Efficiency %	Unassigned Space %
Elementaries and Support Buildings	74	26
Middle and Junior High	71	29
High School	68	32

SQUARE FOOT ALLOCATION (SFA) EQUATION  
FOR NEW CONSTRUCTION

$$SFA = \frac{\text{Sum of Programmed Spaces}}{\text{Building Efficiency}} \times 100$$

(Example: Middle School Addition of 10 Classrooms and 1 Art Room

$$SFA = \frac{10 (625) + 1200}{71} \times 100$$

SFA = 10,493 Square Feet)

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: March 9, 1989

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

PUBLIC HEARING: A public hearing has been scheduled on Thursday, July 25, 1989 at 1 p.m. (EDT) in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulation adopted by the State Board for Elementary and Secondary Education at its March 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 July 20, 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: Mike Lushcer

(1) Type and number of entities affected: 178 public school districts and the School Facility Construction Commission.

(a) Direct and indirect costs or savings to those affected: Project savings to local school district by allowing a complete facility to be constructed in lieu of phase construction at a higher cost.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No additional.

(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:

(3) Assessment of anticipated effect on state and local revenues: The effect on state revenues at an overall increased need for local school districts would not be any higher unless the legislature would fund 100% of the facility needs of the state.

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET  
Department of Education  
Office of Administration and Finance

702 KAR 4:120. Square foot costs and maximum budget.

RELATES TO: KRS 156.160, 157.620, 162.060  
STATUTORY AUTHORITY: KRS 156.070, 156.160, 162.060

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board for Elementary and Secondary Education to prescribe regulations relative to construction of public school buildings and the preparation of budgets by local school districts; KRS 157.620 requires the State Board for Elementary and Secondary Education to develop and certify to the School Facilities Construction Commission financial need as prescribed by local boards' facility plans; and KRS 162.060 requires plans and specifications approval for school construction by the Superintendent of Public Instruction. This regulation provides the basis for financial need used in conjunction with the space allocation.

Section 1. Any provisions of 702 KAR 1:010 to the contrary notwithstanding, in calculating the maximum budget for individual projects and total financial need, sixty-five (65) dollars per square foot, including fees and contingencies, shall be allowed for new construction approved for a square foot allocation in accordance with 702 KAR 4:110:

MAXIMUM BUDGET (MB) EQUATION  
FOR NEW CONSTRUCTION

$MB = SFA \times \$65$

(Example:  $MB = 10,493 \times \$65$   
 $MB = \$682,045$ )

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: March 9, 1989

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

PUBLIC HEARING: A public hearing has been scheduled on Thursday, July 25, 1989 at 1 p.m. (EDT) in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulation adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before July 20, 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: Mike Lushcer

(1) Type and number of entities affected: 178 public school districts and the School Facility Construction Commission.

(a) Direct and indirect costs or savings to those affected: Project savings to local school district by allowing a complete facility to be constructed in lieu of phase construction at a higher cost.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing

costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No additional.

(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:

(3) Assessment of anticipated effect on state and local revenues: The effect on state revenues at an overall increased need for local school districts would not be any higher unless the legislature would fund 100% of the facility needs of the state.

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET  
Department of Education  
Office of Administration and Finance

702 KAR 4:130. Increase in financial budget.

RELATES TO: KRS 156.160, 157.620, 162.060  
STATUTORY AUTHORITY: KRS 156.070, 156.160, 162.060

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board for Elementary and Secondary Education to prescribe regulations relative to construction of public school buildings and the preparation of budgets by local school districts; KRS 157.620 requires the State Board for Elementary and Secondary Education to develop and certify to the School Facilities Construction Commission financial need as prescribed by local boards' facility plans; and KRS 162.060 requires plans and specifications approval for school construction by the Superintendent of Public Instruction. This regulation provides for an increase of the maximum budget due to circumstances beyond the districts' control and allows funds currently available to the district from the School Facilities Construction Commission to be utilized to the extent funds are available on a revised maximum budget per priority project basis.

Section 1. Any provisions of 702 KAR 1:010 to the contrary notwithstanding:

(1) The maximum financial budget to be expended on any project designated by priority in the district's most recent facility plan shall be established by the Department of Education, using the established space and financial allotments, and shall be rounded to the nearest \$5,000. Included in such a budget are the following items: construction funds to meet the approved program, required fixed equipment, professional fees (including design, construction, administrative and supervisory,

and financial), a five (5) percent contingency, and other, normal costs of selling revenue bonds. Site acquisition, site development, and utilities, and moveable equipment as approved by the department are included to the extent of the maximum budget plus investment income and any additional local funds committed by the board.

(2) Once the maximum financial budget has been exceeded, it is the sole responsibility of the local district to fund any amounts above the budget. If, however, a district designs the program spaces to the program space allotment and due to circumstances beyond the district's control because of excessive site acquisition or site development and utilities the total cost of those acceptable included items exceed the financial budget, it may apply to the Superintendent of Public Instruction for an increase of the project's maximum budget up to ten (10) percent, based upon actual costs of site acquisition and site development and utilities. Any request from a district which exceeds ten (10) percent additional maximum budget shall be approved by the State Board for Elementary and Secondary Education. Site development shall include, but not necessarily be limited to, the preparation of the site for the facility and its required appurtenances including utilities (water, power, fuel, and sewage disposal), road access, earth removal, or installation and compaction or special footing requirements. In the event usable acreage is being provided, the district may request additional monies only to the extent of providing no more than a maximum size site for the type of school listed in the facility plan priority.

(3) The approval of an increase in the maximum budget shall allow monies from the current offer of assistance from the School Facilities Construction Commission to be applied to the extent of available funding. For a district to be eligible to apply for these additional budget monies, no spaces outside the programmed spaces or larger than designated shall be constructed. It is still the responsibility of the local district and its design professional to construct the project within the original financial budget, however, if it appears that the project will exceed that scope, the Department of Education shall provide expertise to make changes in the plans and specifications to reduce the projected cost. An approved increase in the maximum budget allows monies for the current offer of assistance to be utilized to the extent available.

(4) A local board of education shall request an increase of any prior approved priority's maximum budget under the provisions of the altered square foot cost allocation, redefinition of unassigned space, and high cost of site acquisition, site development and utilities where the priority has not been completed to meet the space criteria or has not been contracted for construction, regardless of its original funding date, where current funding is available. Any increase of the maximum budget of ten (10) percent or less may be approved by the Superintendent of Public Instruction, and requests that exceed ten (10) percent may be approved by the State Board for Elementary and Secondary Education. Alterations to the maximum budgets shall be forwarded to the School Facilities Construction Commission. No additional funds to local boards of education

from the commission shall be made through the end of 1990 biennium budget offer of assistance.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: March 9, 1989

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

PUBLIC HEARING: A public hearing has been scheduled on Thursday, July 25, 1989 at 1 p.m. (EDT) in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulation adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before July 20, 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: Mike Lushcer

(1) Type and number of entities affected: 178 public school districts and the School Facility Construction Commission.

(a) Direct and indirect costs or savings to those affected: Project savings to local school district by allowing a complete facility to be constructed in lieu of phase construction at a higher cost.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No additional.

(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:

(3) Assessment of anticipated effect on state and local revenues: The effect on state revenues at an overall increased need for local school districts would not be any higher unless the legislature would fund 100% of the facility needs of the state.

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

#### PUBLIC PROTECTION & REGULATION CABINET Department of Insurance

806 KAR 14:120. Minimum standards for the readability and intelligibility of insurance contracts.

RELATES TO: KRS 304.14-130, 304.14-420 through 304.14-450

STATUTORY AUTHORITY: KRS 304.2-110, 304.14-420

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may adopt reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.14-420(2) requires the Commissioner of Insurance to promulgate administrative regulations to establish minimum standards for the readability and intelligibility of insurance contracts. KRS 304.14-450(1) requires the Commissioner of Insurance to promulgate administrative regulations establishing a list of type face styles acceptable for use in insurance contracts.

Section 1. Definitions. As used in this regulation:

(1) "Commissioner" means the Commissioner of the Kentucky Department of Insurance;

(2) "Personal lines insurance" means those personal lines of insurance designated in KRS 304.14-420(1);

(3) "Amended" or "renewed" do not include changes or extension of term which are contractually granted and exercised by the policyowner or insured under the provisions of the policy;

(4) "Text" means all printed matter except:

(a) The name and address of the insurer, the name, number, or title of the policy, the table of contents or index, captions and subcaptions, specification or declarations pages, schedules, or tables; and

(b) Any policy language which is drafted to conform to the requirements of any federal law, regulation, or agency interpretation, any medical terminology, and any policy language required by law or regulation, but the insurer shall certify that the language is entitled to be excepted from the definition of "text" as set forth in this paragraph.

Section 2. Scope. (1) This regulation applies to all personal lines insurance policies delivered, issued for delivery, amended, or renewed in Kentucky on and after one (1) year from the effective date of this regulation.

(2) This regulation shall not apply to policies issued for conversion from policies not subject to this regulation.

Section 3. Minimum Standards for Legibility. No personal lines insurance policy shall be delivered, issued for delivery, amended, or renewed in Kentucky unless it is printed, except for specification or declarations pages, schedules, and tables, in not less than ten (10) point type, one (1) point leaded.

Section 4. (1) The following type face styles shall be acceptable for personal lines insurance policies:

Aldus  
Alternate Gothic No. 3  
American Typewriter Light  
American Typewriter Medium  
Americana  
Andover (Palatino)  
Antique Olive Light  
Aster  
Auriga  
Avant Garde Light  
Avant Garde Book  
Baskerville

Bembo  
Benguiat Book  
Bodoni  
Bodoni Book  
Bookman  
Caledonia  
Candida  
Caslon Old Face No. 2  
Century Expanded  
Century Schoolbook  
Chelmsford (Optima)  
Clarendon Light  
Clearface  
Crown (Century)  
Egyptian  
Egyptian Light  
Electra  
Eurostile  
Fairfield Medium  
Friz Quadrata  
Garamond  
Garamond No. 3  
Goudy Oldstyle  
Hanover (Melior)  
Helvetica Light  
Helvetica  
Helvetica Condensed  
Highland (Calendonia)  
Iridium  
Italia Book  
Janson  
Korinna  
Megaron Light (Helvetica Light)  
Megaron Medium (Helvetica Medium)  
Melior  
Memphis Light  
Memphis Medium  
Monticello  
News Gothic  
Optima  
Orion  
Palatino  
Primer  
Quorum Light  
Quorum Book  
Rotation  
Sabon  
Schoolbook  
Serif Gothic Light  
Souvenir  
Souvenir Light  
Stymie Medium  
Stymie Light  
Tiffany Light  
Tiffany Medium  
Times Roman  
Trade Gothic Light  
Trade Gothic  
Trade Gothic Condensed  
Trade Gothic Extended  
Trump  
Trump Medieval  
Univers Light  
Univers Medium  
Univers No. 45  
Univers No. 46  
Univers No. 55  
Univers No. 56  
Univers No. 57  
Univers 45 Light

(2) This list is not intended to be exhaustive, but is an indication of the legibility of a type face style that is required. Any type face style selected other



than those listed in subsection (1) of this section shall not be used unless approved by the commissioner. Extreme type styles such as "Old English" or heavy block are not acceptable.

(3) Italics, bold face, and contrasting styles may be used to emphasize important or technical terms and for captions. When two (2) or more type face styles are used, they shall be visually compatible.

Section 5. Minimum Standards for Intelligibility. (1) No personal lines insurance policy shall be delivered, issued for delivery, amended, or renewed in this state unless the text achieves a minimum score of forty (40) on the Flesch reading ease test or an equivalent score on any other reading test approved by the commissioner for use as an alternative to the Flesch reading ease test if it is comparable in result to the Flesch reading ease test.

(2) For the purposes of this section, a Flesch reading ease test score shall be measured by the following method:

(a) For policy forms containing 10,000 words or less of text, the entire policy form shall be analyzed. For policy forms containing more than 10,000 words, the readability of two (2) 200 word samples per page may be analyzed instead of the entire policy form. The samples shall be separated by at least twenty (20) printed lines. Any endorsement made a part of the policy may, at the insurer's option, be scored separately or as part of the policy.

(b) The number of words and sentences in the text shall be counted and the total number of words divided by the total number of sentences. The figure obtained shall be multiplied by a factor of 1.015.

(c) The total number of syllables shall be counted and divided by the total number of words. The figure obtained shall be multiplied by a factor of 84.6.

(d) The sum of the figures computed under paragraphs (b) and (c) of this subsection subtracted from 206.835 equals the Flesch reading ease score for the policy form.

(e) For the purposes of paragraphs (b), (c), and (d) of this subsection, the following procedures shall be used:

1. A contraction, hyphenated word, or numbers and letters, when separated by spaces, shall be counted as one (1) word;

2. A unit of words ending with a period, semicolon, or colon, but excluding headings and captions, shall be counted as a sentence; and

3. A syllable means a unit of spoken language consisting of one (1) or more letters of words as divided by an accepted dictionary. Where the dictionary shows two (2) or more equally acceptable pronunciations of a word, the pronunciation containing fewer syllables may be used.

(3) All policy form filings subject to this regulation shall be accompanied by a certificate signed by an officer of the insurer stating that the policy form meets the minimum reading ease score on the test used or stating that the score is lower than the minimum required, but the policy form may be approved in accordance with subsection (4) of this section. To confirm the accuracy of any certification, the commissioner may require the submission of further information to verify the certification in question.

(4) The commissioner may authorize a lower

reading ease test score than the Flesch reading ease score required in subsection (1) of this section whenever, in his sole discretion, he finds that a lower score:

(a) Will provide a more accurate reflection of the readability of a policy form;

(b) Is warranted by the nature of a particular policy form or type or class of policy forms; or

(c) Is caused by certain policy language which is drafted to conform to the requirements of any state law, regulation, or agency interpretation.

Section 6. Severability: Effective Date. (1) If any provision of this regulation or the application of this regulation to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

(2) This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

LEROY MORGAN, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 25, 1989

FILED WITH LRC: June 2, 1989 at 11 a.m.

PUBLIC HEARING: Persons with an interest in the subject matter of the proposed regulation may comment at a public hearing scheduled for July 24, 1989, at 9 a.m. (ET), in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Leroy Morgan, Commissioner, Kentucky Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602. Written comments must be received prior to 9 a.m. (ET) on July 24, 1989, in order to receive consideration. The public hearing scheduled above may be cancelled if no one notifies the Commissioner of Insurance at least five days prior to the hearing that they will be in attendance at the hearing to comment.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts

Need for the Proposed Regulation: The proposed regulation is required by KRS 304.14-420 through 304.14-450. These statutes require the Commissioner of Insurance to promulgate administrative regulations to establish minimum standards for the readability and intelligibility of insurance contracts. The regulations must be promulgated within one year of July 15, 1988, and insurers have one year from the effective date of the regulation to comply.

These statutes were adopted upon the recommendation of the Kentucky Insurance and Liability Task Force. See Report of the Kentucky Insurance and Liability Task Force, Legislative Research Commission Report Number 232, at 63 (1988). In drafting this regulation, the Commissioner of Insurance has relied heavily on the National Association of Insurance Commissioners Property and Casualty Insurance Policy Simplification Model Act, the National Association of Insurance Commissioners Life and Health Insurance Policy Language Simplification Model Act, and the National Association of Insurance Commissioners Personal Lines Property and Casualty Insurance Policy Simplification Model Regulation. These models or similar legislation or regulations are in effect in most

states.

Section 1 contains definitions. The definition of "personal lines insurance" is intended to create a brief phrase which will include all kinds of insurance set forth in KRS 304.14-120(1). The definition of "text" is drawn from National Association of Insurance Commissioners model acts and regulations. This definition limits those portions of the contract which will be subjected to a reading ease test. Generally, all parts of the contract are subject to the reading ease test except such things as the name and address of the insurer, policy name and number, captions, specification or declarations pages, schedules, or tables, and any policy language which is required by law.

Under KRS 304.14-420(1), the regulations apply to an "insurance policy." KRS 304.14-020 defines a "policy" as

...the written contract of, or written agreement for, or effecting insurance, by whatever name called, and includes all clauses, riders, indorsements [sic] and papers which are attached thereto.

This does not include certificates of group insurance. Thus, the statutes create an anomalous situation in which a large, sophisticated buyer of insurance, such as a bank, employer, or association will receive a policy which will meet readability and intelligibility standards while an individual buying insurance through these entities will receive a certificate of insurance which does not have to meet readability and intelligibility standards. Legislation will be necessary to address this situation.

Section 2 sets forth the scope of the regulation. KRS 304.14-420(1) requires all policies delivered, issued for delivery, amended, or renewed after the effective date of the commissioner's regulations to comply. In other states which have adopted readability and intelligibility requirements, the requirements are limited to policies which are delivered or issued for delivery after the effective date of the legislation. This is because most states have constitutional restrictions against legislation impairing the obligations of contracts. Section 19 of the Kentucky Constitution contains such a provision.

Insureds and insurers have vested rights under these existing contracts, especially life insurance policies, which would be lost if the policies had to be rewritten. It is doubtful that the legislature intends old contracts of this type to be rewritten. It appears that the intent is to simplify policy forms only where the total coverage is at an end and a new (although similar) agreement for the future, on a bilateral negotiated basis, is being made.

This interpretation preserves the constitutionality of the policy simplification statutes in that policy simplification is probably not a sufficiently compelling state purpose to justify impairment of existing contractual obligations. This approach is incorporated in Section 1(3) of the regulation.

The regulation does not apply to policies issued for conversion from policies not subject to the regulation. This is because conversion policies must be substantially similar to the policies being converted from, see, for example, KRS 304.18-110 and 304.18-120.

Section 3 establishes minimum standards for legibility. This section requires policies to be

printed in not less than ten point type, one point leaded. This requirement is drawn from National Association of Insurance Commissioners model acts and regulations. Specification or declarations pages, schedules, and tables are exempted.

Section 4 establishes typeface styles which are acceptable. Regulations on this specific subject are required by KRS 304.13-450(1). This section is drawn from Connecticut Insurance Department regulation section 38-68u-4.

Section 5 establishes minimum standards for intelligibility. A minimum score of 40 on the Flesch reading ease test is required. Procedures for applying the Flesch reading ease test are set forth. These requirements and procedures are drawn from National Association of Insurance Commissioners model acts and regulations.

In order to monitor compliance, all policy forms subject to the regulation must be accompanied by a certificate signed by an officer of the insurer that the policy form complies with the minimum readability requirements. A policy form with a lower Flesch reading ease test score may be approved under certain circumstances, such as where a policy form with a lower score will provide a more accurate reflection of the readability of the policy form.

(1) Type and number of entities affected: The proposed regulation affects nearly all of the 1200 insurers authorized to do business in Kentucky. Not all of these insurers write personal lines insurance, but a substantial majority of them do.

(a) Direct and indirect costs or savings to those affected: None. Costs are created by KRS 304.14-420 through 304.14-450.

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: Policy form filings must be accompanied by a certificate signed by an officer of the insurer stating that the policy form meets the minimum required reading ease test score.

(2) Effects on the promulgating administrative body: The proposed regulation is designed to implement KRS 304.14-420 through 304.14-450 in a cost effective way. Specific type styles and type sizes may be easily checked. Through the use of insurer certifications, readability may be monitored on a random basis rather than having the department test each of the thousands of policy form filings that are reviewed every year.

(a) Direct and indirect costs or savings: As stated above, costs are imposed by KRS 304.14-420 through 304.14-450, not the proposed regulation. However, as also noted above, by establishing specific guidelines and through the use of insurer certifications which will be monitored by the department, the regulation attempts to implement the statutes in a cost effective way.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The department will require policy form filings to be accompanied with a certification that the policy form meets readability requirements.

(3) Assessment of anticipated effect on state

and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: A review of other states' statutes and regulations on insurance policy readability and intelligibility revealed that all were using some form of readability or intelligibility standards such as those set forth in NAIC model acts or regulations. Therefore, the approach adopted by the NAIC was the only one considered and it has been tailored to fit within the requirements of KRS 304.14-420 through 304.14-450.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Tiering was applied to the proposed regulation.

**PUBLIC PROTECTION & REGULATION CABINET**  
Department of Housing, Buildings & Construction  
Office of State Fire Marshal

**815 KAR 15:085. Change of boiler contractor license holders.**

RELATES TO: KRS 236.030, 236.210

STATUTORY AUTHORITY: KRS 236.030

NECESSITY AND FUNCTION: KRS 236.030 requires the Commissioner of the Department of Housing, Buildings and Construction, upon advisement of the Board of Boiler rules to fix reasonable standards for the safe construction, installation and repair of boilers, pressure vessels and pressure piping. KRS 236.210 requires all persons engaging in the business of installing, erecting or repairing boilers to pass an examination and be licensed, and KRS 236.240 prohibits any person who installs, erects or makes major repairs to boilers or pressure vessels to obtain permits and obtain a license. This regulation is necessary in order to satisfy the intent of the licensing requirement that at least one (1) person in each company has been tested in accordance with KRS Chapter 236.

Section 1. Issuance of Boiler Contractor Licenses. (1) Licenses shall be issued in the name of the person, firm or corporation as requested by the individual who passes the examination.

(2) The license holder must at all times have in its employ at least one (1) individual who has passed the examination; otherwise, the license shall be invalid.

Exception: If the individual who passed the examination thereby qualifying a company for licensure leaves the company, the company may continue to operate under its existing license number for a period of not more than three (3) months to allow another individual in their employ to qualify the company by examination.

(3) An individual license holder shall not serve as the qualifying person for more than one (1) company at a time. If an individual license holder changes his business name or address, he shall notify the department within ninety (90) days of such change or his license shall be

deemed invalid.

Section 2. Fees for Alterations in Existing Boiler Contractor Licenses. This application for the issuance of a new license name or number, pursuant to this regulation, shall be accompanied by a fee of fifty (50) dollars.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: June 9, 1989

FILED WITH LRC: June 15, 1989 at noon

PUBLIC HEARING: A public hearing on this regulation shall be held on July 21, 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 July 16, 1989, the hearing may be cancelled.

**REGULATORY IMPACT ANALYSIS**

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Boiler contractors who change business associations.

(a) Direct and indirect costs or savings to those affected: Additional license fee is required if original license holder leaves boiler contracting company.

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: Resubmission of application for license and retesting if no one in firm has taken exam.

(2) Effects on the promulgating administrative body: Probably only 1 or 2 such changes in business associates in a given year. Cost of paperwork is covered by license fee.

(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: This amendment has no effect on state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Previous method was inadequate to assure that at least one person in a firm has been tested by the department.

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

(a) Necessity of proposed regulation if in

conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. This regulation affects all firms or individuals if change made. Needs to cover everyone.

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

**905 KAR 2:070. Standards for the certification of small family day care homes.**

RELATES TO: 42 USC 602

STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: This regulation is promulgated pursuant to KRS 194.050. It establishes standards for the certification of persons who provide child care for fewer than four (4) children in their own home, and who are otherwise not required to be licensed as a Type II day care facility under 905 KAR 2:010. The standards are intended to protect the health, safety and welfare of children in the care of these providers, who will be called family child care provider(s) in this regulation.

Section 1. Definitions. The following definitions shall apply to this regulation:

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

(2) "Family day care" means the provision of regular care and supervision of no more than three (3) children for part of a twenty-four (24) hour period, in the caregiver's own home, as a supplement to regular parental care.

(3) "Regular" means the provision of child care services in the caregiver's home on more than one (1) day in any one (1) week or more than ten (10) hours per week.

(4) "Small family day care home (SFDCH)" shall be the caregiver's own home in which care is provided for no more than three (3) children, who are unrelated by blood, marriage or adoption to the family child care provider.

(5) "Family child care provider" means a person providing care for preschool or school-age children or both inside his/her own home for less than twenty-four (24) hours a day, and who is not required to be licensed under 905 KAR 2:010.

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

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

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

(9) "Nighttime care" is defined as family home child care in which child receives regular full, or part-time care during the night, and beginning at six (6) p.m.

(10) "Certification" for the purpose of this regulation, is defined as a voluntary process in order for small family day care homes to become certified by the Cabinet for Human Resources.

(11) "Certified small family day care home" means a small family day care home which meets the standards for certification set forth in this regulation.

(12) "Certified family child care provider" means an individual who has responsibility for the operation of the child care program in

his/her own home and who meets the requirements for certification.

(13) "Certificate" shall be a certificate issued to a small family day care provider who meets the standards set forth in this regulation.

Section 2. Responsibilities of the Cabinet. The Cabinet for Human Resources shall be responsible for the registration and certification of any small family day care home desiring to meet the standards outlined in Section 7 of this regulation. Authorized cabinet representatives shall at all times have the authority to inspect small family day care home, and records required by this regulation. Inspection shall be unannounced.

Section 3. Basis for Certification. In order to be certified, a child care provider, who is not required to be licensed under 905 KAR 2:010, shall register with the Cabinet for Human Resources. The provider shall comply with the appropriate standards to be met by the certified family child care provider.

Section 4. Certification Process. (1) A small family day care home provider may register with the Cabinet for Human Resources to become a certified small family day care provider.

(2) After the application has been reviewed and deemed acceptable by the cabinet, preliminary permission to operate as a certified home will be issued to the provider in the form of a letter.

(3) An inspection of the home will be made by a representative of the cabinet during the first three (3) months of operation. If all the requirements are met the home will be certified and a certificate will be issued for a two (2) year period. Small family day care homes wishing to apply for certification, in operation prior to the effective date of this regulation will be inspected within three (3) months of preliminary permission to operate as a certified home.

(4) If at the time of the first inspection all requirements have not been met, then the cabinet representative may allow up to six (6) months to comply with this regulation. If the provider does not wish to or cannot comply with the standards set forth, then the application will be denied.

(5) The certificate, if issued, will contain the name and address of the provider, limit of children to be served, and the identification number, effective date and expiration date. The certificate shall be displayed where parents can read it.

(6) The application process and inspection visit will be repeated every two (2) years.

(7) The certificate is valid only for the caregiver named and only for the address listed on the certificate. Any change of address or name change must be reported to the cabinet.

Section 5. Failure to Meet Requirements. The Cabinet for Human Resources shall review and may deny, suspend, revoke or refuse to renew certification if the family child care provider or adult(s) living in the family day care providers home such as:

(1) Has been convicted of child abuse or neglect;

(2) Refuses to obtain a criminal records check;

(3) Is under the influence of alcohol or drugs while the children are in care;

(4) Fails to comply with any of the other certification standards set forth in this regulation.

Section 6. Appeal. If the Cabinet for Human Resources denies, suspends, revokes or refuses to renew a certification, the cabinet shall notify the provider in writing and give reasons for the action. If the provider feels any action of the department is unfair, without reason, or unwarranted, the provider may appeal the action to the Commissioner of the Department for Social Services, 6th Floor, 275 East Main Street, Frankfort, Kentucky 40621, within twenty (20) calendar days of the action. Upon receipt of the complaint, the commissioner, or commissioner's designee, will assign an impartial person to conduct a full administrative review of the complaint. The review shall be submitted to the commissioner within thirty (30) calendar days. Within ten (10) days of the receipt of the reviewer's report, the commissioner, or commissioner's designee, shall render a written decision to the provider.

Section 7. Standards for the Family Child Care Provider. (1) Qualifications of provider and staff:

(a) The provider shall be at least twenty-one (21) years of age;

(b) The provider shall be considered physically capable of providing for a child's developmental needs. A physician's statement stating such shall be submitted with the application and renewal;

(c) The provider shall submit proof that he/she, or other person(s) living in the provider's home are free of tuberculosis at the time of application and with each renewal;

(d) The provider shall obtain a minimum of six (6) hours of training prior to or during the first six (6) months of operation, which includes first aid, nutrition, and child development. This training must meet approval by the cabinet; and

(e) The small family day care home shall be covered by liability insurance.

(2) The home environment. The family child care provider's home and outside play areas used for child care shall have safe heat, light and ventilation.

(a) Each floor level used for child care shall have at least one (1) unblocked exit and at least one (1) smoke detector and fire extinguisher.

(b) The home shall be free of hazards and the following items shall be kept inaccessible to children:

1. Medications and drugs;
2. Cleaning supplies, poisons and insecticides;
3. Guns, knives, scissors and sharp objects;
4. Power tools, lawn mowers, tools, nails and other such equipment;
5. Matches, cigarettes, lighters and flammable liquids;
6. Plastic bags; and
7. Litter and rubbish.

(c) All electrical outlets not in use shall be covered.

(d) Any electric fans or floor furnaces must be out of the reach of children or have a safety guard on them to protect children from any injury.

(e) The home shall have at least one (1) telephone in working order with a list of

emergency numbers posted by each telephone, including numbers for the police, fire station, emergency medical care, poison control center and rescue squad.

(f) Equipment and toys shall be developmentally appropriate for the ages of children in care and be kept in good repair.

(g) Stairs, and steps used shall be solid, safe and railed. Indoor stairs with more than two (2) steps shall be guarded if any children in care are infants/toddlers.

(h) The provider shall maintain first aid supplies, that are easily accessible for use in an emergency, and shall wash superficial wounds with soap and water before bandaging.

(i) Indoor and outdoor areas used for child care shall include sufficient space for play and for activities which meet the development needs of the children in care.

(j) Outdoor play areas shall be free of hazards and shall be fenced or the provider shall take special measures to ensure the safety of the children.

(k) Outdoor stationary play equipment shall be securely anchored.

(l) Any swimming or wading pool(s) on the premise shall be maintained in a manner which will safeguard the lives and health of the children.

1. A swimming pool eighteen (18) inches or deeper shall be enclosed by a fence not less than five (5) feet high to prevent chance access by children.

2. A swimming or wading pool shall be kept separate from the play area.

(m) Practice fire, tornado drills shall be conducted with the children at least monthly.

(n) Sanitation for the child care environment shall require that the provider:

1. Have a home that is kept clean, uncluttered and free of insects and rodents.

2. Have a well or water system that complies with the requirements of the local health department and the cabinet's Department of Health Services.

3. Have bathroom(s), including toilet(s), sink(s), and potty chair(s) that are sanitary and in good working condition.

4. Assure that a covered, leak-proof container which is emptied and cleaned daily, is available for soiled diapers.

5. Wash his/her hands before and after diapering child.

6. Use acceptable sanitary procedures when preparing and serving food.

7. Refrigerate all perishable food and beverages. The refrigerator shall be in working order and maintain a temperature of forty-five (45) degrees or below.

8. Label all bottles for each individual child, except when there is only one bottle-fed child in care.

9. Serve only pasteurized milk and milk products.

10. Screen all windows and door used for ventilation.

11. Have household pets vaccinated for rabies as required by law.

12. Assure that children shall not share cups, eating utensils, wash cloths or towels.

13. Store garbage in waterproof containers with tight-fitting covers.

14. Provide individual linen for rest-time for each child in care for more than four (4) hours. The linens shall be changed at least weekly or

whenever they become soiled or wet.

(3) Program for children.

(a) A plan for daily activities and routines, in addition to free play shall be established.

(b) The provider or any other person in the home shall not use any form of physical punishment, including spanking. Disciplinary methods should not humiliate, shame or frighten the child. A provider, or any other person in the home shall not use harsh or demeaning language in the presence of the children.

1. No child shall be handled roughly in any way, including shaking, pushing, shoving, pinching, slapping, biting or kicking.

2. No child shall ever be placed in a locked room, closet, box or any other confined-space.

3. No discipline shall ever be delegated to another child.

4. Discipline shall in no way be related to food, rest or toileting. No food shall be withheld or given, as a means of discipline; no child shall be disciplined for lapses in toilet training; no child shall be disciplined for not sleeping during rest period.

(c) The provider shall be physically present at the family day care home at all times. Children are not permitted off the premises without the caregiver. An exception is made for school-age children, as long as there whereabouts are known, and the parent(s) have given permission.

(d) Children shall be released from the family day care home only to the child's parent, the person designated in writing by the parent to receive the child, or to any person designated over the telephone by the parent.

(4) Child health care. To assure a healthy environment, the provider shall:

(a) Maintain proof that immunizations for each child are current.

(b) Have on file for each child who attends on a regular basis, a health and emergency information form completed and signed by the child's parent or guardian. The completed form must be on file on the first day the child attends. A recommended form is available from the Cabinet for Human Resources. However, the provider may use another form provided that form includes the following information:

1. The child's name, address, and date of birth;

2. The names of individuals to whom the child may be released;

3. The general status of the child's health;

4. Any allergies and/or restrictions on the child's participation in activities with specific instructions from the child's parent or physician;

5. The names and phone numbers of persons to be contacted in an emergency situation;

6. The name and phone number of the child's physician and preferred hospital;

7. Authorization for the provider to administer specified medication according to the parent's instructions, if the parent so desires;

8. Authorization for the provider to seek emergency medical care in the parent's absence.

(c) Serve nutritious meals and snacks appropriate in amount and type of foods served for the ages of the children in care.

(d) Provide frequent opportunities for outdoor play or fresh air.

(e) Provide adequate space to rest comfortably.

(f) Be able to recognize symptoms of childhood illnesses.

(g) Provide a quiet, separate area which can be easily supervised for children too sick to remain with other children.

(h) Visually supervise all children who are awake. The provider must be able to respond to the children immediately.

(i) Be able to provide basic first aid.

(5) Transportation. To assure the safety of children whenever they are transported, provider shall:

(a) Have written permission from a parent or guardian to transport his/her child.

(b) Comply with all applicable state laws and regulations concerning transportation of passengers. All children in care when riding in a vehicle shall be restrained by individual seat belts or child restraint devices.

(c) Have a valid driver's license issued by the Division of Motor Vehicles.

(d) Assure that each child is seated in a manufacturer's designated area.

(e) Never leave children in a vehicle unattended by an adult.

(f) Assure that the back of pick-up trucks are not used to transport children.

(g) Have emergency and identification information about each child in the vehicle whenever children are being transported.

(6) Child records.

(a) The provider shall have an individual record for each child enrolled (see subsection (4) of this section, child health care).

(b) The provider shall not disclose or knowingly permit the use of any information concerning the child or family directly or indirectly, except in the course of performance of official duties and to representatives of the Cabinet for Human Resources.

(7) Provider and parent communication. The program shall ensure ongoing communication with a child's parent by:

(a) Allowing parents to visit and observe the program at any time during the hours of operation.

(b) Communicating with each child's parent at least once a week about his/her child's development, activities, likes and dislikes.

(c) Developing written information about the service which specifies the charge for child care and the expected frequency of payment for the program.

(d) Make available a copy of the certification standards to each parent.

(e) Give each parent the name and address and telephone number of the cabinet, to register complaints when he/she believes the small family day care home provider is not meeting the standards.

LARRY MICHALCZYK, MSSW, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 12, 1989

FILED WITH LRC: May 24, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on July 21, 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 July 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an

opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

#### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Lydia Roberts

(1) Type and number of entities affected: The only entities affected are caregivers serving less than 4 children in his/her home. The administrative regulation sets standards for the certification of persons who provide child care for fewer than 4 children in their own home, and who are otherwise not required to be licensed as a Type II day care facility. Certification for small family day care homes is a voluntary process intended to protect the health, safety and welfare of children in the care of these providers. As the certification process is voluntary, the number of small family day care homes that will be affected is not known; this is a statewide process. The administrative body authorized to regulate small family day care homes is the Cabinet for Human Resources, Department for Social Services.

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

1. First year: With certification, the provider will be eligible for participation in the USDA federal child care food program and can be reimbursed a certain amount for meals, snacks for each child. During the first year of implementation the direct savings to small family day care providers can be up to approximately \$1900 for the first year for each provider serving 3 children. Without state certification, family day care home providers are ineligible for this program, and incur expenses for meals for the children in their care. Another direct cost savings to the providers is some free training provided through the child care food program. There is little training provided free-of-charge in the state, and providers will be able to save anywhere from \$100 to several hundred dollars when obtaining training. Indirect cost savings will be: free child care newsletter including child development information, training opportunities and resource information. It is published 4 times per year and sent to child care providers. Certified providers will be in a statewide system and therefore will receive any other mail-outs from the cabinet for child care providers.

2. Continuing costs or savings: The first year savings can continue for subsequent years as outlined for the first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Since this administrative regulation would apply to all small family day care homes, all homes have equal opportunity to become certified. The regulation should not have any affect on any licensed child care program, as these homes only serve 1-3 children. Many licensed programs

currently have waiting lists of children they cannot enroll. Meeting the standards set forth in the regulation may result in minimal expense for the provider, but this expense is offset by the savings the provider will realize from the USDA child care food program.

(b) Reporting and paperwork requirements: There will be minimal paperwork requirements place upon the small family day care home provider. The provider will need to keep a file for each child enrolled that includes health and emergency information. The Department for Social Services will provide the form, or the provider may use his/her own similar form. A child care food form will need to be submitted for reimbursement from the child care food program, administered by the Department of Education. Department of Education staff will assist the provider in the procedures for reimbursement and supply any necessary forms.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Indirect savings to the Department for Social Services is prevention of the numbers of families that "break-down" because of lack of child care services. Through expansion of family day care in Kentucky, the department may have to place fewer children in foster care, and/or provide services for less abused and/or neglected children. Often, the department lacks resources in the community for child day care services. With more family day care available, the department can purchase day care services for eligible children in these homes, which will be an added community resource. Implementation of this regulation for FY '90 will have one staff person, and a temporary clerical position funded through federal dollars from the Family Support Act for "start-up" program activities. Graduate students working in the area of child development may also be used in implementation of this regulation. Any costs to the department will be minimal.

2. Continuing costs or savings: Costs for staff beyond FY '90 will be continued by reallocation of funding within the department.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: Funding reallocation will be addressed after FY '90 for the operation of this program. Small family day care home providers will have to comply with state income tax requirements; it is not known how many homes will apply for certification during the first year.

(4) Assessment of alternative methods; reasons why alternatives were rejected: None were considered for this population because of the few number, (3 or less) of children in the provider's care.

(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: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable, as there is no conflict.

(6) Any additional information or comments: It is important to note that with the passage of



the Family Support Act and development of the Act's JOBS program, there is an increasing need for more quality child care in Kentucky. An expansion of child care services is necessary to improve the "economic outcomes" in our state. Many entry level employment positions which will be available to JOBS participants will require work schedules which prevent using traditional program hours. For the employed parent the only educational opportunities are at night or on weekends. Family day care homes have more flexible hours to meet these specialized needs. For many low-income families, transportation is often a problem. A family day care home in the neighborhood may solve the transportation

problem. It is a known fact that, currently many children, particularly in counties lacking licensed day care facilities, are being cared for in private homes. As the system presently exists they have no contact with other professionals and no access to training opportunities. Because licensing is the only regulatory system available in Kentucky, at this point, Kentucky ranks 50th of all states in the number of regulated family day care homes. The USDA Child Care Food Program is consequently very underutilized in our state.

TIERING: Was tiering applied? No. This regulation will apply equally to all small family day care homes on a voluntary basis.

**ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE**  
**Minutes of the June 1 and 2, 1989 Meeting**

The June meeting of the Administrative Regulation Review Subcommittee was held on Thursday, June 1, 1989 at 2 p.m. and on Friday, June 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 May 2, 1989 meeting were approved.

**Present June 1, 1989 were:**

**Members:** Representative Mark D. O'Brien, Chairman; Senators Gene Huff and Bill Quinlan; Representatives Jim Bruce, Ronny Layman and Tom Kerr.

**Present June 2, 1989 were:**

**Members:** Representative Mark D. O'Brien, Chairman; Senators Gene Huff and Bill Quinlan; Representatives Jim Bruce and Tom Kerr.

**Guests:** Daniel F. Egbers, Tommy Greenwell, Department of Personnel; Warren Nash, Finance and Administration Cabinet; Richard Carroll, Board of Embalmers and Funeral Directors; Arthur R. Boebinger, Tom Edwards, Randy Hedges, John Phillips, Lauren Schaaf, Jeffery Sole, Thomas A. Young, Department of Fish and Wildlife Resources; Denis Fleming, Jr., Spencer E. Harper, Jr., Economic Development Cabinet - KDFR; Michael Bradley, Ellen Tharpe, Corrections Cabinet; Ronnie Bingham, Sandra G. Pullen, Transportation Cabinet; Gary Bale, Dan Branham, Rita Lindsey, H. M. Snodgrass, Angela Wilkins, Department of Education; Ed Rademaker, Sue G. Simon, Department for the Blind; Mike Fulkerson, Gene M. Glass, Bernard J. Hettel, State Racing Commission; Penny Becker, Harness Racing Commission; Judith G. Walden, Department of Housing, Buildings and Construction; Joe Anderson, Dennis D. Boyd, Barbara Coleman, Mel Counts, Karen Doyle, Ked R. Fitzpatrick, Ryan M. Halloran, Linda Howard, N. Clifton Howard, Frank Kirk, Donna Perkins, Barbara Pospisil, George Robertson, Cabinet for Human Resources; David E. Boswell, Governor's Office; Marie Alagia Cull, Jim Judy, KY Association of Health Care Facilities; Nancy Galvagni, KY Hospital Association; John D. Hinkle, Ky Retail Federation; Carol Dean Walters, KY State Board of Hairdressers and Cosmetologist; Mary Lassiter, Investment and Debt Management.

**LRC Staff:** Susan Wunderlich, Joe Hood, Gregory Karambellas, Susan Eastman, Donna Pierce, Ann Gordon and Carla Arnold.

The Administrative Regulation Review Subcommittee met on June 1 and 2, 1989, and submits this report:

The Subcommittee determined that the following administrative regulation, as amended, does not comply with KRS Chapter 13A and attached a statement of objection:

**Education and Humanities Cabinet: Department of Education: Office of Instruction: Instructional Services**

704 KAR 3:360 (Parenting and family life skills.) This regulation was amended to change the July 1, 1989 date to August 5, 1989, for receipt of the local plan for parenting education and family life skills. The Subcommittee attached a statement of objection

because portions of the regulation parroted the statute, which is not allowed by KRS Chapter 13A.

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

**General Government Cabinet: Board of Embalmers and Funeral Directors**

201 KAR 15:010 (Definitions.) This administrative regulation was amended to comply with the drafting requirements of KRS Chapter 13A. While an objection had been raised to this regulation, the Subcommittee determined that the Board was not improperly disallowing other employment or educational pursuits. It was pointed out that all the regulation did was ensure that the work under a licensed embalmer did not suffer because of such other employment or educational pursuit.

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

301 KAR 4:090 (Buying and selling of inedible wildlife parts.) This regulation was amended to require that when a part of a deer is separated from the carcass for mounting, the hunter's portion of the game check card shall be filled out and attached to the separated part.

**Corrections Cabinet: Office of the Secretary**

501 KAR 6:020 (Corrections policies and procedures.) CPP 2.1, incorporated by reference, was amended to specify that sales tax must be collected on the sale of handcrafts made by inmates. Also, a statutory reference was added to CPP 27-16-01.

501 KAR 6:080 (Corrections Cabinet Manuals.) The Classification Manual, which is incorporated by reference, was amended to comply with the drafting requirements in KRS Chapter 13A.

501 KAR 6:120 (Blackburn Correctional Complex.) BCC 01-15-01, which is incorporated by reference, was amended to require information to be provided in accordance with the Open Records Law.

**Education and Humanities Cabinet: Department of the Blind**

720 KAR 1:030 (Scope and nature of services.) Section 18 of this regulation was amended to delete the economic need criteria from postemployment services.

**Department of Housing, Buildings and Construction: Office of State Fire Marshal: Elevator Safety**

815 KAR 4:010. (Elevators, dumbwaiters, escalators and moving walks standards.) Technical amendments were made to correct the citation for the incorporated material and to provide information as to where copies of incorporated material may be inspected.

**Kentucky Building Code**

815 KAR 7:020 (Building code.) Technical amendments were made to provide information as to where copies of incorporated material may be inspected and to correct the citation of the incorporated material.

**Mobile Homes and Recreational Vehicles**

815 KAR 25:020 (Recreational vehicles.) Technical amendments were made to specify the edition of the incorporated material and to state where that material may be inspected.

**Hazardous Materials**

815 KAR 30:040 (Anhydrous ammonia.) Technical amendments were made to state where incorporated material may be inspected.

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

**Department of Personnel: Unclassified**

101 KAR 3:040 (Unclassified service; classification and compensation plans.)

**Finance and Administration Cabinet: Department for Facilities Management: Property**

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

**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.)

**Economic Development Cabinet: Development Finance Authority: Kentucky Development**

307 KAR 1:020 (Various Kentucky Development Finance Authority Loan Programs.)

**Corrections Cabinet: Office of the Secretary**

501 KAR 6:030 (Kentucky State Reformatory.)

501 KAR 6:040 (Kentucky State Penitentiary.)

501 KAR 6:060 (Northpoint Training Center.)

501 KAR 6:090 (Frankfort Career Development Center.)

**Transportation Cabinet: Property Acquisition and Uniform Relocation**

600 KAR 3:010 (Relocation assistance payments of the Transportation Cabinet.)

**Department of Vehicle Regulation: Motor Vehicle Tax**

601 KAR 9:130 (Motor vehicle registration.) It was noted during discussion of this regulation that an amendment, removing a \$50 annual fee for special license plates, was made to meet the objections raised by the Subcommittee at a previous meeting.

**Education and Humanities Cabinet: Department of Education: Office of Instruction: Elementary and Secondary Education Act**

704 KAR 10:022 (Elementary, middle and secondary schools standards.)

**Department for the Blind**

720 KAR 1:010 (Federal vocational rehabilitation program.)

720 KAR 1:020 (Definition of terms.)

720 KAR 1:040 (Appeal procedures for applicants and clients.)

720 KAR 1:050 (Protection, use and release of personal information.)

**Public Protection and Regulation Cabinet: Department of Housing, Buildings and Construction: Office of State Fire Marshal: Elevator Safety**

815 KAR 4:025 (Permits and inspection fees for elevators and escalators.)

**Hazardous Materials**

815 KAR 30:010 (LP gas license; financial responsibility required.)

**Cabinet for Human Resources: Department for Employment Services: Unemployment Insurance**

903 KAR 5:290 (Employer contribution rates.)

**Department for Social Insurance: Public Assistance**

904 KAR 2:006 (Technical requirements; AFDC.)

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

**Department for Medicaid Services: Medicaid Services**

907 KAR 1:019 (Pharmacy services.)

907 KAR 1:020 (Payment for drugs.)

**Department for Mental Health/Mental Retardation Services: Institutional Care**

908 KAR 3:070 (Repeal of 902 KAR 12:080. Incorporation by reference of the policies and procedures of the state psychiatric hospitals, the mental retardation facilities and the state intermediate care facilities.)

908 KAR 3:080 (Policies and procedures of Hazelwood ICF - MR.)

908 KAR 3:090 (Policies and procedures of Central State Hospital ICF - MR (Intermediate care facility - Mental retardation).)

908 KAR 3:100 (Policies and procedures of Eastern State Hospital.)

908 KAR 3:110 (Policies and procedures of Central State Hospital.)

908 KAR 3:120 (Policies and procedures of Western State Hospital.)

908 KAR 3:130 (Policies and procedures of Glasgow State ICF (Intermediate care facility).)

908 KAR 3:140 (Policies and procedures of Western State Hospital ICF (Intermediate care facility).)

908 KAR 3:150 (Policies and procedures of Western State Hospital VOLTA Program.)

908 KAR 3:160 (Policies and procedures of Kentucky Correctional Psychiatric Center.)

908 KAR 3:180 (Policies and procedures of Oakwood ICF/MR.)

The Subcommittee deferred the following regulation at the request of the promulgating administrative body:

**Public Protection and Regulation Cabinet: State Racing Commission: Thoroughbred Racing Rules**

Chairman O'Brien pointed out that these regulations did not comply with the drafting requirements of KRS Chapter 13A, and that several referred to a separate document called "Rules of Racing" which violated KRS Chapter 13A. Agency personnel agreed to defer these regulations and to meet with Subcommittee staff in order to revise them in compliance with KRS Chapter 13A.

810 KAR 1:001 (Definitions.)

810 KAR 1:011 (Pari-mutuel wagering.)

810 KAR 1:013 (Entries, subscriptions and declarations.)

810 KAR 1:050 (Steeplechase racing.)

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

**Harness Racing Commission: Harness Racing and Quarter Horse, Appaloosa and Arabian Racing Rules**

Agency personnel agreed to defer these regulations and to meet with Subcommittee staff in order to revise them in compliance with KRS Chapter 13A.

811 KAR 1:085 (Conduct of racing.)

811 KAR 2:065 (Registration; racing requirements.)

**Cabinet for Human Resources: Department for Health Services: State Health Plan**

902 KAR 17:010 (State health plan.) An objection had been raised that this regulation was not properly before the Subcommittee for the following reason: KRS Chapter 13A requires that a regulation amended as a result of comments received at a public hearing be republished in the Administrative Register prior to being considered by the Subcommittee. Agency personnel stated that, although the proposed amendment was suggested at the public hearing, it was a technical change in date and had no substantive effect. Those opposed to the consideration of this regulation stated that the amendment had a substantive effect. Chairman O'Brien stated that an agency could not offer an amendment that should have been made after the public hearing and before consideration by the Subcommittee in order to avoid the delay caused by republication. The Subcommittee approved a motion that the agency had not complied with the procedures mandated by KRS Chapter 13A. The agency agreed to file a new Statement of Consideration accompanied by an amended regulation. Other objections to this administrative regulation will be considered when it is properly before the Subcommittee.

The Subcommittee had no objections to emergency regulations which had been filed.

**OTHER BUSINESS:**

**General Government Cabinet: Board of Hairdressers and Cosmetologists**

201 KAR 12:010 (Administrator's duties.) At the request of Chairman O'Brien, Caroline Friend, Chairman of the Board, was requested to appear and discuss questions raised relating to this regulation. Because Ms. Friend was unable to attend, Carol Dean Walters, Vice-Chairman of the Board, appeared before the Subcommittee.

Questions raised dealt with various sections of the regulation granting powers to the administrator of the Board that are statutorily granted to the Board. The Subcommittee directed staff to do the following: obtain copies of Board minutes; compile a list of Board regulations with the authorizing signature; compare the minutes with the regulations to determine if proper procedure was followed in promulgating the regulations; and to complete other necessary research to determine if agency actions are in compliance with KRS Chapters 13A and 317A.

**Cabinet for Human Resources: Department for Medicaid Services: Medicaid Services**

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

Subcommittee staff reported that it had received responses from the Kentucky Hospital Association, and had been assured by others to whom a request had been made that their response would be received before the next meeting of the Subcommittee.

The Subcommittee was informed by the staff that sufficient time for response from all interested parties had elapsed, and that a report would be made to the Subcommittee at its next meeting whether or not any additional material was received.

At this meeting, the Subcommittee received responses stating that the regulation met the objections originally raised. Chairman O'Brien pointed out to the members of the Subcommittee that as soon as new LRC regulations were in effect, LRC would be notified that the objections of the Subcommittee had been met and that this regulation should not sunset.

The Subcommittee adjourned at 11 a.m. until July 5, 1989.

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 May 17, 1989

The Interim Joint Committee on Health and Welfare met on Wednesday, May 17, 1989, and submits this report.

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

902 KAR 20:132  
904 KAR 2:022 & E  
907 KAR 1:004  
907 KAR 1:061

The Committee members raised questions about the need for the regulation relating to tanning beds (902 KAR 100:175) and the amount of the proposed licensure fee per tanning bed. The Committee voted to reject 902 KAR 100:175.

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

**INTERIM JOINT COMMITTEE ON BANKING & INSURANCE**  
Meeting of May 18, 1989

The Interim Joint Committee on Banking and Insurance met on May 18, 1989 and submits this report:

The Committee took no action on 806 KAR 17:065E. It referred the subject matter to the Subcommittee on Insurance.

**INTERIM JOINT COMMITTEE ON APPROPRIATIONS AND REVENUE**  
Meeting of May 25, 1989

Regulation 200 KAR 16:010, promulgated by the Finance and Administrative Cabinet, and regulation 103 KAR 43:121, promulgated by the Revenue Cabinet, were on the Committee's May 25, 1989 meeting agenda. The Committee, after noting the Administrative Regulation Review Subcommittee's acceptance of the regulations, took no action.

**INTERIM JOINT COMMITTEE ON STATE GOVERNMENT**  
Meeting of June 14, 1989

The Interim Joint Committee on State Government met June 14, 1989, and submits this report.

The Committee determined that the following administrative regulations, amended June 14 (as indicated below) by the Interim Joint Committee on State Government as agreed to by the Department of Personnel, comply with KRS Chapter 13A:

101 KAR 2:100 (Leave regulations). Amend Section 1(9)(c), Section 2(8)(c) and Section 7(5)(c) by adding the following after "month.":  
"If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits."

101 KAR 3:040 & E (Unclassified service; classification and compensation plans). Amend Section 3(1) by deleting the word "permanent" in the first sentence.



CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	A2
KRS Index.....	A5
Subject Index to Volume 16.....	A6



## LOCATOR INDEX -- EFFECTIVE DATES

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

## VOLUME 15

Emergency Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
101 KAR 3:040E	2210	4-5-89	301 KAR 3:030		
108 KAR 1:010E	2373	5-3-89	Amended	2258	
200 KAR 6:021E	2212	3-30-89	301 KAR 4:031	2328	
201 KAR 8:400E	3	6-13-88	301 KAR 4:090	(See 16 Ky.R.)	
201 KAR 8:410E	4	6-13-88	307 KAR 1:020	2330	
201 KAR 27:016E	2375	5-3-89	405 KAR 8:010		
307 KAR 1:020E	2375	4-17-89	Amended	1855	
501 KAR 1:030E	2381	5-12-89	405 KAR 8:020		
501 KAR 6:020E	2385	4-27-89	Amended	1867	
501 KAR 6:040E	2386	4-27-89	405 KAR 8:030		
501 KAR 6:080E	2387	4-27-89	Amended	1870	
501 KAR 6:130E	2212	3-16-89	405 KAR 8:040		
600 KAR 3:010E	2213	3-27-89	Amended	1883	
806 KAR 17:065E	1629	11-23-88	405 KAR 24:040		
Expired		3-31-89	Amended	1897	
902 KAR 17:010E	2388	4-17-89	501 KAR 1:030		
903 KAR 5:290E	2214	4-10-89	Amended	2424	
904 KAR 2:006E	2388	4-18-89	501 KAR 6:020		
904 KAR 2:016E	2392	4-18-89	Amended	2259	
904 KAR 2:022E	2214	3-15-89	501 KAR 6:030		
Replaced	2177	5-17-89	Amended	2166	6-2-89
907 KAR 1:026E	2397	5-3-89	Amended	2261	
907 KAR 1:027E	2398	5-3-89	Amended	2428	
907 KAR 1:470E	2400	5-3-89	501 KAR 6:040		
907 KAR 1:472E	2400	5-3-89	Amended	2167	6-2-89
			Amended	2263	
			Amended	2430	
			501 KAR 6:050		
			Amended	2431	
			501 KAR 6:060		
			Amended	2264	
			501 KAR 6:080		
			Amended	2265	
			501 KAR 6:090		
			Amended	2266	
			501 KAR 6:120		
			Amended	2267	
			Amended	2432	
			501 KAR 6:130		
			Amended	2169	6-2-89
			Amended	2434	
			600 KAR 3:010		
			Amended	2269	
			601 KAR 1:005		
			Amended	2435	
			601 KAR 1:015		
			Amended	2116	
			Amended	2235	6-2-89
			601 KAR 1:016	2130	
			Amended	2237	6-2-89
			601 KAR 9:130		
			Amended	2271	
			603 KAR 5:075		
			Amended	2122	
			Amended	2238	6-2-89
			603 KAR 5:110		
			Amended	2272	N/A*
			*(Statement of Consideration not filed in accordance with KRS 13A.280(2); regulation died)		
			702 KAR 5:040		
			Amended	2438	
			704 KAR 3:360	(See 16 Ky.R.)	
			704 KAR 10:022		
			Amended	2170	

  

Regulation	15 Ky.R. Page No.	Effective Date
13 KAR 2:020		
Amended	2411	
30 KAR 1:010		
Amended	2414	
101 KAR 2:100	(See 16 Ky.R.)	
101 KAR 3:040	(See 16 Ky.R.)	
103 KAR 43:120		
Repealed	2194	5-25-89
103 KAR 43:121	2194	5-25-89
108 KAR 1:010		
Amended	2415	
109 KAR 5:010		
Amended	2416	
200 KAR 6:021	2327	
200 KAR 16:010	2195	5-25-89
201 KAR 2:130		
Amended	837	
201 KAR 14:051	2465	
201 KAR 15:010	(See 16 Ky.R.)	
201 KAR 27:016		
Amended	2418	
301 KAR 2:045		
Amended	2242	
301 KAR 2:047		
Amended	2244	
301 KAR 2:111		
Amended	2418	
301 KAR 2:170		
Amended	2248	
301 KAR 2:210		
Amended	2422	
301 KAR 2:240		
Amended	2254	
301 KAR 3:021		
Amended	2256	



# ADMINISTRATIVE REGISTER - A3

Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
704 KAR 20:005 Amended	2439		902 KAR 20:140 Amended	2451	
704 KAR 20:198 Amended	2440		902 KAR 47:010 Amended	2453	
704 KAR 20:320 Amended	2442		902 KAR 100:175	2200	5-17-89
704 KAR 20:550	2465		903 KAR 5:290 Amended	2303	
705 KAR 2:120 Amended	2445		904 KAR 2:006 Amended	2304	
705 KAR 2:130	2198	6-2-89	904 KAR 2:016 Amended	2308	
706 KAR 1:011	2466		904 KAR 2:022 Amended	2177	5-17-89
706 KAR 1:012	2467		904 KAR 2:055 (See 16 Ky.R.)		
706 KAR 1:013	2472		904 KAR 3:060 (See 16 Ky.R.)		
706 KAR 1:014	2473		904 KAR 3:070 (See 16 Ky.R.)		
706 KAR 1:015	2475		907 KAR 1:004 Amended	2182	
706 KAR 1:016	2478		As Amended	2402	5-17-89
706 KAR 1:017	2481		907 KAR 1:019 Amended	2323	
720 KAR 1:010 Amended	2275		907 KAR 1:020 Amended	2324	
720 KAR 1:020	2336		907 KAR 1:026 Amended	2455	
720 KAR 1:030 (See 16 Ky.R.)	2343		907 KAR 1:027 Amended	2457	
720 KAR 1:040	2346		907 KAR 1:030 Amended	2458	
720 KAR 1:050	2483		907 KAR 1:034 Amended	2459	
801 KAR 1:120	2483		907 KAR 1:044 Amended	2461	
803 KAR 25:090 (See 16 Ky.R.)			907 KAR 1:061 Amended	2190	5-17-89
803 KAR 25:100 (See 16 Ky.R.)			907 KAR 1:350 Amended	2462	
806 KAR 17:065	1731	5-19-89	907 KAR 1:439	2484	
810 KAR 1:001 Amended	2277		907 KAR 1:470	2484	
810 KAR 1:011 Amended	2171		907 KAR 1:472	2486	
810 KAR 1:013 Amended	2279		908 KAR 3:070	2356	
810 KAR 1:050	2353		908 KAR 3:080	2356	
810 KAR 1:099	2199		908 KAR 3:090	2357	
811 KAR 1:085 Amended	2282		908 KAR 3:100	2358	
811 KAR 2:065 Amended	2284		908 KAR 3:110	2359	
815 KAR 4:010 (See 16 Ky.R.)			908 KAR 3:120	2360	
815 KAR 4:025	2355		908 KAR 3:130	2361	
815 KAR 7:020 (See 16 Ky.R.)			908 KAR 3:140	2361	
815 KAR 20:020 Amended	2446		908 KAR 3:150	2362	
815 KAR 25:020 (See 16 Ky.R.)			908 KAR 3:160	2363	
815 KAR 30:010 Amended	2300		908 KAR 3:180	2364	
815 KAR 30:040 (See 16 Ky.R.)					
815 KAR 30:050 Amended	2449				
902 KAR 17:010 (See 16 Ky.R.)					
902 KAR 20:132 Amended	2176	5-17-89			

## VOLUME 16

Emergency Regulation	16 Ky.R. Page No.	Effective Date	Regulation	16 Ky.R. Page No.	Effective Date
501 KAR 6:050E	3	5-16-89	200 KAR 17:010	89	
501 KAR 6:130E	4	5-16-89	201 KAR 2:131	92	
			201 KAR 15:010 As Amended	11	
			201 KAR 21:041 Amended	44	
			201 KAR 21:070	93	
			201 KAR 21:075	94	
			201 KAR 21:080	95	
			201 KAR 21:085	96	
			201 KAR 21:090	97	
Regulation	16 Ky.R. Page No.	Effective Date			
101 KAR 2:100 As Amended	6	6-14-89			
101 KAR 3:040 As Amended	10	6-14-89			

# ADMINISTRATIVE REGISTER - A4

Regulation	16 Ky.R. Page No.	Effective Date	Regulation	16 Ky.R. Page No.	Effective Date
301 KAR 1:130 Amended	46		815 KAR 15:010 Amended	55	
301 KAR 4:090 As Amended	11		815 KAR 15:020 Amended	59	
501 KAR 6:020 Amended	47		815 KAR 15:030 Amended	64	
501 KAR 6:030 Amended	49		815 KAR 15:040 Amended	67	
501 KAR 6:040 Amended	50		815 KAR 15:085	104	
702 KAR 4:050 Amended	52		815 KAR 20:090 Amended	72	
702 KAR 4:110	98		815 KAR 25:010 Amended	76	
702 KAR 4:120	99		815 KAR 25:020 As Amended	22	
702 KAR 4:130	99		815 KAR 30:040 As Amended	29	
704 KAR 3:360 As Amended	12		902 KAR 17:010 Amended	35	
720 KAR 1:030 As Amended	13		904 KAR 2:055 Amended	35	
803 KAR 25:090 Amended	31		904 KAR 3:060 Amended	38	
803 KAR 25:100 Amended	31		904 KAR 3:070 Amended	40	
806 KAR 14:120	100		905 KAR 2:070	105	
808 KAR 10:210 Amended	53		907 KAR 1:054 Amended	85	
815 KAR 4:010 As Amended	17		907 KAR 1:432 Amended	87	
815 KAR 7:020 As Amended	17				



## ADMINISTRATIVE REGISTER - A5

## KRS INDEX

KRS Section	Regulation	KRS Section	Regulation
150.010	301 KAR 1:130	227.550-227.660	815 KAR 25:010
150.025	301 KAR 1:130	Chapter 236	815 KAR 15:020
150.170	301 KAR 1:130	236.030	815 KAR 15:010
150.175	301 KAR 1:130		815 KAR 15:030
150.340	301 KAR 1:130		815 KAR 15:040
150.450	301 KAR 1:130		815 KAR 15:085
156.160	702 KAR 4:050	236.210	815 KAR 15:085
	702 KAR 4:110	292.500	808 KAR 10:210
	702 KAR 4:120	304.14-130	806 KAR 14:120
	702 KAR 4:130	304.14-420-304.14-450	806 KAR 14:120
157.620	702 KAR 4:110	312.010	201 KAR 21:085
	702 KAR 4:120	312.085	201 KAR 21:041
	702 KAR 4:130		201 KAR 21:085
162.010	702 KAR 4:050		201 KAR 21:090
162.060	702 KAR 4:050	312.095	201 KAR 21:041
	702 KAR 4:110	312.105	201 KAR 21:041
	702 KAR 4:120	312.109	201 KAR 21:070
	702 KAR 4:130		201 KAR 21:080
Chapter 196	501 KAR 6:020		201 KAR 21:090
	501 KAR 6:030	312.115	201 KAR 21:041
	501 KAR 6:040		201 KAR 21:070
Chapter 197	501 KAR 6:020	312.200	201 KAR 21:075
	501 KAR 6:030	Chapter 318	815 KAR 20:090
	501 KAR 6:040	Chapter 439	501 KAR 6:020
205.520	907 KAR 1:054		501 KAR 6:030
	907 KAR 1:432		501 KAR 6:040
217.819	201 KAR 2:131	42 USC 602	905 KAR 2:070
Chapter 224A	200 KAR 17:010	Title XIX, SS Act	907 KAR 1:432
227.990	815 KAR 25:010		

## SUBJECT INDEX

### BANKS

(See Financial Institutions)

### BOILERS, PRESSURE VESSELS

(See Housing, Buildings and Construction)

### CHIROPRACTIC EXAMINERS

Course work, 2 year education; 201 KAR 21:090  
Licensing

Examination requirements; 201 KAR 21:070

Fees, standards; 201 KAR 21:041

Peer review; 201 KAR 21:075

Preceptorship program; 201 KAR 21:085

Rescission rights; 201 KAR 21:080

### CORRECTIONS

Kentucky State Penitentiary; 501 KAR 6:040

Kentucky State Reformatory; 501 KAR 6:030

Policies and procedures; 501 KAR 6:020

### DAY CARE

(See Social Services)

### EDUCATION AND HUMANITIES

Elementary and Secondary

Local services; 702 KAR Chapter 4

### ELEMENTARY AND SECONDARY EDUCATION

Local Services

Building sites; 702 KAR 4:050

Financial budget increase; 702 KAR 4:130

Program space; 702 KAR 4:110

Square foot costs, budget; 702 KAR 4:120

### FINANCE, ADMINISTRATION

Infrastructure Authority

Revolving fund guidelines; 200 KAR 17:010

### FINANCIAL INSTITUTIONS

Securities

Registration exemptions

Federal regulation D; 808 KAR 10:210

### FISH AND WILDLIFE RESOURCES

Fish

Live bait; 301 KAR 1:130

### HOUSING, BUILDINGS AND CONSTRUCTION

Boilers, Pressure Vessels

Administrative procedures; 815 KAR 15:020

Change of license holders; 815 KAR 15:085

Definitions; 815 KAR 15:010

General requirements; 815 KAR 15:030

Power boilers; 815 KAR 15:040

Mobile Homes, Recreational Vehicles

Mobile homes; 815 KAR 25:010

Plumbing

Soil, waste, vent systems; 815 KAR 20:090

### HUMAN RESOURCES

Medicaid services; 907 KAR Chapter 1

Social Services

Day care; 905 KAR Chapter 2

### INFRASTRUCTURE AUTHORITY

(See Finance, Administration)

### INSURANCE

Contracts

Readability, intelligibility; 806 KAR 14:120

### JAILS

(See Corrections)

### MEDICAID SERVICES

Home, community based services; 907 KAR 1:432

Primary care center; 907 KAR 1:054

### MOBILE HOMES

(See Housing, Buildings and Construction)

### OCCUPATIONS, PROFESSIONS

Chiropractic examiners; 201 KAR Chapter 21

Pharmacy; 201 KAR Chapter 2

### PHARMACY, BOARD OF

Repealer; 201 KAR 2:131

### PLUMBING

(See Housing, Buildings and Construction)

### PUBLIC PROTECTION, REGULATION

Financial Institutions

Securities; 808 KAR Chapter 10

Housing, Buildings & Construction

Boilers, pressure vessels; 815 KAR Chapter 15

Plumbing; 815 KAR Chapter 20

Mobile homes, RVs; 815 KAR Chapter 25

Insurance

Contracts; 806 KAR Chapter 14

### SOCIAL SERVICES

Day Care

Home care standards; 905 KAR 2:070

### TOURISM CABINET

Fish and Wildlife Resources

Fish; 301 KAR Chapter 1